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SITTING DAYS—2005

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- **NEWCASTLE**: 1458 AM
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- **GOLD COAST**: 95.7 FM
- **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
## Members of the House of Representatives

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<td>Washer, Malcolm James</td>
<td>Moore, WA</td>
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<td>Wilkie, Kimberley William</td>
<td>Swan, WA</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>
<td>LP</td>
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**PARTY ABBREVIATIONS**

ALP—Australian Labor Party; LP—Liberal Party of Australia; Nats—The Nationals; Ind—Independent; CLP—Country Liberal Party; AG—Australian Greens

**Heads of Parliamentary Departments**

- Clerk of the Senate—H. Evans
- Clerk of the House of Representatives—I.C. Harris
- Secretary, Department of Parliamentary Services—H.R. Penfold QC
HOWARD MINISTRY

Prime Minister
The Hon. John Winston Howard MP
Minister for Transport and Regional Services and Deputy Prime Minister
The Hon. John Duncan Anderson MP
Treasurer
The Hon. Peter Howard Costello MP
Minister for Trade
The Hon. Mark Anthony James Vaile MP
Minister for 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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<tr>
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<td>Senator the Hon. Christopher Martin Ellison</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Ian Douglas Macdonald</td>
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<tr>
<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<td>Minister for Human Services</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<tr>
<td>Minister for Citizenship and Multicultural Affairs and Deputy Leader of the House</td>
<td>The Hon. Peter John McGauran MP</td>
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<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<tr>
<td>Special Minister of State</td>
<td>Senator the Hon. Eric Abetz</td>
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<tr>
<td>Minister for Vocational and Technical Education and Minister Assisting the Prime Minister</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
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<td>Minister for Ageing</td>
<td>The Hon. Julie Isabel Bishop MP</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<tr>
<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. De-Anne Margaret Kelly MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<td>Parliamentary Secretary to the Minister for Industry, Tourism and Resources</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
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<td>Parliamentary Secretary to the Minister for Defence</td>
<td>The Hon. Christopher Maurice Pyne MP</td>
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<tr>
<td>Parliamentary Secretary (Foreign Affairs and Trade)</td>
<td>The Hon. Teresa Gambaro MP</td>
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<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Bruce Fredrick Billson MP</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Gary Roy Nairn MP</td>
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<td>Parliamentary Secretary to the Minister for Transport and Regional Services</td>
<td>The Hon. Christopher John Pearce MP</td>
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<td>Parliamentary Secretary to the Minister for the Environment and Heritage</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<td>Parliamentary Secretary (Children and Youth Affairs)</td>
<td>The Hon. Gregory Andrew Hunt MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Education, Science and Training</td>
<td>The Hon. Sussan Penelope Ley MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Richard Mansell Colbeck</td>
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</table>
SHADOW MINISTRY

Leader of the Opposition
The Hon. Kim Christian Beazley MP

Deputy Leader of the Opposition and Shadow
Minister for Education, Training, Science and
Research
Jennifer Louise Macklin MP

Leader of the Opposition in the Senate and
Shadow Minister for Social Security
Senator Christopher Vaughan Evans

Deputy Leader of the Opposition in the Senate and
Shadow Minister for Communications and In-
formation Technology
Senator Stephen Michael Conroy

Shadow Minister for Health and Manager of Op-
position Business in the House
Julia Eileen Gillard MP

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow Minister for Industry, Infrastructure and
Industrial Relations
Stephen Francis Smith MP

Shadow Minister for Foreign Affairs and Interna-
tional Security
Kevin Michael Rudd MP

Shadow Minister for Defence and Homeland Se-
curity
Robert Bruce McClelland MP

Shadow Minister for Trade
The Hon. Simon Findlay Crean MP

Shadow Minister for Primary Industries, Re-
sources and Tourism
Martin John Ferguson MP

Shadow Minister for Environment and Heritage
and Deputy Manager of Opposition Business in
the House
Anthony Norman Albanese MP

Shadow Minister for Public Administration and
Open Government, Shadow Minister for Indige-
nous Affairs and Reconciliation and Shadow
Minister for the Arts
Senator Kim John Carr

Shadow Minister for Regional Development and
Roads and Shadow Minister for Housing and
Urban Development
Kelvin John Thomson MP

Shadow Minister for Finance and Superannuation
Senator the Hon. Nicholas John Sherry

Shadow Minister for Work, Family and Commu-
nity, Shadow Minister for Youth and Early
Childhood Education and Shadow Minister As-
sisting the Leader on the Status of Women
Tanya Joan Plibersek MP

Shadow Minister for Employment and Workplace
Participation and Shadow Minister for Corporate
Governance and Responsibility
Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)
**SHADOW MINISTRY—continued**

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<td>Laurence Donald Thomas Ferguson MP</td>
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<tr>
<td>Shadow Minister for Agriculture and Fisheries</td>
<td>Gavan Michael O’Connor MP</td>
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<tr>
<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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<tr>
<td>Shadow Attorney-General</td>
<td>Nicola Louise Roxon MP</td>
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<tr>
<td>Shadow Minister for Regional Services, Local Government and Territories</td>
<td>Senator Kerry Williams Kelso O’Brien</td>
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<tr>
<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 Personnel and Shadow Minister Assisting the Shadow Minister for Industrial Relations</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
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<tr>
<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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<tr>
<td>Shadow Minister for Small Business</td>
<td>Tony Burke MP</td>
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<tr>
<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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<tr>
<td>Shadow Minister for Pacific Islands</td>
<td>Robert Charles Grant Sercombe MP</td>
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<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Paul Murphy MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Defence</td>
<td>The Hon. Graham John Edwards MP</td>
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<td>Shadow Parliamentary Secretary for Education</td>
<td>Kirsten Fiona Livermore MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Environment and Heritage</td>
<td>Jennie George MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Infrastructure</td>
<td>Bernard Fernando Ripoll MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Health</td>
<td>Ann Kathleen Corcoran MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Development (House)</td>
<td>Catherine Fiona King MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Development (Senate)</td>
<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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Wednesday, 16 March 2005

The SPEAKER (Hon. David Hawker) took the chair at 9.00 a.m. and read prayers.

PARLIAMENTARY SERVICE AMENDMENT BILL 2005

First Reading

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

Second Reading

The SPEAKER (9.01 a.m.)—I move:

That the bill be now read a second time.

The bill I have just presented will amend the Parliamentary Service Act 1999 by providing for the creation of a statutory position of Parliamentary Librarian. This is a significant development in parliamentary administration. The bill will also establish the Security Management Board as a statutory body.

On 24 March 2004 the then Speaker of the House of Representatives and the President of the Senate announced their intention to introduce a bill to create the office of Parliamentary Librarian.

A bill was subsequently introduced on 21 June 2004, but was not further debated and lapsed at the end of the 40th Parliament. This bill replicates the previous bill and includes amendments agreed to by the Senate on 10 March 2005.

Honourable members will recall resolutions of both chambers in August 2003 to abolish the three joint parliamentary departments and replace them with a new Department of Parliamentary Services. This was one of the key recommendations made by the Parliamentary Service Commissioner, Mr Andrew Podger AO, following his review of parliamentary administration in 2002.

Another key recommendation was the creation of a statutory office of Parliamentary Librarian.

In the 2003 resolutions, the House and the Senate expressed their support for the Presiding Officers in bringing forward amendments to the act to provide for a statutory position of Parliamentary Librarian within the new joint department and conferring on the Parliamentary Librarian direct reporting responsibilities to the Presiding Officers and to the library committees of both houses of parliament.

This bill contains those amendments.

A focus of the bill is to protect the independent provision of library services to the parliament. Throughout the history of the parliament that independence has been central to the Parliamentary Library’s contributions to the deliberations of the parliament. It will be guaranteed by the package of amendments in this bill.

The continued independence of the Parliamentary Librarian is established by the legislative requirement that the Parliamentary Librarian’s functions must be performed in a timely, impartial and confidential manner and on the basis of equality of access for all Senators and members.

The independence is reinforced by the need for the Parliamentary Librarian to be appropriately qualified to perform the role.

The independence is further underpinned by the direct reporting lines between the Parliamentary Librarian and the Presiding Officers and the library committees.

The appointment and termination provisions for the Parliamentary Librarian largely mirror those applying to the Secretary of the Department of Parliamentary Services. This ensures that, although the Parliamentary Librarian is within the joint department, the Presiding Officers, rather than the secretary of that department, retain the final say in the appointment and termination of the Parliamentary Librarian.
These are new arrangements which, as a package, ensure the independence into the future of the Parliamentary Librarian and his or her important functions.

The bill provides that the library committees will have a significant role in advising the Presiding Officers on the annual resource agreement between the Parliamentary Librarian and the Secretary of the Department of Parliamentary Services. As well, the Parliamentary Librarian will report to the library committees at least once a year.

The bill also establishes a statutory Security Management Board. The board will provide advice to the Presiding Officers on security matters. The bill sets out details of the board’s membership and who may attend its meetings. The statutory board will replace a non-statutory security management board which, as members will know, already operates within Parliament House.

Honourable members, this bill is an important one for the parliament and for parliamentary democracy in Australia. It goes to the provision and analysis of information for Senators and members, which is the lifeblood of parliamentary debate.

It answers the call of both chambers to create an independent statutory position of Parliamentary Librarian. By ensuring that independence, this bill should help all of us better to perform our parliamentary and representational duties.

I commend the bill to the House and I present the explanatory memorandum.

Debate (on motion by Mr Gavan O’Connor) adjourned.

Second Reading

Dr NELSON (Bradfield—Minister for Education, Science and Training) (9.07 a.m.)—I move:

That the bill be now read a second time.

This bill now before us will add Melbourne University Private to the list of providers under table B of the Higher Education Support Act 2003.

At present all Australian universities except Melbourne University Private are listed on either table A or table B of the Higher Education Support Act. The University of Notre Dame Australia and Bond University are listed on table B. They have access to Australian government research funding, and their staff are eligible for research grants from the Australian Research Council. Their students can access FEE-HELP assistance. By moving this amendment the Australian government is seeking to put Melbourne University Private on the same footing as these other private Australian universities.

In July 2003 the Victorian government convened a panel to consider the reaccreditation of Melbourne University Private. The panel recommended that the university be reaccredited to operate as a university for five years on the condition that it maintain a certain level of research output.

On 27 October 2004 the Victorian Department of Education and Training confirmed that there had been a further independent review of Melbourne University Private’s research outputs. This review found that the university had surpassed the requirements of the research condition set by Minister Lynne Kosky, and in December 2004 the Victorian government confirmed to the Australian government that Melbourne University Private had passed the conditions which the Victorian government had imposed on it, even though this task was made more difficult by the fact that, unlike other
private universities, it was ineligible for research funding from the Australian government and its staff were ineligible for research grants from the Australian Research Council.

In addition to those requirements set down by the Victorian government, Melbourne University Private has also met the quality and accountability requirements that are set out in the Higher Education Support Act 2003.

Put simply, Mr Speaker, this amendment will put Melbourne University Private on the same footing as other Australian private universities.

The Australian government is committed to developing a sustainable and diverse higher education system, in which both public and private universities can provide education and produce the research which Australia needs to be economically competitive on the international stage.

I commend the bill to the House and present the explanatory memorandum.

Debate (on motion by Mr Gavan O’Connor) adjourned.

HIGHER EDUCATION SUPPORT AMENDMENT (ABOLITION OF COMPULSORY UP-FRONT STUDENT UNION FEES) BILL 2005

First Reading

Bill presented by Dr Nelson, and read a first time.

Second Reading

Dr NELSON (Bradfield—Minister for Education, Science and Training) (9.11 a.m.)—I move:

That the bill be now read a second time.

In its first term of office this government extended the principle of freedom of association to the Australian workplace. Freedom of association is a basic right that should be available to each and every Australian.

At present that is not the case, Mr Speaker, with students at Australia’s higher education institutions still denied the right to freedom of association. Students have fewer freedoms than other Australians, because almost all of them must join a student organisation when they enrol at university. They also must pay for amenities, facilities and services that they do not use and in many cases do not want.

Mr Speaker, this bill will give students the right to freedom of association, allowing students the right to join student organisations but, equally, the right not to.

From 2006, no student will be compelled to join a student organisation, union or guild, unless they choose to. In addition, no student will be compelled to pay a fee to an institution for non-academic amenities, facilities or services unless they choose to pay a fee to make use of those services.

This bill now before us will amend the Higher Education Support Act 2003 to insert additional ‘fairness’ provisions into the quality and accountability requirements that apply to all higher education providers. These fairness requirements will ensure that institutions cannot require a student to be a member of a student association, union or guild. They will also ensure that students are not required by their provider to pay any fees to it or any other entity for the provision of an amenity, facility or service that is not of an academic nature.

These fairness requirements are a condition of the grants that are made to higher education providers and a condition of continued approval as a higher education provider under the act.

Mr Speaker, the government’s intentions are clearly articulated in this bill. Higher education providers are not to require their students to join a student association, and they are not to require a student to pay for
amenities, facilities and services unless a student has chosen to use them or join them.

The bill provides that institutions that receive grants under the Commonwealth Grant Scheme may have their grant reduced if they are found in breach of these conditions.

The bill does not intend to disrupt normal university operations. This bill will not impact on institutions’ ability to collect fines and penalties for breach of the institutions’ statutes, by-laws and regulations. It will also not impact on institutions’ ability to collect fees for goods or services essential to a course of study but that are available for purchase through other providers, for example musical instruments, stethoscopes and artwork.

What this bill will do is put non-academic services onto a basis that allows them to operate without forcing students who do not use them to subsidise them.

Students will purchase or organise in support of the services that they want. Commercial enterprises, as in the rest of the Australian community, will be effective providers of services for which there is demand. Many voluntary organisations and cooperatives thrive based simply on mutual support for agreed objectives. Sporting clubs operate on this basis throughout the country.

Australian students currently pay between $100 and $590 a year in union fees as a condition of enrolment. This is a significant sum. These fees are unconnected to students’ academic courses and are charged with little regard for their ability to pay. Ironically, it is those that regularly and vigorously oppose changes to the Higher Education Contribution Scheme who argue so passionately for the right to compulsorily require up-front fees from their fellow students for services they may not need nor want.

Student services are an essential part of university life, but why can’t these things be funded by choice?

For example, why is a single mother who is training to be a nurse paying for the canoeing club or the mountaineers? Every year—indeed, every month—I receive letters from students and their parents rightly angry that they have no choice in paying union fees. Even angrier is the growing army of fully online students who don’t even set foot on campus but who also have to cough up for student ‘services’.

Many students believe, as the government does, that no student should be forced to become a member of a student union. Nor should they be forced to financially contribute to a student or service organisation when they are either opposed to its activities or indifferent to its services.

The government is committed to the principle of freedom of association. Australian higher education students should enjoy the same rights on campus as they enjoy off campus. This bill will give them those rights.

There will obviously be a debate ensuing on this bill. I expect that in parts it will be emotional and uninformed in some quarters. I will read into Hansard an excerpt from a letter sent to the member for Cook by a constituent. It says:

I also write as a concerned parent of a daughter who is doing her nursing degree at Uni of W Syd. As a single parent pensioner with 2 children and a mortgage left to her by an adulterous husband she is finding the going very tough. However, always wanting to be a nurse from way back she took the opportunity.

When enrolling this year she was asked for $300 Student Union fees. When she objected due to lack of money she was told she wouldn’t get her exam results or be able to do her clinical training. Reluctantly she paid although the benefits seemed very minimal ...
It turned out that of the 6 universities in Sydney 3000 students couldn’t or wouldn’t pay. They received notification that if they didn’t pay their $300 PLUS a $100 fine they would be dis-enrolled from the university.

This seems monstrous and I would like to know how a Student Union can dictate to the university. I was under the impression that this government encouraged voluntary union membership. What has gone wrong?

Another correspondent to the Prime Minister said in part:

Some of the things that my money has been spent on in the past year include a bus to Woomera for a protest, a sausage sizzle and balloons to protest the Tampa incident and bail for those arrested for the aforementioned Woomera protest. How is this furthering my education?

Indeed, how does any of that further the education of those students? This is the 21st century. Those of us who live on planet common-sense fail to understand why it is that, in this century, in a climate where services are made available in a free, open and competitive society, students wanting an education are compulsorily required to join a union, to be represented in a way or to receive services that they may neither want, expect or use. The government is extremely committed to making sure that the choice in Australian universities is no less than applies in the rest of Australian society.

The good news for the National Union of Students and for the Australian Labor Party is that all of those students who are clamouring so loudly, supported by the members opposite, to see that student union contributions continue will be able to continue to pay their fees. There is no law banning any Australian student from making a contribution to a student union, but it is long past time that those students had a choice. I commend the bill to the House and present the explanatory memorandum.

Debate (on motion by Mr Snowdon) adjourned.

CIVIL AVIATION AMENDMENT BILL 2005

First Reading

Bill presented by Mr Truss, for Mr Lloyd, and read a first time.

Second Reading

Mr TRUSS (Wide Bay—Minister for Agriculture, Fisheries and Forestry) (9.21 a.m.)—I move:

That the bill be now read a second time.

The Civil Aviation Amendment Bill 2005 will make a number of amendments to the Civil Aviation Act 1988.

Firstly, this bill will amend the Governor-General’s regulation making power to allow regulations to be made that are inconsistent with the Disability Discrimination Act 1992 and the Sex Discrimination Act 1984, if the inconsistency is necessary for aviation safety.

In terms of allowing existing and future regulations to be inconsistent with the SDA, the bill will limit this inconsistency to regulations relating to medical standards, where necessary for aviation safety. For example, there may be a need to impose special conditions on pregnant pilots in their final trimester to minimise any risk to aviation safety arising as a result of sudden complications.

In terms of allowing existing and future regulations to be inconsistent with the SDA, the bill will limit this inconsistency to regulations relating to medical standards, where necessary for aviation safety. For example, there may be a need to impose special conditions on pregnant pilots in their final trimester to minimise any risk to aviation safety arising as a result of sudden complications.

On the other hand, in terms of allowing existing and future regulations to be inconsistent with the DDA, the inconsistency will unavoidably need to be broader. For example, passengers sitting next to aircraft emergency exits should not be suffering from any disability which would render them incapable of opening the exit hatch in an emergency. Aircraft must conform to onerous design standards which may, in a limited number of cases, render them incapable of being modified to provide unassisted access for
some disabled passengers. These types of provisions are important for aviation safety, and should not be construed as being unlawfully discriminatory.

The bill also includes provisions that put beyond doubt the validity of existing regulations and past actions based on those regulations. This amendment is necessary to clarify existing uncertainty in relation to the validity of actions carried out in accordance with existing safety regulations where such actions may appear to have been inconsistent with either the DDA or the SDA.

However, the amendments regarding inconsistency with the DDA and SDA, build in a consultation mechanism requiring the Civil Aviation Safety Authority to consult the Human Rights and Equal Opportunity Commission in the preparation of future regulations that contain provisions that are inconsistent with the DDA and the SDA. This was a recommendation of the Senate Legal and Constitutional References and Legislation Committee that conducted an inquiry into the bill in June 2004.

In addition, regulations which have the potential to be inconsistent with the DDA and SDA will be subject to clearance by the Human Rights Branch of the Attorney-General’s Department, and will undergo comprehensive consultation and parliamentary scrutiny.

Although the government acknowledges that these amendments will allow inconsistency between aviation safety regulations and antidiscrimination legislation, it is the government’s belief that any such regulations will not be unnecessarily restrictive or discriminatory, especially when viewed in the context of the government’s obligation to protect the safety of flight crew, fare-paying passengers, other aircraft and people on the ground.

These elements of the bill re-introduce the content of the Civil Aviation Amendment (Relationship with Anti-discrimination Legislation) Bill 2004, which lapsed with the August 2004 dissolution of parliament.

The amendments will allow Australia to harmonise its aviation safety regulations with international standards and meet its international obligations as a member state of the International Civil Aviation Organisation.

The bill will also insert a reference note into both the DDA and the SDA to inform members of the public about the amendments to the Governor-General’s regulation-making power that this bill is introducing.

Lastly, the bill will make a range of minor technical amendments that will correct errors and standardise references in the act in relation to aircraft that are registered in countries other than Australia. The amendments will also create a requirement in the act that the holders of an air operator certificate must continue to satisfy CASA that they meet the conditions in their AOC. At present, this requirement is included in a Civil Aviation Order and it is more appropriate for it to be included in the provisions relating to AOCs that are in the act. These amendments were being progressed under the Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003, which also lapsed when parliament was prorogued on 31 August 2004.

Each one of the amendments in this bill is testimony to the government’s commitment to measured reform which ensures efficient and effective regulation, accessibility and a world-class standard of safety for operators and consumers alike. I present the explanatory memorandum.

Debate (on motion by Mr Snowdon) adjourned.
ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 2005

Second Reading

Debate resumed from 15 March, on motion by Mr McGauran:

That the bill be now read a second time.

upon which Mr McClelland moved by way of amendment:

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

“whilst not declining to give the bill a second reading, the House:

(1) notes:

(a) that the government’s ‘practical reconciliation’ agenda has failed to improve outcomes for Indigenous Australians;

(b) that there is no evidence that mainstreaming of service delivery will in any way help to address Indigenous disadvantage;

(c) the government’s failure to advance the goal of reconciliation between Indigenous and non-Indigenous Australians;

(d) the government’s failure to negotiate a treaty with Indigenous Australians or to guarantee self-determination for Australia’s Indigenous people; and

(e) that the abolition of Indigenous representative organisations will serve to further marginalise Australia’s Indigenous citizens;

(2) condemns the government for failing to:

(a) consult or negotiate with Indigenous Australians on the provisions of the bill;

(b) develop a new legislative and administrative model that restores the right of Indigenous Australians to be responsible for their own future, despite the international evidence demonstrating that this approach delivers the best practical outcomes;

(3) supports the implementation of new legislative and administrative arrangements that re-

store responsibility and opportunity for Indigenous Australians; and

(4) calls on the government to:

(a) guarantee that Indigenous communities will be genuine partners in the policy development and the delivery of services;

(b) ensure that a properly resourced regional representative structure is developed according to the preferences of Indigenous communities; and

(c) consult with Indigenous people for the purpose of negotiating the establishment of a new national Indigenous representative body whose members are chosen by Indigenous people”.

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

Mr SNOWDON (Lingiari) (9.26 a.m.)—Firstly, I welcome the opportunity to be able to participate in this debate on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005, but I have to say that I am not pleased by it. I am concerned very much by the implications of this piece of legislation and by the failure of the government to accept reasonable demands from Indigenous Australians to put in place a replacement national body for the Aboriginal and Torres Strait Islander Commission.

This legislation marks a very retrogressive step in Australian public policy when it comes to dealing with Indigenous Australians. This government through this legislation will remove once and for all any scope for Indigenous Australians to have their views, attitudes and opinions advocated at a regional and national level by a body chosen by Indigenous Australians for Indigenous
Australians, one which they believe might represent their views. I would have thought that any reasonable interpretation of Australian history would have to argue that this step by the government not only is disingenuous but also strikes at the heart of any fundamental recognition of the rights of Indigenous people in this country, the First Australians, and how they need to have their rights properly recognised in law by this federal parliament. As a result of this legislation, Indigenous Australians will no longer have a forum to air their views or a body to seek agreements and make arrangements with the federal, state and territory governments over issues of public policy which are seen by Indigenous Australians to be a priority to them. That has gone.

This legislation takes us back in time at least 3½ decades to when the Liberals were in government contemplating the need to accord some recognition to the rights of Indigenous Australians. This, of course, was moved on by the Whitlam government when it was elected in 1972 and established the then Department of Aboriginal Affairs in December of that year and the National Aboriginal Consultative Committee. That was the first time that a federal government had understood the need to reflect the body of Indigenous opinion across the country on the national stage to the national parliament and to the national government. Passing this legislation through the parliament will move us back to the conditions which prevailed prior to the Whitlam government.

Of course, the NACC was disbanded in 1977 by the Fraser government which then established the National Aboriginal Conference. Both of these bodies, despite the fact that one had been disbanded and another put in its place, had the underlying philosophy of giving Indigenous people a voice and a place at the national table, at least in some respects. It was not an equal voice; it was an advisory voice to be sure, but it was a voice. The NAC was a body selected by the Indigenous community, not one selected by government or one selected to ensure that patsies to the government were the ones representing the views of Indigenous Australians. Both bodies broadly had the function of providing advice.

Then of course the Hawke government moved to establish ATSIC through legislation in 1989. I was in this parliament at the time. I remember well the debate for the establishment of ATSIC and I remember the attitude of our current Prime Minister. He was clearly opposed to any concept that Indigenous Australians should have a voice and a place at the national table. And now, by God, he has got his way!

The establishment of ATSIC came after a very critical review of the former NAC. We know, as I said, that the coalition opposed it then and sought to undermine it from day one. They preferred then as they do now to ‘mainstream’—I see that simply as code for ‘assimilation’—Indigenous Australians.

The rhetoric of the government will have you believe that ATSIC was an absolute failure. The fact is they have used their ideological opposition to ATSIC and the certainly poor leadership of that organisation in recent times to gut and dismantle it. In the process they have demonised and vilified Indigenous leadership across Australia for the failures of a few. Now we are left with a situation where there is no Indigenous body representing these views at a national level.

Despite the attitude of this government, the ne’er-do-wells and their opposition and the puerile commentators from the press, it is worth remembering that they have little understanding and certainly no empathy for the needs, rights and interests of Indigenous Australians. They have failed to understand the strengths that ATSIC brought to the ad-
administration of public policy in this country. As Will Sanders has pointed out, this included being ‘a nationally Indigenous voice increasingly independent of government’—and that, of course, was the nub of the problem for John Howard, the Prime Minister, and his coalition partners. ATSIC developed distinct and appropriate programs for Indigenous Australians, although they were treated very parsimoniously by the government, ensuring that they did not have sufficient resources. They developed a concept of regionalism, working with state and territory governments, and developed distinctive arrangements for Torres Strait Islander peoples.

Now what we are left with is a cacophony of dog-whistlers from the New Right and from within the government whose calls are notable for the following: their lack of understanding or empathy with the aspirations of Indigenous Australians, their failure to accept or acknowledge the rights of Indigenous Australians as Australia’s first peoples, their failure to appreciate or understand the differences and cultural diversities and priorities within the Indigenous Australian context—to understand that there are many Indigenous nations across this country and that their needs and aspirations may diverge. What we have from this government is the belief that one size fits all and that it does not matter what your historical circumstances may be—whether or not you have strong traditional attachment to land and strong cultural beliefs or whether or not you live in a very distinct cultural milieu—as long as you are perceived by the government as being absorbed within the mainstream community. They are different.

We have also seen an absolute ignorance of the history of public policy on Indigenous affairs in this country, particularly with respect to the Community Development Employment Projects scheme. I know and understand that history. I was involved in looking at CDEP only two years after its establishment. I know that CDEP originated from Indigenous Australians across the north saying they were sick of getting sit-down money and that they no longer wanted unemployment benefits—they wanted to work. They went to government, and government developed a program in consort with them which would provide them with the capacity to receive the equivalent of unemployment benefits in the form of casual wages or wages for hours worked. That is what they did, and they were the first Australians to do it. They understood and initiated the concept of mutual obligation—now used against them.

I think it is a shameful day that we find ourselves in this situation where we see that Indigenous Australians are given short shrift by this government. Of course, we now have the view that welfare dependency is, somehow or other, the responsibility of those who are dependent. If you are poor and uneducated, sick and live in overcrowded housing, it is your fault—that is the message of this government. Let us be clear about it: it is not your fault.

What we now have is a retreat from what Indigenous Australians deserve, and that is a place at the table where they are treated fairly and equally. But this bill spells the end. In its place we will have centralised paternalism. We know the government is systematically removing the capacity of Indigenous Australians to have any control or influence over public policy and its administration. I can give you many examples of where they are doing this; it is not only in the area of CDEP or ATSIC. They are doing it in area of Indigenous health. They are doing it in the area of Indigenous education, where they have effectively removed any real capacity for Indigenous Australians to have any influence over the moneys which are directed to schools to address Indigenous disadvantage.
They have done this through the abolition of ASSPA and the ATAS scheme. It is very clear that Indigenous Australians are despairing and they find themselves increasingly marginalised by this ham-fisted approach to public policy by the federal government.

Now Indigenous Australians have little or no chance to influence government decision making. They are going to be required to sign shared responsibility agreements if they are to have access to funds dedicated for the provision of services to Indigenous Australians. These agreements are based on the premise that, somehow or other, these agreements will put an end to welfare dependency, and they abound in the language of mutual obligation, reversing the onus or responsibility. Apart from the cynicism of this approach, it underlines how unequal the relationship between Indigenous Australians and the Howard government has become. Government funding is from here on conditional on one section of the population—Indigenous Australians—providing guarantees on behavioural and/or attitudinal change to government. The government’s approach does very little to address the underlying issue of Indigenous poverty as measured by all the indices and which is, as we all understand, an international disgrace.

Nothing in this approach by government guarantees that Indigenous Australia will have fair and reasonable—let alone equal—access to the citizenship rights that other Australians enjoy in areas such as health, education, housing, transport and communications, other infrastructure and employment opportunities. They do not have equal access, the reason being that government has never accepted its responsibility to address the underlying causal issues for Indigenous poverty. Yet, somehow or other, Indigenous Australians are responsible for this shameful approach by government. It is their fault! The fact is it is not their fault. There is a fundamental problem with the government’s approach: it avoids absolutely the responsibility to give Indigenous people the right to say no. Instead, they seek to impose a view which reflects the cultural, economic, social and political imperatives of the dominant culture—the grand old recipe for assimilation, something which we in this country thought we had disposed of in the 1960s. That is where we are and that is where we continue to head. Therein is the key to the government’s approach, its new way of doing business. It is, in reality, the old way.

It is, as I said, fundamentally assimilationist—the approach which drove government policy in the fifties and sixties and was based on the assumption that ‘Aboriginal Australians would attain the same lifestyle, customs, laws and traditions as other Australians through a generation of cultural adjustment’. That is where we are headed here—have no doubt about it. It is not self-determination and should never be seen as self-management. We can do better and we must do better.

Mutual responsibility, mutual obligation, indeed implies, if nothing else, mutual respect. There is no respect in this approach adopted by government—no respect at all. There is no effort by government to negotiate a new set of arrangements. What they have done is wipe the slate clean and say that it is not their intention to revisit the need for Indigenous Australians to have a national representative body or, indeed, to set up regional authorities and regional agreements in the way that has been outlined in documents such as the Kalkaringi Statement, from the Combined Aboriginal Nations of Central Australia. It outlines very clearly their agenda in terms of governance and the relationship they want to have with the Australian community. I seek leave to table the document.
Mr Truss—I have never seen the document before.

Mr SNOWDON—You wouldn’t have! I am just trying to table it.

Mr Truss—The usual courtesy is that the speaker provides a copy to the other side before requesting tabling.

Leave not granted.

Mr SNOWDON—In the new regime, ATSIC has been replaced by a toothless, unrepresentative advisory body of individuals handpicked by the government—chosen for goodness knows what reasons. They have no mandate. They meet in secret. There is no transparency and they are accountable to no-one. They can say what they like knowing that they are not going to be held responsible for people from the Indigenous community who may not otherwise have chosen to put them there. That is the sort of regime we have under this government, because they are there at the whim of government. Then there are the new Indigenous coordinating centres, the staff of which may or may not have any experience or knowledge of Indigenous issues, may or may not have any experience of cross-cultural communication and may or may not have any real knowledge, understanding or experience of the cultural milieu in which they are working. These ICCs are not responsible to the communities they serve and in which they work but to the central agencies that are their employers.

Winding back the clock in the area of land ownership is the next item on the agenda. We know it to be the case. The only area that the Commonwealth has direct responsibility for in terms of Indigenous lands is, of course, the land rights act of the Northern Territory. We know this is on the agenda because they have made it very clear. A Labor person, a person who purports to seek to represent Labor interests elsewhere—but not in this particular case: he is representing himself—is proposing that there be changes in the idea of collective ownership of land. He is going after communal, inalienable freehold title. He will get a fight and so will the government. I might just reflect on the government’s need to look at the Woodward report and why, in fact, this form of title was developed.

This is a shameful day. I ask the House to support the amendments which have been put by the Labor Party. It is a shameful day because nothing has been put in place by this government to ensure Indigenous Australians have a place at the table and can work in partnership with government at a national level or indeed at a regional level. They have done this for purely base ideological motives and it is about time they changed their agenda. (Time expired)

Mrs VALE (Hughes) (9.46 a.m.)—I appreciate the opportunity to speak on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005, which I believe is part of a new and promising beginning for Indigenous Australians. The purpose of this bill is to abolish the Aboriginal and Torres Strait Islander Commission. This bill is largely identical to the bill passed by the House of Representatives in June 2004. However, the Senate referred that bill to a Senate select committee.

This bill illustrates the fact that this government is serious about reducing Indigenous disadvantage. The opposition talk about the terrible circumstances that many Indigenous people face. But that was a legacy that this government inherited. We have to try and break this cycle. I agree that the problems we face are not the fault of ATSIC alone. We have all in different ways failed to get the sorts of results that Indigenous people need and indeed all Australians want. This parliament has an obligation to set new directions
to achieve those results, and this important legislation points the way. It is not good enough to keep working within the same flawed framework that was designed by Labor. I believe very strongly that it is time to draw up a new model. That is why this government is going beyond abolishing ATSIC to introduce some radical reforms to Aboriginal affairs.

Before I talk about this government’s reforms I would like to give a few reasons why I believe ATSIC needs to be abolished. The first issue that concerns me is that there is not enough money hitting the ground where it is most needed. When we consider the amount of money being delivered to Aboriginal programs we have to wonder why the average Aboriginal person has so little and still languishes with limited resources, poor health and poor education and, of course, the resultant limited opportunity. The second reason is that Indigenous Australians, as we all know, have many serious and pressing needs. What they have never needed, though, was an ineffective, ego driven, thoroughly discredited Indigenous bureaucracy, and it is because of this that ATSIC has completely lost the confidence of the Australian people generally and the Aboriginal community specifically.

The commissioners of this bureaucracy were, and still are, well paid to promote positive change but they have, through their self-serving actions, brought shame to themselves and their organisation. You could not describe the leadership of ATSIC as anything other than a stumbling shambles. To quote from an editorial published in the Herald Sun on 17 April last year:

They have reinforced the negative stereotypes they were elected to fight.

The final reason I will go into as to why I believe ATSIC has to go is that the ATSIC elections are voluntary and not many Indigenous members vote. Actually, only 20 per cent of people who could vote voted in the ATSIC elections, meaning that around 80 per cent of the Indigenous population indicated that they did not believe the effort was effective for their needs. To any observer, this looks like the vast majority of Indigenous Australians have effectively rejected political self-determination by consistently not voting in ATSIC elections.

But what is currently of major concern to me is that Australian taxpayers’ money is still paying wages for no work. Every week costs another $65,000 and when the board is abolished there will be a minimum payout of four months salary for each commissioner. The longer this bill is delayed the more it is going to cost the rest of us. The opposition could have stopped this waste last year. I think it is interesting to note that it was the Labor Party which originally raised the issue of the abolition of ATSIC, but now they are playing the political card and stalling and it is costing Australian taxpayers big money.

The opposition is well aware of the political reality faced by Indigenous Australians. Most Aboriginals have long recognised the ineffectiveness of ATSIC and, with relatively few bothering to vote in the ATSIC elections, they have showed little enthusiasm for separate political representations. This outdated and complex approach suggests Labor is out of touch with most Indigenous Australians, who are fed up with failed self-determination experiments imposed by others. This government, however, has the fortitude to implement major reforms in the approach our country takes on Indigenous affairs. This new approach is and will continue to be guided by five characteristics. They are collaboration, regional need, flexibility, accountability and leadership.

The bulk of the reforms to Indigenous affairs have proceeded independently of this
The changes have been under way since 1 July 2004. With these changes government departments have no alternative but to work together at departmental secretary level right down to regional offices to better spend the $3 billion a year committed to Indigenous specific programs. This government’s aim with these changes is to improve collaboration between government departments and agencies, with a whole-of-government approach to policy development and delivery. The opposition and some of the media suggest that ATSIC’s demise represents a return to the past. This could not be further from the truth. No new bureaucratic structure will be created to administer Aboriginal affairs. The vision of a whole-of-government approach can inspire innovative national approaches to the delivery of services to Indigenous Australians.

Mutual obligation has also been part of this government’s welfare reform. This approach will be based on the principle of shared responsibility. This shift reflects a realisation that old government models of intervention based around servicing Indigenous clients have often reinforced passive welfare rather than created a sustainable basis for self-reliance. Labor national vice-president Warren Mundine has even called on Labor to embrace this government’s policy of mutual obligation. In the Australian on 14 December 2004 he said:

‘I think the [Howard Government] is taking the right direction.’

He then went on to say—

‘People who say it is paternalistic don’t understand. [Indigenous] people are stuck and trapped and they need a drastic and radical change.’

Another part of this government’s reform is the National Indigenous Council, which will include Indigenous leaders with expertise and knowledge on a range of issues affecting Indigenous people. Mainland Torres Strait Islanders will also be included in the National Indigenous Council. The structure of this board will allow Indigenous people to continue to participate in the design and delivery of their own programs for their own objectives.

The opposition has attacked this government on the fact that the new body has been appointed rather than elected, alleging it will expose the advisory body itself to criticism and that it is unrepresentative and undemocratic. But I would like to remind the opposition of a point I made earlier: ATSIC has a disappointingly low voter turnout. I would even go as far as to say that the old ATSIC board was unrepresentative of the Aboriginal population.

The council this government has selected includes a broad range of people to be above party politics. There is also a spread of gender and a spread of age. With five women, including the chairwoman, on the council it has a broader range of people than ATSIC did. The 14-member National Indigenous Council will be chaired by magistrate Sue Gordon, who has stated that the council will focus on practical solutions to Aboriginal problems. Ms Gordon has an impressive background. She served with the Women’s Royal Australian Army Corps before working in Aboriginal affairs in the Pilbara. Ms Gordon then went on to become the first Aboriginal to head a Western Australian government department in 1986 and two years later she was appointed to the Children’s Court. Ms Gordon also headed the 2000 inquiry into family violence and child abuse in Aboriginal communities known as the Gordon review. She has stated that her focus as chairwoman of the new National Indigenous Council would be to also continue that work.

It is because the government are serious about reducing Indigenous disadvantage that
we have introduced some radical but positive reforms to Aboriginal affairs. However, we cannot finish the first part of the reform agenda until this bill is passed and ATSIC is finally put out of its miserable ineptitude. It has to be done. ATSIC has failed, and failed the people it was established to represent and encourage and protect. I warmly welcome this bill and the promise that it brings to the real advancement of our Indigenous Australians. I commend this bill to the House.

Mr GARRETT (Kingsford Smith) (9.57 a.m.)—I have heard a number of heartfelt speeches on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005 from members on both sides of the House. Some of us have our own experiences of Aboriginal communities and the difficulties that they face. The question that we have to ask ourselves is: do these experiences colour our views and lead us to make judgments about what would be good policy for Aboriginal communities or are our views simply a function of our different perspectives, even our ideology? I would assert that it is the latter which is driving the representations and comments that have been made in this House.

I want to acknowledge the many Aboriginal communities, their elders and traditional owners that I have known and visited and made friends with. I want to welcome and acknowledge the relationships that those people have extended to me over time. Like most other Australians of my generation, I had no exposure to Aboriginal people when I was growing up. I had little understanding of their culture, of their history or of their experiences. Most of what I knew about Aboriginal people I had either learned at school or read in a newspaper or seen on television, and I would suggest that that is probably the case still for many Australians today and even perhaps for some people in this House. But for a period of some 25 years my exposure to Aboriginal people and their lives has deepened and grown and my understanding of their situation has changed. Like others here, including the member for Lingiari, who represents Indigenous people, I have had contact with Aboriginal communities over time and I have built up, I hope, some understanding of the conditions and the experiences that they endure. Yes, I have seen first-hand the toughness of Aboriginal life. Yes, I have seen first-hand the poverty in many Aboriginal communities. Yes, I have seen first-hand the paucity of the provision of what we take for granted—the supply of drinking water, good housing and decent health services.

But it was a High Court judge, Justice Brennan, who made the observation which fundamentally drives this debate: that it was Aboriginal dispossession as a historical fact that made possible the conditions that we in modern Australia enjoy. The mainly unencumbered development of modern Australia came about as a result of that dispossession. That too I have come to understand. Ironically, it is the subsequent granting of rights to land—a righting of the original wrong—which is now seen by the government and some commentators on the Right as the root cause of the problems that Aboriginal people face. What a perverse distortion of history. What a malevolent understanding of what Aboriginal people have been through up until this time.

Most recently we have seen commentary from the Right, and I will explore it in some detail as I speak to the House, about the conditions faced by Aboriginal people in remote communities. I refer to the Hughes-Warin paper which was reported in the press recently. It contained a number of assertions about Aboriginal health and Aboriginal communities. The guts of the Hughes-Warin paper was to assert that the longstanding failures in relation to Aboriginal people,
which we all acknowledge, understand and want to address in this House, are due directly to the so-called ‘Coombs experiment’ in allowing Aboriginal people to gain some control over their land and assert their traditional rights—an extraordinary assertion on their part. They assert that the poverty that Aboriginal people face and the difficulties that they experience in their community are directly attributable to their actually securing rights in the first place. That is an extraordinary assumption. It suggests that the fact that Aboriginal people do not hold freehold title to their land and are not in the westernised petite bourgeoisie is holding them back. In some ways it seems that Aboriginal people not having a white picket fence around a house, title to land and policies that permit that to happen is a way of explaining the poverty that they have to live with now. I want to assert most strongly in the House that the reasons Aboriginal people are living in poverty now are complex but that many of them can be attributed to past actions of governments on both sides of the House.

The Hughes-Warin report contained a number of errors which I would like to set straight on the record as I speak to the House. The first is the assertion that health statistics are worse in remote areas than in urban areas, but Hughes and Warin provide no evidence. This suits the Coombs thesis basis but, unfortunately, in the body of their content they do not provide any evidence for the assertion. They assert that NACCHO, the umbrella organisation of Aboriginal community health services, was inspired by the barefoot doctors of Mao Tse Tung’s China. This is completely wrong. It is historically incorrect to make this assertion. Aboriginal community-controlled health services, as members of the House know, came into being as a result of a strong social movement amongst Aboriginal people who were seeking to have greater control over their lives and to have control over the provision of health services. That is a historical fact. To assert otherwise is mischievous and does a great disservice to those pioneer Aboriginal communities who sought to have health services in their own locations and on their own land because they were facing such great problems.

Let us look at the solution that Hughes and Warin suggest in their paper, and I think we know where this is going. The solution of course is an implication that privatised health care will produce better health outcomes for Aboriginal people. Again there is no evidence, but when we look at other countries we discover in the United States of America, where privatised health care is prevalent, a health system that is amongst the most expensive, inefficient and inequitable in the world. This is a health system which specifically does not deliver health outcomes to the poor and does not deliver health outcomes to Indigenous people. I have had the very great privilege of spending an enormous amount of time in the United States, including time with indigenous communities in that country, and I can assure you that their health system, thus privatised, does not provide better health facilities and resources for aboriginal people. Under privatised health care in the United States, the poor, which regrettably often means the indigenous, miss out.

Hughes and Warin argue the case that the Aboriginal health situation in remote areas was caused under the Coombs experiment by ideology, not by practice, but they do not provide any evidence for that either. On the question of the general history of Aboriginal communities in remote areas, particularly those in north-east Arnhem Land, the Hughes-Warin report chooses to leave out the most important parts of the historical record which explain why conditions are the way that they are today. In east Arnhem Land earlier decisions which were taken by the
government and by mining companies that wanted to seek access to the bauxite reserves in Gove left out Aboriginal people. The agreements were between the governments and the mining companies. Aboriginal people historically have sought to become party to those agreements, but they were not party to the agreements, and the decisions were made without their consent. Aboriginal people attempted through the courts, for example, to stop alcohol entering the region. Again they were prevented from asserting control over their lives and health. The town of Nhulunbuy, in Arnhem Land, was built against the wishes of the Indigenous people. When the Northern Territory land rights act finally came into being, the mining leases in question were specifically excluded from the legislation. That is a series of deliberate decisions on the part of governments of the day and mining companies to ensure that they achieved the outcomes that they wished while at the same time denying Aboriginal people the opportunity to enter into negotiations on an equal footing to seek the sorts of outcomes that they wanted, which naturally enough included control over their land and some say in the actions that were being taken that would impact on their communities and health.

What is the subsequent story of this history? It is loss of land and of control over land. It is loss of control over the provision of alcohol. It is high rates of violence, social dysfunction and very poor health indices in that community. But these were the very factors that led Aboriginal people to seek to assert more control over their situation and move out of these town centres. Members on both sides of the House would be aware of the history of the homeland movement and the outstation movement. That came about as a consequence of decisions taken by governments of the day and mining companies, not as a result of Aboriginal people not having freehold title to their land. Recent attempts by Yolngu women in the north-east, especially attempts to restrict access to alcohol, are still unsuccessful, not because they do not own their homes but because the Northern Territory Liquor Commission chooses not to take their issues seriously.

If we examine the status of these homeland communities at the current time, we have some 20 outstations where people are happier, people are healthier, people have control over their lives, people are moving forward and people are not mired in misery. This has been made possible, incidentally, by the land rights act. I offer the view that the current direction that the government is taking us in and current developments in the Northern Territory seem fairly clear. There will be a winding back of the land rights act under this government—you can be certain of that—and yet it is the existence of the land rights act that has enabled people to go out into these communities and to these outstations and assert some control over their lives and build happier futures for themselves and particularly for their children.

I recommend to members who have a serious and genuine interest in these issues much of the documentation of the history that I am reporting to the House. There is a series of Film Australia documentaries called *Yirrkala Film Project*, by the filmmaker Ian Dunlop. Nancy Williams has written a book, *The Yolngu and their land*. It is available through the Australian Institute of Aboriginal and Torres Strait Islander Studies. If people take the time to understand the history of what has happened in this part of Australia, they will recognise that the issues cannot be dismissed with an ideological wave of the hand and assertions about the so-called Coombs experiment.

But there is something else that I want to refer to in the Hughes and Warin approach,
and I spoke to it briefly in the House the other day. That is the throwing around of terms like ‘living museums’ and ‘land socialism’. It is just another form of stereotyping, but it is sophisticated and subtle in some ways because it really attempts to blame Aboriginal people for two things: their aboriginality and how it works its way through in culture, and the history to which they have been exposed. At one level it is distinctly unfair; at another level it is really insidious. The Hughes-Warin report is unwilling to come out of these stereotypes and unwilling to consider the evidence of the health and education skills and development that have come about in areas where Aboriginal people do have a degree of control over their lives, where they are actively determining their futures and where they are working hard to achieve a decent life for their kids. Why weren’t the outstations and the success that they are having mentioned in the Hughes-Warin report? It simply did not fit the thesis, so it was not mentioned.

The opposition is proposing an amendment to the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005. It is a straightforward enough amendment: it extends the life of the ATSIC regional councils by some six months. That is in line with the recommendation in the report of the Senate Select Committee on the Administration of Indigenous Affairs which was tabled in the parliament on Tuesday, 8 March. But, again, when we look at the history of this proposed amendment, we discover that there was in fact some agreement, and it appeared that the government, in the form of Minister Vanstone, was going to be reasonable about the amendment and consider it. But at the last minute there was a change of mind. Apparently this happened at the very highest level, in the office of the Prime Minister. It is a great shame because this is basically a moderate and reasonable proposal that the opposition has put up. It is also practical, because it maintains the right of Aboriginal people to have some form of voice.

The history of ATSIC has been chequered—there is no question about that whatsoever—but, at the same time, the fundamental issue of Aboriginal people having access to a representative body lies beneath that. If we were to judge our representative bodies around this parliament, whether they were local councils, elected bodies in different states or state governments of Liberal and Labor persuasions, on the basis only of the leadership that they had at a particular point in time, and we had discovered that there were deficiencies in that leadership, would we then throw away the principle of democracy and representation as a result? I do not think so, and yet that is what is happening here in this parliament. It is greatly regrettable.

When we consider this question, we have to look at two main issues: is the government fair dinkum about Indigenous health and Indigenous issues, and has the government got it right? Let us look at fair dinkumness first. We could characterise the position of Australian governments on Indigenous issues for a number of years after Federation as basically being in sync with one another. There was a form of bipartisanship—and I think particularly about former Minister for Aboriginal Affairs in the Liberal government Fred Chaney, but there are many others. Members on both sides of the House would be aware that there was a sense that both the Labor Party and the Liberal and National parties had some idea of moving forward in tandem in trying to address this issue, which I do know members on both sides of the House feel genuinely serious about.

But there has been a distinct move from that bipartisanship and it has happened under the Howard government. Mr Howard has
been Prime Minister for nine years. At the beginning of his previous term he committed himself to redressing Indigenous disadvantage and said that his term in government—his previous term, not this current term—would be judged by his capacity to do that thing. Yet that term did not deliver for Aboriginal people. Not only that, but the objections to the directions of Aboriginal policy which had been a part of bipartisanship were thrown overboard by the Prime Minister.

The Prime Minister contested the decisions in Mabo and Wik. The former Deputy Prime Minister and Leader of the National Party, Mr Fischer, pursued a vendetta against the High Court—an irresponsible vendetta, it has to be said, at the time—on the basis that the historical record was being righted and that Aboriginal people were going to get some legal entitlement to land that previously had been theirs. That was the position that the government of the day took, and it was a shameful position.

Members will remember the scare campaign that was run around Australia—the pictures of maps that were shown on national television and the idea that was promoted that pastoralists and farmers would not be able to have access to their properties. There was an amount of disinformation bandied about, particularly by senior ministers on the other side of the House, in order to deflect and remove a grant of rights that had been conferred upon Aboriginal people by the High Court of Australia.

It is to the great shame of those opposite that they embarked upon that course—and even more so because it was a great waste of energy. Pastoralists, Aboriginal people and communities have been able to sit down and to work creatively, constructively and cooperatively. They have been able to provide for Aboriginal people to assert their access and their ability to recognise that they do in fact have something called native title but that it will not in any way impede the rights of pastoralists in their capacity to carry on their business in the way they wish to. But, no, there was a hullabaloo about native title. The world as we knew it was going to end, and Aboriginal people, who for some 200 years had had nothing, were going to be preventing us from having what we wanted.

It went on from there. The reconciliation process, which is essentially a symbolic process—I certainly agree with it; I think symbols are important—was undermined.

Mr ROBB (Goldstein) (10.17 a.m.)—The debate on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005 is very important. A review was conducted into ATSIC over a 10-month period from December 2002 until October 2003. This was the first comprehensive review into the activities and the effectiveness of ATSIC since its creation 15 years ago. During the review, there were two major rounds of consultation. One round involved a panel which met with stakeholders from across the nation, including the 35 ATSIC regional councils, and which reviewed some 156 written submissions. This was a serious and comprehensive review.

These consultations revealed widespread disillusionment and dissatisfaction on the
part of Indigenous Australians with ATSIC. Overwhelmingly, Indigenous Australians noted that they did not feel represented by ATSIC. There was a significant lack of goodwill and support from the broader community for what ATSIC was doing to help and support the community—or, more to the point, what ATSIC was not doing to help and support the community.

In this regard, last year Mark Latham spoke a simple truth: ATSIC was a failure. So for our opponents in this House to say over the last day or two that the disbanding of ATSIC removes the means by which the views of Indigenous Australians can be effectively put before the government is quite baffling. ATSIC as a representative body has given no effective voice to Indigenous people. That as few as one in five eligible voters turned out for the ATSIC election should reveal the lack of resonance that ATSIC has had within the Indigenous community.

ATSIC has not given effective voice in dealing with the crisis of continuing poor health, domestic and sexual violence and substance abuse in the Aboriginal community that has accompanied ATSIC’s 15-year life. These are the criteria which ATSIC should be measured against, not some ideological approach to the existence of ATSIC and not some blind political stunt to try and oppose everything the government is seeking to do to address these very serious problems. ATSIC needs to be measured against these criteria.

The symbol driven, rights based approach for Aboriginal people has been a dismal failure. ATSIC has reflected this approach. Labor cling to this agenda, which has failed Aboriginal people so dismally, and they have no alternative but to pour more money into the ATSIC black hole. A culture of blame and victimhood, combined with second-rate service delivery, has not produced satisfactory improvements for our Indigenous Australians. Despite a substantial increase in government expenditure and some important improvements, many of the problems have been intractable.

Reading the contributions of those on the other side of the chamber and listening to them this morning, both here and in the Senate, you see no acceptance and no acknowledgment of this dismal failure—no acceptance and no acknowledgment that it is time for a fundamental change to seek to address the huge issues at stake. There is no acceptance and no acknowledgment by those Labor and minor party members or senators that the Aboriginal community itself has accepted and acknowledged that ATSIC has failed and that fundamentally different approaches must be tried.

The comments by those opposite demonstrate an ideological commitment to a second-rate system that has failed Indigenous Australians and has disappointed all Australians for decades. The comments by those opposite offer no alternative way forward to reduce the indisputable level of disadvantage faced by many Indigenous Australians. All they seem to want to do is tinker, tinker and tinker. They prattle on about blame, encourage Aboriginals to see themselves as victims and as having no responsibility. They suggest that we simply pour more and more money into a lost ATSIC cause. More sit-down money, more resources and more facilities delivered in a way which carries no responsibility for individual Aboriginals is no answer. It is a recipe for compounding the crisis. It is a recipe for further stripping our Aboriginal community of self-esteem, self-respect and personal responsibility. The Aboriginal community understands this; our opponents appear not to.

Labor talks on and on about starting to build a future for our Indigenous community
based on mutual respect and understanding. I do not disagree with this. However, I disagree profoundly with the way the Labor Party suggests this will come about. Labor’s approach works directly against this objective, focusing endlessly on a process of acknowledgment and redressing of past wrongs. Attributing blame and building a culture of victims not only is not productive but is counterproductive.

Mutual respect and understanding will be built very quickly as the Aboriginal community is given the opportunity to take responsibility for its own actions. This is the direction of changes being pursued by the government; this is the direction being requested by the Aboriginal community itself, and the winding up of ATSIC is necessarily part of this because ATSIC do not share this vision of empowering their own people. Their record stands testament to that.

The government have introduced sweeping reforms to Indigenous affairs that have dramatically increased the focus on Indigenous issues. The reforms seek to place responsibility back into the mainstream of government activities but importantly involve sharing responsibility directly with Indigenous Australians, on the ground, to help them create their own solution and improve coordination of efforts across key federal, state and local agencies.

The abolition of ATSIC marks a change in the government’s evaluation of and approach to Indigenous programs, Indigenous policy and Indigenous expenditure. No longer will the amount of money being spent be the measure of us doing our best for Indigenous communities. The true measure is outcomes: what are the outcomes of these programs and have they improved the lives of Indigenous Australians? That is how we must be measured in the future, not on the quantum of money that is spent on and delivered into programs and to various communities.

At the heart of these changes, which critically include the scrapping of ATSIC, is the principle of shared responsibility, which assumes that government alone cannot fix Indigenous problems. Both government and Indigenous people have rights and obligations, and all must share responsibility. It is commonsense; it is not ideology as our opponents glibly suggest. More critically, this approach reflects the demands and the realisations of the Indigenous community. Again we hear from our opponents on the other side of the House that this approach of mutual obligation—shared responsibility—should deal with peripheral issues, none of these central services, central facilities or essential resources. The Aboriginal communities dispute this. They understand that mutual responsibility, shared responsibility and Indigenous Australians taking some responsibility for their own destiny are at the heart of their future—and this relates to all of the services and all of the resources which are at their disposal. All of the opportunities that they take on must involve some notion of responsibility for their own destiny. They understand that; others in this House do not.

More critically, this approach reflects the demands and the realisations of the community. It reinforces, once again, that cultural change cannot be imposed; it must reflect the will of the people. We see examples all over Australia of Aboriginal people deciding to do something for themselves. One such example is the residents of Wadeye, a tribal Aboriginal Catholic community of 2½ thousand Aborigines situated at the western edge of the Daly River reserve in the Northern Territory. Wadeye has faced all the problems of other remote Aboriginal communities—grog, drugs, paint, illiteracy and aimlessness. The community built a much-needed swimming pool last year. At that time, the Wadeye eld-
ers agreed to impose a ‘no school, no pool’ rule. Theodora Narndu, a 63-year-old community elder who has six children and 24 grandchildren, says:

I feel confident our kids will (now) have a future away from the grog, the drugs and everything else.

It got to the point that things were so bad, where there appeared to be no hope for the children, that the community just decided, that’s enough, we have to do something for ourselves.

The Wadeye elders agreed to impose a ‘no school, no pool’ rule. When the pool was complete last year, more children started arriving at the Catholic-run school, many of them sent by parents who had no education. But, when classes opened recently, teachers were stunned when scores more children than expected arrived, including 15 young mothers for year 12 and teenage boys who had been running amok in the town. Five hundred and eighty-two of the town’s about 700 children had enrolled, a 50 per cent increase on last year. This is a wonderful example of the move afoot out there in many Aboriginal communities. The changes being introduced by the government, which seek to work with local communities directly, aim to foster this frame of mind in Aboriginal communities.

ATSIC has not accepted the significance of the Aboriginal community taking responsibility for their own destiny. ATSIC has failed in this regard. It is not representative; it has not been representative; it cannot be representative; it does not understand this cultural change. ATSIC is part of the problem, not part of the solution. This bill is part of striking out in a new and encouraging direction for our Indigenous community. This is not an end to a place at the table; it is the start of an opportunity for every local Aboriginal community to have a place at the table as they share responsibility for their own destiny through agreed programs relevant to each local community.

Mr MARTIN FERGUSON (Batman) (10.29 a.m.)—As we appreciate, the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005 gives effect to the government’s decision to abolish ATSIC and the ATSIC regional councils. In speaking to the bill I clearly indicate that I think it is time to abolish ATSIC, but the issue is what you do in making that transition. I listened with interest to the comments of the member for Goldstein. Interestingly, whilst he reflected on the Indigenous community, he failed to reflect on the failures of government. In dealing with the issue of Wadeye, he failed to reflect on the failure of government to provide decent public housing in the Wadeye community, better known as Port Keats to many in the Northern Territory. There you have an average of 20 to 25 people living in homes, which hardly raises the prospect of increasing school retention and making a real impact on the capacity of young people to make some progress in education and skill.

It is interesting that he failed to give a real comparison between the level of government services in Wadeye, one of the fastest growing towns in the Northern Territory, and the township of Tennant Creek, largely a white township. On the provision of policing services, Wadeye is inferior in the resources provided to local police to do their job compared with the resources provided to police officers doing a far less onerous job in the township of Tennant Creek. It is interesting that in the township of Tennant Creek there is a fully serviced hospital while in the community of Wadeye we have difficulty attracting nurses and nursing assistance, let alone the capacity to access a full-time doctor.
So, yes, I say there are problems in Aboriginal communities. It is correct that we give some people the opportunity to do something for themselves. It is also about time that we as politicians at local, state and federal level faced up to the fact that we got it wrong. Wadeye is a prime example of how we got it wrong, because the services provided by government to a black community are largely and significantly inferior to those of the white communities throughout the length and breadth of the Northern Territory—something that members of the government have failed to confront in this debate.

That is why I say that this bill is a step back. Unlike most on the other side of the House who have chosen to have something to say in this debate, I have been a frequent visitor to what I describe as black communities over the last 25 to 30 years. I have a very close working relationship with them, especially throughout the length and breadth of the Northern Territory, having represented them as a trade union official. I have also gone out of my way as a representative of the Commonwealth parliament to do what I can to make progress with respect to the injustices that we as a white community have imposed on them and perpetrated against them for century after century.

It is about time we accepted that this bill is not the way forward. It is about concentrating in the hands of the Minister for Immigration and Multicultural and Indigenous Affairs and mostly white bureaucrats in Canberra the power to determine the future of Indigenous people in Australia. It ignores what I regard as a clear principle if we are to make progress with respect to the injustice that exists in Indigenous Australia at the moment: the principle of self-determination. This bill treats the Indigenous community in a patriarchal, subservient way. It shifts the balance of power away from a regional delivery of services—which is the only way we will ever make progress—to a centralised, top down, Canberra driven approach. It is all right to give the communities beyond Indigenous communities empowerment through area consultative committees to determine their future, but when it comes to Indigenous communities we are going to drive it from Canberra and we are going to make the decisions from Canberra. I contend that, having accepted that ATSIC should go, it is about time we consulted them on what is the best way forward. I therefore argue that the model proposed by the government in this legislation will do very little to solve the issues faced by Indigenous Australians.

It is going to do nothing to actually reduce poverty and social disadvantage such as exist in the community of Wadeye. Yes, a swimming pool is a breakthrough; but, gee, it is off a very low base. It will make things worse, if anything. It potentially takes us back to the assimilation days of the 1960s. The model being proposed by government is about mainstreaming the provision of services for Indigenous communities so that services will be provided out of Canberra rather than out of local communities. We would not cop it in our local electorates, yet we are saying to Indigenous communities, ‘Cop this because you’ve got no choice.’ In essence we are saying: ‘You don’t have the capacity to make decisions for yourselves. Leave it to us white boys and girls in the Commonwealth parliament to make those decisions for you.’ If anything, it is a form of racism.

The government’s way of engaging with local communities will be through shared responsibility agreements or SRAs. The government suggests that it is going to establish some 80 SRAs by the end of 2005. This model does not take into account in any way best practice models from around the world. It does not recognise the benefits being
achieved through self-determination for indigenous peoples. By adopting this model, the government is steadfastly refusing to acknowledge the right and ability of Indigenous communities to manage their own affairs. The government has not done the real work that is required to ensure that Indigenous Australians enjoy the same quality of life as the rest of the Australian community. That is what the debate should be about. How are we going to guarantee that all Australians, Indigenous or non-Indigenous, have the same quality of life? There is a huge difference at the moment, and Wadeye is just one example of our failure as a community.

The truth is that Indigenous Australians are doing it tough. Let us consider a few statistics. It is interesting that very few members of the government put these statistics on the table in the context of this debate. Let us talk about some of the disadvantage actually experienced by these communities—for example, the issue of income. In 2001 average household income for the Australian community was $585 per week. Guess what it was for the Indigenous community: 62 per cent of that or $364 per week. In remote areas of Australia—that is where Indigenous communities are largely concentrated, often without any job opportunities—it was equal to only 43 per cent of the weekly income of non-Indigenous Australians.

On the issue of employment, we tend to define ourselves as a community by our capacity to have a job—to get up each day, go to work and come home having worked in a workplace that is safe. At a time when the government is talking up its employment credentials, the employment rate for Indigenous Australians is 23 per cent. The government thinks that is insignificant; I think that is huge. It is 43 per cent if the CDEP participants in the states are counted, which is some 37,000 people.

Then there is health. We are all living longer: us whitefellas and white girls can now expect to live longer. But let us go to the Indigenous communities. Life expectancy among Indigenous males born between 1999 and 2001 is 56 years compared to 77 years for the broader community. Life expectancy for Indigenous women born in the same period is 63 years compared to 82 years for the broader community. The truth is that Indigenous Australians are more likely to die from certain health conditions: for example, death as a result of respiratory disease in Indigenous communities for people aged 35 to 40 is 20 times higher for males and 10 times higher for females than across the broader community. Indigenous communities have a very high fertility rate; it is the only thing holding up Australia’s fertility at the moment. Infant mortality in the Indigenous community is 10.6 deaths per 1,000 live births compared to 5.6 deaths for the wider Australian community.

The measures of disadvantage speak for themselves. Be it housing, education, health, quality of life or whatever, we have failed as a community. But the Howard government chooses to address this by reducing the ability of the Indigenous community to determine its own future. I am not here to defend ATSIC. I am talking about the transition. We would not tolerate this situation in any other ethnic group in Australia. We say to those ethnic groups, irrespective of which country they come from, that life is about opportunity and we are going to give you the capacity to fully participate in the Australian community.

But this bill and the broader administration of Indigenous programs and services, it is interesting to note, were considered last year by the Senate Select Committee on the Administration of Indigenous Affairs. The committee rejected the Howard government’s assertion that self-determination has
been a failure. Indigenous communities provided evidence to the committee—and the strong message was that ATSIC was not the only problem. All of a sudden, because it suits the government’s agenda, ATSIC becomes the fall guy for the failures of state and federal governments of all political persuasions. In many cases these failures have been in fundamental areas such as health and education, which interestingly were never the responsibility of ATSIC but the responsibility of politicians.

Problems identified with ATSIC could have been addressed in a way that would have allowed self-determination for Indigenous Australians to succeed. Evidence presented to the committee suggested that the regional structures that exist under ATSIC, which were pursued in the second reading amendment by the opposition—and this is the important point—have served many communities well because they have had the power to determine their own future. They have provided important links between the communities and the state, territory and Commonwealth bodies.

The key to the future is regional emancipation. I believe regional structures are essential if regional communities are going to be able to determine their own priorities and effectively negotiate the proposed regional agreements. You cannot do it from Canberra—and we say that for regional development generally. But when it comes to regional Indigenous communities we say that Canberra can do it because it is about Indigenous people, not whitefellas and white girls. How wrong are we as a community. That is why Labor has moved the amendment. This amendment is about the transition—extending the life of the ATSIC regional councils by six months. It is not a big ask. It is a key recommendation not of the opposition but of the Senate committee. That is where the recommendation comes from.

I think the amendment is important because, in essence, by propping up the regional organisations for six months to work out their future, we as a parliament are saying that we recognise local leadership, accept regional delivery of services as the way forward and acknowledge the importance of the social indicators in ensuring that we finally work out how, collectively and in a non-political way, we can start working towards eliminating disadvantage in Indigenous communities.

Labor believes that regional models are about giving Indigenous people a voice in their own future. Many of the ATSIC regional councils have a high level of respect in the Australian community. Over a long period they have been successfully delivering grassroots representation and bringing about meaningful consultation with the communities they represent.

It is also interesting to note that where we have been successful at a local level we have made more progress in overcoming social disadvantage because those people have taken hold of their own problems and worked out their own solutions. What they need from Canberra is a bureaucracy that is prepared to respond to local priorities, not one which determines local priorities, in essence, by saying, ‘We know better.’ I tell you what: we do not know better. The social indicators prove beyond any doubt that we do not know better. For example, on health and education, ATSIC has not had the power to determine those issues; it has been the central bureaucracies in Canberra. It is not about being Canberra-centric; it is about building regional partnerships—real partnerships that work. It is about emancipation. It is about empowerment. It is about building capacity. I must say that, in the building of that capacity, Indigenous women are more than ever emerging as the leaders who are prepared to tackle the problems. We have to give those
women all the possible support in the world. They are prepared to accept leadership positions and take on the struggles in their own local communities to get people to front up to their responsibilities. Our responsibility is to give them the capacity, support and commitment to enable them to do their job.

The opposition wants to work with the Indigenous community in a bipartisan way. Let us remove politics from the debate and work together collectively to improve people’s lives. It is about time we understood that this is not an academic debate about this or that model; it is a debate about people’s futures. It is about real people and real families. It is about a work force that many in communities, such as the mining and resources employer communities, have suddenly discovered is untapped. The work force is there, waiting to be trained, and it can overcome some of the skills shortages in Australia. How will you do that unless you make progress at a local level on fundamental issues such as health, nutrition, education and skill-ing? Let us not disenfranchise Indigenous communities. Let us stop vilifying Indigenous leaders. Let us start talking to them through their communities.

Indigenous communities are concerned about their future. They do not understand this high-falooting debate about ATSIC, but they know their local problems. All they want is for us to understand their local problems and to say, ‘We are prepared to step back and to work with you.’ The truth is that they have no understanding of what will replace ATSIC. They might be critical of ATSIC, just as I am critical of ATSIC, but prior to taking an axe to ATSIC I would have engaged the local communities and worked out with them the best model for the future. I would not have sat in Canberra and, based on the ideology of a particular party, determined that I knew best. In essence, mainstream services will still be provided through a head office arrangement in Canberra.

We could end up throwing the baby out with the bathwater. The government should have a serious think about the amendments approved by the Senate, which extend the life of regional councils by six months. Let us try to address some of the risks of taking an axe to the regional councils at the same time that we take the axe to ATSIC, to give regional bodies time to think about structures and resources and how they want to go forward as a local collective in a constructive and cooperative way. Labor’s amendments are about providing transitional capacity to Indigenous communities. The amendments are about providing certainty and stability to people and ensuring that the changes are worked through at a local level.

The opposition calls on the government to give its commitment to real capacity building by giving an extension of six months to regional councils and developing a proper regional delivery model that is not driven by Canberra but through local ownership by Indigenous communities. The message from Indigenous communities around Australia is that no-one has a problem with mutual obligation, but they get sick and tired of sermons from the mount—from the white house on the hill in Canberra. They have had a gutful of this place determining their future. They want to determine their own future, because we have failed to understand their future needs.

In summary, I urge the House to accept the opposition’s amendments as approved by the Senate. The amendments are about a transitional process and emancipation and empowerment of local Indigenous communities. It is the 21st century. Surely we have enough confidence in their ability to give them a go. If we fail to do this, we will have to accept that, because of our failure to give
Indigenous communities decent opportunities in life to fundamental services such as education, employment and transport, we have condemned them to being second-class citizens in the Australian community. All the indications are that they are a mile behind what is acceptable in my local electorate. We as a nation can no longer accept that situation. (Time expired)

Dr Lawrence (Fremantle) (10.49 a.m.)—This is an opportunity not only to look at the specifics of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005, which confirms the abolition of ATSIC, but to ask what the government is doing with Aboriginal affairs and how well it is doing it. It is obvious that the abolition of ATSIC is a fait accompli, whatever this House does, because it has been stripped of its assets and responsibilities even though the replacement structures are not complete at this stage.

From accounts that I have had from within the Indigenous community, the transition to the new administration has been painful and fragmented, especially for Aboriginal staff—and, by the way, there will apparently be fewer of them after this transition. It was put to me recently by a senior public servant that the government’s actions, at least at the public level, have been characterised by a pretty muddled analysis and this so-called ‘change methodology’. I would have to say, though, that there appears to be a gulf between the government’s spin on what is happening—and particularly the Prime Minister’s spin—and what the Public Service is actually doing. I hope to return to that a little later, but I think it is timely today, as we are being asked to endorse such a huge step, that we issue a report card on the government’s performance on Indigenous affairs.

This government has been in power now for nine years, it has won four successive elections and in the area of Indigenous affairs it has had a very clear agenda which breaks with the values and approaches of previous governments, both Labor and coalition, and moves toward what the government calls ‘practical reconciliation’. We have also seen this occur during a period of strong economic growth and growth in Commonwealth revenues, so the capacity to make a difference has certainly been available to this government. In addition to that, there has been a very considerable willingness by state and territory governments, all Labor as it happens, to cooperate with the Commonwealth government to make a difference in this very important area of national public policy. The states and territories have been willing partners in discussions and in the so-called COAG trials, where governments agree to their responsibilities.

It is almost five years to the day since the Prime Minister signalled, after a very divisive and painful debate, that the previous approach to reconciliation was dead—after the marches and so on—and that the government was now firmly embarked on a path of what he called ‘practical reconciliation’. This, clearly, was intended by the Prime Minister to remove what he called the ‘symbolic elements’ of reconciliation as an important focus for public policy. The Prime Minister wanted everyone, as he put it, to lower their sights and not ‘make demands on the other that cannot be realised’. Presumably he was talking about an apology and recognition of the fact that the Aboriginal people were the prior owners of this land and had been dispossessed. Matters of that kind were not to be mentioned in future.

Although it was implicit in his determination to abandon any discussion of a rights oriented reconciliation approach, the Prime Minister first used the phrase ‘practical reconciliation’ at the national launch of the National Indigenous English Literacy and Nu-
meracy Strategy on 29 March 2000—in other words, almost five years ago. I discovered that the term was subsequently used by the government in 34 press releases and radio and television interviews during 2000. It was meant to be embedded in the public consciousness and distinguished from the broader concept of reconciliation based on Indigenous peoples’ rights.

It is fair to say that practical reconciliation, apart from pointing in certain directions, has never been explicitly defined as public policy. It is simply meant to contrast with what the Prime Minister calls ‘symbolic gestures’ like the recognition of prior ownership, an apology to the stolen generations and the ‘black armband’ view of history. It is a deliberate attempt, in my view, to strip Indigenous disadvantage of its historical and social context. It is not possible to understand the position of Indigenous people in Australia today without reference to the past and without reference to the social circumstances of their lives. So I find practical reconciliation a very peculiar exercise.

Practical reconciliation appears simply to mean that the government’s policy will focus on practical programs which directly address deficiencies in health, education, employment and housing—they are the areas that have been pointed to—of Indigenous people in Australia. In other words, it is what governments are supposed to have been doing at a national level at least since Federation. Certainly it is what the Commonwealth parliament should have been doing since 1967, and what state and local governments should have been doing since their inception. It is no different from what citizens expect, in other words. But it has also been promoted more broadly as a means of addressing problems such as truancy, alcoholism, family violence and the high rates of imprisonment. Apparently, simply providing services in these areas will solve all the problems.

While the concept is flawed—and I will return to that in a moment—I think it is reasonable to judge the government by its own standards. After nine years in government, and five years with the very explicit policy of practical reconciliation, what does the score card look like? As is always the case in Indigenous affairs, it is very difficult to get contemporary data—there is always a lag. And you always need to look at both inputs and outcomes—in other words, what resources are deployed and the results of that deployment. Part of the urban mythology and the Hansonite claims—some of which were incorporated into this government’s thinking—is that Aboriginal people get more than their fair share of the resources of government.

It is also said that solving the problems that Aboriginal people face is not just a question of money—indeed, the Prime Minister has said so on a number of occasions. Of course, that is true in one sense, although the government seems to think that government largesse will work for families in middle Australia. We certainly saw that at the last election. I think we should ask whether the most disadvantaged people in our community should get fewer resources in real terms than those of us who enjoy good health, superior education, relatively secure employment and a high standard of housing.

If you look at the data you will find what really is the case: in Indigenous affairs fewer resources are devoted to more serious problems. For example, work by Gavin Mooney, an economist who works in this area, shows that, on average, Australians use Medicare funded primary health care to the extent of just over $530 a year. The people in Double Bay—one of the wealthiest Sydney suburbs, for those who have not noticed—use more than $900 worth of Medicare services. Meanwhile, in the Kutjungka region in the Kimberley, where the Aboriginal people are
among the sickest in Australia—and, indeed, globally—they use only $80 in Medicare primary health care funds per year, largely because of the shortage of general practitioners in that region. Although it is fair to say that some of them have occasional access to services from the relatively poorly funded Aboriginal Medical Services, they do not benefit from the generously funded private health insurance rebate which goes primarily to those on middle and high incomes.

If we look at the broader picture of resources devoted to these problems we find that from 2000, when the Prime Minister formally introduced practical reconciliation, the Indigenous budget has increased by 26 per cent. That sounds very generous until you understand that over the same period, total expenditure by the Commonwealth for all purposes increased by 23 per cent. As one commentator put it, far from indicating a desire to fund effective and practical measures, expenditure on Indigenous programs ‘just held its head above water.’ Indeed, over the last two years it has increased at a lesser rate than total expenditure.

When the funding is disaggregated, the picture is even more disturbing. For example, the total Commonwealth education budget has increased by 42 per cent since 2000-2001, the year practical reconciliation was announced, while the Indigenous education budget has increased in that period by just nine per cent. In an apparent attempt to address this discrepancy, the education minister promised recently that expenditure in Indigenous education will increase by 23 per cent between 2005 and 2008. Again, that is a welcome increase but it is little different from the 20 per cent increase in total education expenditure planned for the same period. I will say more about health in a minute.

When it comes to measures of performance based on outcomes, as a baseline we should be aware that Aboriginal and Torres Straits Islander people die younger than citizens in China and the rates of some illnesses, for example trachoma, are among the world’s worst. The incidence of end stage renal disease in some parts of remote Australia is 20 times greater than in the general population and is doubling every five years.

We should also note that other countries, such as New Zealand and Canada, are doing much better than we do on key indices of Indigenous wellbeing. I am trying point out that there is plenty of room for improvement. We are not talking here about differences at the margin. On the key measures of life expectancy and illness rates, there appears to have been little or no improvement since this government took office—and certainly not in the last five years, since practical reconciliation became the policy framework. In some areas the rate of improvement—slow enough as it was—has declined, and in some areas there have been declines in the quality of life for Indigenous people in absolute terms.

I want to return for a moment to health because it is so fundamental to improvement in many of the other indicators. I indicated earlier that the amount of money that we are spending on Indigenous Australians is actually pretty low in absolute terms and certainly in terms relative to disadvantage. It needs to be remembered that Indigenous people have less access to health services altogether than the general population and receive fewer visits from a wide range of health professionals.

The Commonwealth Grants Commission, for instance, reported in 1988-89 that for each dollar spent on health services for non-Indigenous people only $1.22 was spent on Indigenous people despite their appalling health status. Again that sounds like there is a margin in favour of Indigenous people, but it is worth noting that that figure was calcu-
lated before the full impact of the private health insurance rebate was factored in. It needs to be said too that a disproportionate amount of those funds is spent on public hospital services, patient transport, mental health institutions and government administration and research, and less is spent on primary health care.

Recent work done by the health ministers and the Commonwealth Department of Health and Ageing, as it was then, shows that adjusting for the extra cost of remote service provision and poorer health status significantly reduces the purchasing power of these funds—we need to recognise that it costs a lot more to deliver services in many parts of Aboriginal Australia. Indeed, when you look at that, the expenditure is approximately $2,500 per capita for non-Indigenous Australians and just $1,200 per capita in real terms for Indigenous communities. So we are looking at a position where they use fewer services and fewer funds in real terms are spent on their needs. The current health care agreements do not really make any specific allowance for the costs of meeting the needs of Indigenous citizens.

I think it is fair to say that all of us in this parliament would want to hope that problems of the magnitude that I and other members have outlined would have by now provoked an urgent and coordinated response of an appropriate scale. Clearly the scale is not appropriate, there is no sense of urgency about this government’s actions and there is certainly very little coordination. Sadly, given the willingness of the states to cooperate, we should have seen the state and federal governments galvanised to act in concert and set aside their differences. It is not as if, ultimately, the number of people involved is huge.

Aboriginal and Torres Strait Islander people make up 2.4 per cent of the population in total—approximately 460,000 people. The Australian Bureau of Statistics has identified just over 1,000 discrete communities, most of them geographically separate from other population centres. So the scale of the problem, given Australia’s wealth, is not enormous.

I understand better than anyone, having worked in both state and federal governments and having had ministerial responsibility, including for Indigenous affairs, just how difficult this can be and that there are considerable obstacles to action. For instance, a lot of the sources of the problems and the policy solutions inevitably cross program boundaries: environment, housing, infrastructure, employment, education and income support. A lot of people descend on these communities with policy prescriptions, and there are often multiple funding sources and accountability requirements, which have made life very difficult for Indigenous communities. All levels of governments are involved and responsible but often none of them takes real responsibility. There is too little accountability, too little planning and too little coordination.

A relatively recent House of Representatives Standing Committee on Family and Committee Affairs had Professor Ring tell them:

A way needs to be found of harnessing a national effort for a very complex range of issues in a very complex system of government. In the circumstances only the Commonwealth can provide the necessary leadership and coordination.

I could go further into some of those difficulties, but I think it is fair to say—and I give the federal government, and the state governments who were working with them, credit for this—that they did understand the need for a whole-of-government approach to try and break down some of the silos and barriers and to work with local Indigenous communities to achieve better outcomes.
Everybody understands that that is absolutely essential for progress in this area.

We have heard from various spokespeople from government, public servants and ministers, about these whole-of-government responses. They have worked with state governments to establish so-called COAG trials where everyone looks at the problems, identifies priorities and tries to put resources to solving the problems identified. With the demise of ATSIC we are talking now, however, about a new mainstreaming of Indigenous service delivery and we do not entirely know what that means at this stage. Apparently it is going to involve the reallocation of ATSIS Indigenous specific programs to a number of mainline departments, and the funds in many cases have already gone out there.

Recently Peter Shergold, the Secretary to Department of the Prime Minister and Cabinet, explained this ‘bold experiment’ as he put it as a key example of ‘whole-of-government responses to Australia’s priority challenges’. If it were that, I would certainly give it a tick, but I am not certain that that is the way we are going. He suggested that the eight COAG trials would give a glimpse of what could be achieved through collegial leadership, collaborative government and community partnerships that recognise the distinctive needs or difference of particular communities.

He stressed five characteristics in that approach. The first was collaboration: all government departments and all levels of government working together to ensure better outcomes, cooperation from the top to bottom, single shopfront Indigenous coordination centres to be established over time and entering into shared responsibility agreements—and I will return to that briefly if I have time. The second was identifying regional need. A tripartite approach would be agreed by Commonwealth and state governments and communities to ensure appropriately different consultative and delivery mechanisms. Who these regional consultative groups will be is anyone’s guess at the moment since they are being abolished with this legislation. The other three principles he mentioned as important in this bold new experiment were flexibility, accountability and leadership.

The cooperation between the Commonwealth and the states in breaking down the silos certainly needs to be welcomed, but the important thing to bear in mind is that there are some serious problems with so-called ‘mainstreaming’ and the shared responsibility agreements. While the government indicated in its election platform that it would spend $3.1 billion on Indigenous specific programs, in real per capita terms, as I indicated earlier, this is probably little different from the past. As one of the commentators has pointed out, it is unclear how the billions of dollars of the identified backlogs in housing and infrastructure and other community facilities will be filled. A lot of the resources allocated to new initiatives are very limited indeed, and there will be pretty fierce competition for those resources.

The shared responsibility framework in the COAG trial suggests that the sign-off could take many years. It is going to take time: you sit down with communities and work out the priorities and what governments at various levels should be doing. There could be a very significant difficulty, I think, between the Commonwealth and the states. The COAG trials have been very slow to move, and significant resources have been put into making them work. We have not yet seen any full evaluation of them before the government is now embarking on a whole lot more of these shared responsibility agreements. I must say I was dismayed to hear recently one of the same public servants in-
dicate that many of these shared responsibility agreements will be around single outcomes because otherwise it will not be possible to get any results. That smacks to me of the need for publicity rather than the need for improvement, because most of these are very significant and complex problems.

That takes me back, in the couple of minutes I have left, to this whole question of practical reconciliation. The problem with practical reconciliation as it is constructed by this government is that it is a partial solution, even given the future as mapped out by the shared responsibility agreements. The Prime Minister has been quoted as saying, ‘Progress has been made in practical reconciliation in closing the gaps.’ He has made that claim already. He has said, ‘There are still big gaps and disadvantage, but we have made progress in the areas of mortality, high school retention, TAFE enrolments and some progress in literacy.’ But work done at the ANU shows very clearly that the data do not bear out this claim, unfortunately. It is simply not true. At least during the first two terms of the Howard government, the data to date suggests that indeed in some areas we may be going backwards. The main gains for Indigenous Australians have been very small increases in home ownership and post-secondary qualifications. But, compared to the rest of us, the absolute gap in some of these areas is growing.

In some senses the term ‘practical reconciliation’ invites us to simply look at Indigenous disadvantage, but it also invites us to compare Indigenous Australians with the rest of us, and the Prime Minister has explicitly done that. The problems we are talking about are not simply practical problems that can be solved with good intentions and sufficient funding. They go much deeper than that. You have to address the physical, psycho-emotional and social needs of Indigenous people. In closing, I want to draw the House’s attention to some research which will be published shortly that shows very clearly that, for instance, those people who have been separated as part of the stolen generations, and the children of those people separated, have far poorer health and social circumstances than the rest of the community. (Time expired)

Mr ANDREN (Calare) (11.09 a.m.)—I said during debate on the earlier model of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005 in June last year, before parliament was dissolved, that the legislation raises more questions than it answers about Indigenous policy in this country. I said then that few doubted that ATSIC was flawed and, as the final report of the review into ATSIC showed, a package of reforms was needed—but not abolition of the organisation with no representative body being put in its place. So it worries me greatly that, so many years down the track from the establishment of the National Aboriginal Consultative Committee in early 1973, here we are, this overwhelmingly non-Indigenous parliament made up of middle-class people with little practical understanding of Indigenous needs or Indigenous culture, again thrashing about for a model to best represent Indigenous needs. Such a model is certainly not, in my estimation, the mainstreaming of Indigenous services.

The 1973 NACC and the later Fraser government body, the National Aboriginal Conference, were both set up to provide advice on Indigenous affairs to the federal government. Unlike ATSIC, established in 1989, neither the NACC nor the NAC had any executive power over Indigenous affairs policy making or over administering services. Despite the best intentions, neither of these Indigenous structures nor, more importantly, the government of the day were able to substantively progress the welfare of Aboriginal communities or make inroads into the critical...
health, education and social disadvantages that continue to plague our Aboriginal peoples. The Hawke government’s policy in setting up ATSIC was to combine both representative and program delivery roles in the one organisation. Strict accountability measures were built into the legislation that have stood up to scrutiny, despite a constant painting of ATSIC at various stages over the intervening years as being less than accountable and, in some cases, acting outside the law.

ATSIC was given a clean bill of health after several external reviews and inquiries. Not so, perhaps, some individuals—but certainly the alleged mismanagement and occasional rorting of allowances pales into insignificance when compared to the pre-1997 travel allowance rorts in this place. One of the accountability measures built into the original ATSIC Act was an Office of Evaluation and Audit within ATSIC to conduct regular audits and evaluations of ATSIC’s operations—certainly tighter audits than those required for parliamentary entitlements. Indeed, the new Office of Evaluation and Audit established under this bill will be able to audit individuals and organisations who receive funding previously provided by ATSIC that has been transferred to other departments and agencies and also those who receive funding under Indigenous specific programs provided by other departments and agencies.

How fitting it would be if we provided the same auditing discipline to our administration of parliamentary entitlements and allowances, indeed to the widespread flouting of the very processes for distribution of grants suggested by the National Audit Office in May 2002 in the so-called Better Practice Guide. Note the word ‘guide’: rules for some, guides for others. I know the Auditor-General is watching the Regional Partnerships pork-barrelling with much interest; however, he is powerless to make other than recommendations as to how MPs and ministers spend public money. That is because much of the spending of taxpayers’ dollars by politicians is governed by conventions not laws or regulations, and certainly not the same rigorous rules we are applying here to Indigenous Australians.

The then opposition in 1989, when ATSIC was established, argued against separate programs for Indigenous people—sounding very much like a former member for Oxley—as the then opposition leader, John Howard, argued that ‘a parliament within the Australian community for Aboriginal people’ was a ‘misguided notion’. Tell that to the Inuit of Greater Canada. It is sobering to study the evolution of self-government in Nunavut, which occurred about the same time the Fraser government was establishing the Canberra controlled NAC. Canadians, by and large, saw such autonomy as separatism and a threat to the country’s survival. The Inuit replied that they were trying to join Canada not separate. My source for much of this background is by way of a paper by Queensland academic Peter Jull called Indigenous autonomy in Nunavut: Canada’s present and Australia’s possibilities.

Jull says the story of Nunavut claims is full of dramas, reversals, upheavals and determined progress. Sadly, the last of these continues to be elusive from our Indigenous history. Indeed, says Jull:

... small Arctic and Sub Arctic societies, such as Greenland, Iceland, Faroes and Shetland, all have special provisions in fact as much as in law to protect their social and cultural character from political change.

The footnote to that statement says:

Unlike Australia’s Northern Territory where an ever-changing non-Aboriginal population has denied the permanent residents, i.e., Aborigines, power in their own homeland.
It is interesting to note, given our minimalist native title concessions, that two critical battles won along the way by the Inuit were that marine areas be included in land claims and fall under Inuit management rights. To this end, Jull argues that the self-determination and cultural needs of the Torres Strait Islanders are different from those of the Indigenous people of the Tiwi Islands or of Arnhem Land, as indeed they differ from the needs of the Central Australian Aboriginal peoples. Yet our Canberra inspired endeavours over almost 30 years have created one size fits all models which quite obviously are failing, with belated endeavours to work up regional pilot models but again now under the firm hand of centralised governance.

This legislation takes the wheel backwards one full turn to the pre-1970s era—not quite to the pre-1967 referendum era but very close. Aboriginal leaders including inaugural ATSIC chair, Lowitja O’Donoghue, and ATSIC review panel member, Jackie Huggins, have deplored this legislation as seriously flawed and regressive. Even Senator Trish Crossin, the Chair of the Senate Select Committee on the Administration of Indigenous Affairs, has pointed to the widespread concern about the transfer of Indigenous programs to mainstream departments.

This legislation not only abolishes the ATSIC board but also abolishes regional councils and the blueprint for regional representation. It puts into doubt the chance of, say, the Bathurst Aboriginal community managing its own Towri property, bequeathed to the community by a Catholic order of nuns and now to be subsumed into the Indigenous Land Corporation, mainstream control and possible liquidation along with other ATSIC controlled assets. Hopefully, some initiatives more recently through the New South Wales regional development Aboriginal business office may work up a business plan for Towri, but the future ownership and control of the site are now up in the air with the demise of ATSIC, which had control and effective ownership of that site. I have urged the minister to explain the fate of that property beyond a simple transfer to the Indigenous Land Corporation and what possibility there would be of the Aboriginal community in Bathurst gaining the control of that property, which was bequeathed to them for their use. It was not for liquidation and the spending of the money elsewhere but for the use of that site for the purposes of perhaps health, education, TAFE programs and others that could benefit the community of the Aboriginal population of the central west.

The Bills Digest prepared by Jennifer Norberry and Angela Pratt rightly poses the questions: is there a role for an elected Indigenous representative body in some capacity? And, once ATSIC’s regional councils are abolished, what formal mechanisms will be in place for consultation and negotiation on service delivery at regional and local level? More importantly, is there a place for Aboriginal and Torres Strait Islander people within the Australian political system, and what should that role be?

An appointed advisory council coming up the big hill to talk with the political elite hardly seems a model that can tap into the grassroots and community needs of Indigenous people right across the nation. A decentralised representative system could achieve that, as I hope I can point out in referring to more of Peter Jull’s work later in my contribution to this debate. Firstly, though, to the words of Pat Dodson in this parliament last June when he presented the Beyond the Bridges and Sorry address. Echoing the need for culturally and regionally specific solutions that Jull argues for, Pat Dodson said:

Indigenous Australians must have a national, state and regional voice, and its authenticity must be informed from the local level according to proper cultural protocols ...
He went on:

The Government has by its own actions in removing our national voice unwittingly opened up a new opportunity for us ... If political leaders are prepared to enter into ... a dialogue with us, we ... have an opportunity to realign the relationship between ... indigenous Australians and governments—

at all levels. That dialogue would not be an imposed advisory body. Dodson continued:

We require a national indigenous voice that has its authority grounded in support from Indigenous Australians.

Most crucially, Dodson then said:

In the different parts of Australia nations, tribes and communities may determine that they wish to use their existing community representative structures to convey their views.

In other regions people may wish to retain existing ATSIC type forums to represent their interests.

Still others might have a whole new approach to representation and all of these options must be considered.

We must heed that call if we are not to repeat the mistakes of the past.

One of the outcomes that could be expected from such an approach is summed up by Jull in his summary of the ‘Principles of Reconciliation in Practice’ that he details in his paper. Number 5 states:

The long-running failure of outsider-designed public services in areas like health, education, welfare, culture, and community affairs gives way to substantial indigenous operation and control producing more accepted and appropriate outcomes.

The first part of that statement could well summarise the lack of outcomes in Australia’s various Aboriginal policies over 30 years and beyond. The second part sums up the Canadian experience and, I believe, part of the way forward. This bill before us is not the way forward. In his paper, Jull, who incidentally had deep involvement in an advisory role and not just an academic interest in the evolution of indigenous self-determination in Canada, makes the point:

It is worth stating—

and re-stating—

that indigenous self government such as Nunavut or any number of other models contributes to social peace, economic benefit, and regional equity in any contemporary nation-state. This exceptional realisation has been accepted by liberal, conservative, very conservative, labour, and other political parties in government around the ‘first world’ ...

Except, that is, in Australia, where we have this retro model that takes us back beyond the attempted, if misguided, efforts of the past 32 years to the paternalistic days of yore. I record here my rejection of this legislation, as I reject the opposition’s timid attempt to offer a six-month lifeline for ATSIC regional councils to wind up their affairs. There is a better way, and we should be looking at Canada and the northern circumpolar regions for such a model.

Ms Hall (Shortland) (11.22 a.m.)—In making a contribution to this debate on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005 I would like to acknowledge the thoughtful contribution by the previous member. His words were very well put and his ideas, I believe, are quite sound. This government is not a friend of Indigenous Australians. It is a government that has a very poor record in that area. We have got a Prime Minister who really set the ground rules by refusing to say sorry. We have got a government that has systematically undermined ATSIC since it was elected—I think that one of its goals was to get rid of ATSIC right from the beginning. If there is a problem with the way ATSIC is operating, you should address those issues and try and resolve them at that level.
But we are not talking about that today. I support the amendment—I think that it is very important that regional councils be extended until 1 January. I think that it is of great importance that Indigenous people throughout the regions in Australia have an opportunity and a voice whereby they can consult with government on a more equal footing. That is what regional councils do. They really enable effective communication and allow Indigenous people to have a say. I support the other items that are included in the amendment.

I feel that it is imperative in this debate to touch on a few of the issues that are of great concern to me. I would be making a much longer contribution if I could but I have been asked to shorten my contribution because of other things that are happening in the House today. I put on the record that my contribution will be a little shorter than normal simply because of that fact and not because there is not a lot to say about this issue.

The first thing that I am really concerned about is removing the requirement for the Minister for Immigration and Multicultural and Indigenous Affairs to consult with any Torres Strait Islander organisation prior to the appointment of a Torres Strait Islander to the board of the Australian Institute of Aboriginal and Islander Studies. I think this reflects the whole issue. The minister is no longer as accountable as she was. This legislation is removing that necessity to actually talk with Indigenous organisations and Indigenous people on all levels and it is returning to a very paternalistic approach to Indigenous affairs, going right back to the 1950s. It is a very sad state of affairs. We are talking about taking away the rights and any empowerment that have been given to Indigenous Australians in the past and reverting to a system of: ‘You will do what we say and don’t question us.’

You have only got to look at health—and health is an area of great concern to me—to see that Indigenous health is appalling. When babies are born they are twice as likely as non-Indigenous babies to have a low birth weight. That is followed by poor diet and poor environmental conditions. Aboriginal people die 15 to 20 years younger than other Australians throughout this country. That is appalling. Aborigines are 23 times more likely to die from infections of the kidneys. They have 12 to 17 times the national average for diabetes and three to five times the death rate from chronic respiratory diseases.

In my first term in this parliament I was a member of a parliamentary inquiry into Indigenous health. Some really significant recommendations were made. Those recommendations included the involvement and empowerment of Indigenous communities. Instead, this government has entered into mutual obligation contracts with communities. Adopting a big-stick approach is not helping to improve things. It is not working with the communities to actually address things at the grassroots level. Indigenous literacy is appalling. Unemployment is astronomical in Indigenous communities and within the Indigenous population not only in remote and rural areas but throughout Australia.

The issues that I am identifying exist throughout Australia in Indigenous communities, and this government is seeking to sweep these issues under the carpet. With its mainstreaming of services—and there has been a big move towards mainstreaming in the area of employment—I fear that Indigenous Australians are really going to be worse off in all areas. The strongest and best response that you can have is to involve the communities. If you involve the communities you empower the communities, but this government has moved away from this. This
government has moved back to the approach of the 1950s.

Mr Katter—You are actually right there.

Ms Hall—Thank you. So it is no wonder that Indigenous Australians are overrepresented in our prison system. If you look at the facts that I have already mentioned, you will see that we have created a situation within this country that is going to condemn Indigenous Australians to more of the same. Wherever you seek to adopt such a paternalistic approach or wherever a government sits back and adopts the approach that this government has adopted, there is a recipe for disaster. I believe that this government should hang its head in shame. I think that any legislation that gives more power to the minister but provides less accountability, less consultation, less communication and less working with the people that the legislation impacts on is very bad legislation, particularly as we know where this government is coming from.

While I am talking about some of the other changes—and this is on the same theme—I see that one change removes the requirement for the minister for the environment to inform an Indigenous representative organisation under the Environment Protection and Biodiversity Conservation Act and to invite comment on proposals. The bill also removes the requirement for a nominee of an Indigenous representative organisation to sit on the National Health and Medical Research Council. I refer to those appalling health statistics that I shared with the House a moment ago. It is absolutely appalling that the government has gone in this direction. It really is disgraceful.

I might end my contribution there because I can see an opposition whip walking around the House and I know that there is other business that this House needs to discuss. I strongly support the amendment. I condemn the government for its action in this area and say that, unless there are elected regional councils or bodies that truly empower Indigenous people and involve Indigenous people in decision making, then we are going to have more of the same. We are going to have more poor health outcomes, a continuation of poor literacy skills and a continuation of Indigenous Australians being significantly overrepresented among the unemployed and in our prison system. I want to place on record that I strongly disagree with the government’s mainstreaming of Indigenous services, because I do not believe that will develop the best outcome for Indigenous Australians.

Mr Katter (Kennedy) (11.34 a.m.)—As I rise to speak on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005, what an array of sorrow I have before me. In fact, the first article that I picked up this morning from newspapers in North Queensland—I was looking over the cuttings for the last week; only five were sent to me and two of them were about Aboriginal affairs—was headed ‘Island of sorrow’. It refers to Mornington Island, one of the larger Indigenous communities in Australia. If my memory serves me correctly, there are over a thousand people there. It says: Thirteen Mornington Island teenagers have attempted suicide in the last three months and three have killed themselves in the past nine months. Only two weeks ago a 14-year-old committed suicide.

The more immediate article is headed ‘Oxfam aiding Gulf island’. Oxfam is a body that has been set up to help communities overseas in places like Africa. In the North West Star editorial, Liz Corbett says: Can’t we look after our own? We usually associate relief organisations like Oxfam with drought or disaster stricken hot spots in the Third World, and so we should as those places are normally where it operates. But not in our backyard, not in
an island in the Gulf of Carpentaria close to the coast. However, that is the state of play in our area. Oxfam has been commissioned by the federal government to endeavour to raise the health and living standards of the community of Mornington Island.

In other words, the government have abandoned their efforts and are bringing in a charitable organisation to do their work for them. She says:

Apparently diabetes of both types are a problem on the island and, surprisingly in this day and age, leprosy is also present. What has happened to all the huff and puff around past election times when the federal government railed on about tackling Indigenous health issues? Obviously not much.

The previous speaker, the honourable member for Shortland, said that we are going back to the 1950s. She was absolutely accurate. Forty per cent of Australia’s Indigenous population is in Queensland and, since many of those in the bordering Northern Territory areas come to Mount Isa and those places, what she said is very much, not exclusively but generally, a Queensland oriented phenomenon. I want to read in full a statement I made in 1987 to the Queensland parliament as the then Minister for Northern Development and Aboriginal and Islander Affairs:

Nearly four years ago the Government commenced a series of landmark changes in the field of Aboriginal affairs in the State of Queensland. The changes consisted of a movement to private fee simple land-ownership, a program of total self-management and a program to implement the same rights, freedoms and privileges as those enjoyed by other Queenslanders.

My Department and I were told that the Aboriginal people would not use land if it was handed over to them and that, therefore, it should not be handed over to them. The member for Cook, Mr. Scott, and other Opposition spokesmen said that self-management would not work and that councils would have to be sacked because they would not work properly. We were told that the people would get out of hand. Mr. Speaker, as a member of that committee, you would recall that those things were said.

All these things are on the public record in Queensland, I might add, or nationally. My statement continues:

In the year before these programs were implemented, there were 12 riots in various communities in Queensland; the Queensland Teachers Union said that, in addition to the teachers being withdrawn from one settlement, they would be withdrawn from the entire Cape York Peninsula area; and we were told that police would be withdrawn from all of the peninsula communities.

In 1983-84 the supermarkets in all of the communities incurred a loss of $229,000. In 1986-87 they made a net profit of $924,000. That is a change from a loss of a quarter of a million dollars to a profit of $1m. In the cattle industry, in 1983 the communities turned off 917 cattle and this year they expect to turn off 4,683 cattle.

It ended up being a little bit more than that, actually.

In 1983-84, the crayfishing industry was worth $250,000. This year that industry is expected to net $7m throughout the Torres Strait areas. I have been informed by Rapis and Sons that three families on Badu Island have been sent $3.2m for the year’s trading. Three years ago there was no trading whatsoever on Badu Island. With the use of the Massig Island freezer, in 1983-84 the community took $14,000. This year it will take $150,000.

It may seem small but it was very big on the island at the time.

I will now turn to private ownership. Four years ago only three privately owned businesses were operating—

Two of those had been ordered to close by the department; they were very lucky that I got into the saddle when I did—

in all of the communities of Queensland. This year more than 46 such businesses are operating. In 1983 the sale of artefacts at Pormpuraaw and Kowanyama netted $1,000; this year production from those areas will be worth $13,100. In 1983 the department had 1,239 Crown employees and
491 public servants. This year it has 470 public servants and 907 Crown employees.

What that means is that the whitefellas were leaving and being replaced by local people.

The department has constructed new houses that incorporate a lofted static cooling design. I hope that that innovation will be followed by other builders throughout Queensland. More importantly, the number of people of Aboriginal descent employed by the department in the construction of these homes has risen from 40 to 187, including 23 apprentices, this year.

Whereas the Federal Government lost $2.6m that was taken by one man,—

That was just one instance. In the year that this speech was given some $56,000 was lost from Saibai Island—
in the Northern Territory in Queensland over the last three years the councils will have spent some $12m. Neither the Auditor-General nor the department can find any evidence of any money going astray.

The changes that were introduced in this House were opposed by the opposition. Not only was the legislation opposed in toto, but also any clause of any significance was totally opposed. So we on this side of the House can take great pride from the achievements that I have just enunciated. Those on the other side of the House should hang their heads in shame.

In about two months’ time the councils will conclude their first three years in office. That will probably be before the next sitting of the House, so I must take this opportunity to extend my sincere congratulations to the parliamentary committee, which almost single-handedly drew up this legislation, to the National Party and to the Government.

I conclude by saying the same things as I said in my last report:

Great credit must go to those black people, defeated by a constantly reinforced self-image of failure and inability; those people who are suppressed, drugged and destroyed, could yet, through all the darkness of what is and what was, see the shining light of what might be and, with God’s help, struggle towards it. To those giants, we who love our country today pay tribute.

There is a record of extraordinary success, unparalleled in Australian history. I could go on and talk about the then Premier Joh Bjelke-Petersen changing his attitude very dramatically towards the first Australians and reverting to the Lutheran missionary that he once was. I could talk of Lady Pearl Logan. I could speak of the famous Rosendale family of Hopevale. I could speak of the famous Laws family of Cherbourg. I could speak of many people, but I was in no position to decide the course of events, whilst I got a lot of credit for it! I have read into the record some of the things that were said at that time. There were three books written about that period in Queensland history. This was from a social column, of all things, in a Brisbane newspaper:

The recent lunch at the Heritage Hotel was addressed by Jesuit priest and lawyer Father Frank Brennan. Father Frank told me that Bob Katter Jr, the new federal member for Kennedy—

this was after my days in the Queensland parliament—

was the best government person he ever dealt with on Aboriginal affairs when he was Minister for Aboriginal Affairs in the Queensland government.

Regarding Noel Pearson:

Clive Quatermaine repeated Noel’s media statements re black trackers and Peter Costellos. Get rid of white men and others as being very aggravating. Black trackers are respected by all. Noel Pearson has the intelligence to prove his desire for a future for all of Cape York.

Noel Pearson said:

Just like everybody, we grab opportunities. Things are said in the heat of the moment. Compromise must come from both sides with details to be worked out through consultation. See why else he accepted fault over the Strathburn fiasco. Bob Katter taught us and taught us well to have
our say. There must be give and take on both sides.

Another article stated:

Mr Pearson, during his speech, also praised the work of controversial Queensland MP Bob Katter. Mr Katter, formally a Queensland minister for Aboriginal affairs, has faced criticism over comments he made about Aboriginal people, but Mr Pearson said it was Mr Katter who had inspired him and other Aboriginal leaders during the 1980s. Through the course of a deranged ministry, Katter dragged Indigenous affairs in Queensland into the 20th century.

He was not wrong about a ‘deranged department’, let me tell you.

You would have to have lived and grown up on a Queensland reserve as I did to appreciate the huge changes he effected to rigid systems of state control over Aboriginal affairs that had hardly changed since the turn of the century.

This morning I rang up the chairman of the council on Mornington Island about the 13 young Australians who had attempted suicide in the space of four months. I asked: ‘Susan, what’s going on? Have you got these figures? Are they right?’ She said: ‘They won’t give me any figures. We have no ownership of the government of this place. I am determined to secure ownership of the government of this place.’ She went on—I was not talking, she was—‘No-one is listening to us. You can talk and talk and talk, nobody listens to us. Unless we get the government of this place under our control, nothing is going to happen.’

I can relate truthfully to this House that I had just spoken—not ‘spoken’; it was a case of shut up and listen—to a person who lives on Mornington Island, which is an Aboriginal community. Is there anyone in this place who has spoken this week, last week or who will speak next week to any of these people? This is the tragedy of Aboriginal affairs in Australia.

When I became Queensland minister for Aboriginal affairs, the second thing I did was to secure federal government reports on a very courageous experiment undertaken by Russ Hinze—a man much maligned in Queensland but also greatly heroworshipped, and quite rightly so in my opinion. He was a naughty boy in some things, but I will forget about that. He delivered local government powers to Mornington Island and to Arukun. The federal government did a very in-depth report on how that was going. It said that things were not going well at all and that the people perceived themselves as having no powers whatsoever.

Arukun and Mornington Island did not come under my act; they came under a local government act, but I wanted to see how things had gone there. I went to Arukun and I sat down and spoke with the council. I asked them 13 questions, and the 13 questions were answered by the white CEO. I went down to the commercial centre where the cattle operations and the businesses—the supermarket and the little clothing store—were run, and I spoke to a whitefella who ran everything there. He said that I could talk to the store manager, who was a whitefella, and I could go and see the bloke who was running the cattle operation, who was also a whitefella. The head stockmen were all whitefellas.

Gladys Cyngumpa was running along beside me, holding onto my hand—Gladys is a bit different—and she kept saying to me: ‘Mr Katter, they’re killing our cattle. Mr Katter, they’re killing our cattle.’ I knew what she was referring to and I tried to ignore her. I eventually exploded in rage. I had had enough of this situation and I said, ‘Yes, Gladys, they are killing your cattle. There are 12,000 cattle out there and you’re going to have none in two years time.’ Danny Bowenda, the chairman of the council, rang me and cried on the telephone. He said, ‘They’re
shooting off the last 600 head,’ and there was nothing that I could do to stop them.

We called off the TB eradication campaign in Queensland. God bless Bjelke-Petersen for doing it! The federal government and the other states quarantined the cattle coming out of Queensland, so we had to go back into the program and the people of Arukun lost their whole 12,000 head of cattle. They also lost their 12,000 head of cattle because the whitefellas who were working there could not care less about the people of Arukun. The easy way was just to shoot the cattle. So the community went from having 12,000 head of cattle to no cattle.

The place beside Arukun is Poomperau. I have a big picture of Jackson Choicha and Eddie Holroy on my wall—members are welcome to walk into my office and have a look at it; it is probably the most pleasant memory that I can recall of my lifetime in politics. They started with 360 head of cattle. That was all they had ever mustered at Edward River, which is the neighbouring reserve to Arukun—they were called ‘reserves’ in those days—and they went to over 6,000 head of cattle. These were mustered, branded and behind wire. Karlow Edwards, Jackson Choicha and Eddie Holroy put up the wire themselves. How did they do that? I will tell you why there was a success story there. I said that if any whitefella set foot on the place and expressed an opinion about cattle, I would break his toes personally and he would be transferred to the worst possible place that I could conceive of on earth. I wrote that in a memo. I wrote one of the memos on a vomit bag on an aeroplane, because I was so wild when I heard about what someone had done. I directed the head of my department to deal with that person.

We divided the place up. This was done at the request of the black people themselves. I went to them and asked: ‘What do you want done with the land?’ This is probably the essence of it all. I emphasised that I was in no position to make decisions. I just had to go to people and ask them what they wanted. I asked: ‘All right, do you want land council ownership? Do you want tribal ownership?’ We are talking here about 30,000 to 40,000 Queenslanders who lived on those reserves. I asked: ‘Do you want a continuation of government ownership—the government effectively owned them—or do you want private ownership?’

We offered the community every option that we had heard of and then explained those options to them. They asked a lot of questions about them. What we did was not really extraordinary. About 3,800 people from across all the community areas attended the meetings, every single one of them. I was there for all of them. Eric Laws, who was of local Aboriginal descent, went around behind me and held meetings as well. There were only three people who said: ‘Anything else, except we want to own our own home. We want to own our own farm. We want to own our own cattle station.’ Surprise, surprise! What answer would you get if you went to people in Sydney or Cunnamulla and asked them what form of ownership they wanted?

A lot of these people still speak tribal languages. They are close to being tribal in some cases, and this manifests itself at times. But that is not what they wanted. We asked them what they wanted, and that was what they said. So that is what we did. It is not new or clever—the black people of Queensland were not extraordinarily clever! In Scotland they have the crofter movement, which is exactly the same sort of thing. In the United States of America there was Lincoln’s Homestead Act. Most of continental United States was taken up under this act, which gave everyone a mile-by-mile claim for private ownership. Anyway, with that sort
of encouragement and the fact that all the whitefellas had been removed, with the exception of one person who was there to advise—he was a very funny character but he was not a hard worker and he never participated in anything, but he got on really well with the people and they did the work themselves; he was the sort of bloke who, you can rest assured, was not doing any work, and God bless him for that—Carlo Edwards took control of the shire council cattle. We set up a shire council and asked, ‘What form of government do you want?’ and they wanted self-management in all the communities, so we gave them self-management.

Mr Deputy Speaker, to give you some idea of the dimension of how the whitefellas have treated the blackfellas, the ownership of the land has been taken away. It now resides back in the hands of the Queensland government. They are the legal owners of all of the seven million acres of reserve areas in Queensland. It was taken back, precipitating the worst rioting in Queensland parliamentary history against the Goss government, and self-management has now been undermined. (Time expired)

Mr JENKINS (Scullin) (11.54 a.m.)—In making a brief intervention in this debate on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005, I acknowledge that I follow the member for Kennedy who, based on the ranking of electorates, has the electorate with the fifth highest population of Indigenous people. Nearly 10 per cent of people in his electorate are Indigenous. The electorate of Scullin is equal 112th of 150, at only half a per cent of the population. Fewer than 1,000 Indigenous people are living in my electorate, but those 1,000 people deserve a voice—a collective voice. It is a joint responsibility between them as Indigenous Australians and us as non-Indigenous representatives in this parliament.

My interest in Indigenous affairs was absolutely crystallised when I was involved in the inquiry by the House of Representatives Standing Committee on Family and Community Affairs into Indigenous health and its report entitled Health is life. The privilege of going around Australia to visit Indigenous communities in outback Australia, in our urban centres and in our capital cities was something I will always remember, because it brought home to me our collective responsibility. To the extent that this debate has been about pointing fingers and an attempt to blame Indigenous people for their lot, I think it discredits us. The way in which the opposition’s case has been misrepresented—that in any way we are protecting the way ATSIC had developed—is wrong. We are clearly saying in this debate that there should be definite, agreed mechanisms of Indigenous self-representation. That is what this debate is about. As the honourable member for Kennedy said, the important aspect for us as representatives in this parliament, in our communication with Indigenous Australians—and I stress this—is to listen. To do the most we can to create mechanisms that ensure that we are listening to a representative voice is the important thing. The government has failed to put in place a credible replacement for ATSIC—a representative replacement, a replacement that has credibility. That is my determination, and I am entering this debate to emphasise that.

My other reason for intervening in this debate, as is characterised often by those who have a particular interest and represent larger communities in rural and remote Australia, is to emphasise that the majority of Indigenous people actually live in urban centres. In the report Health is life the figures went back to the 1990s when 72.6 per cent of Indigenous people lived in urban centres. The report highlighted that 23 per cent of non-Indigenous populations are in smaller
urban centres and 42.3 per cent of Indigenous people are in those smaller urban centres. In representing a capital city electorate, I still want to see a mechanism that ensures that the people—and at the last census only 674 Indigenous people lived in Scullin—have a voice. That is why we are suggesting this transitional period for the regional mechanisms. Some would say that those regional mechanisms may not suit the best purposes of Indigenous people like those who live in Scullin. Whilst we recognise and cherish the Wurundjeri people, the custodians of our local land, there are wider differences because of the way in which Indigenous people—Yorta Yorta people and the like—have come to the urban centres. We have to give these people mechanisms whereby they can come together and give suggestions about the way in which they should advance.

My constituent Jenny Dunn has, through her own efforts, set up the Northern Suburbs Aboriginal Association. She wants very much to develop this as a representative body. They are having their annual general meeting on 15 April and they want to make sure that it is a community consultation. What she wants to achieve is the establishment of an Aboriginal advisory group in the local area. I am determined to help her to achieve that, and I think that that is a template for the mechanisms that we can create around Australia that best suit the local area. That is what the Labor Party are saying and that is what the government is not acknowledging. There is no proper replacement that gives a credible representative structure for Indigenous people as a result of this legislation, and that is why I support our second reading amendment to this bill.

Mr McGauran (Gippsland—Minister for Citizenship and Multicultural Affairs) (11.59 a.m.)—I thank everybody who has contributed to this debate on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005. I disagree strongly with a number of the points of view expressed, but nobody has underestimated the importance of this debate and for that I respect them, regardless of differing positions. The reason that nobody has underestimated the historic nature of the debate of the last two days is that the ATSIC Amendment Bill is undeniably part of a dramatic and overdue shift in Indigenous affairs policy. It seemed to me from everybody’s contributions that the starting point was that no-one can sensibly continue to support a system that has failed Indigenous Australians for decades. The time for new approaches, new ideas and new people is now. That is the heavy responsibility we as legislators must embrace. The very foundation of the government’s reform will be the voice of Indigenous people themselves.

If I may pick up on the member for Scullin’s contribution—because he was the last speaker and I have not been able to listen to everybody’s speech during the debate, but I would think that he represents a widespread view of members of the opposition—it struck me while listening to him that the government and the member for Scullin at least, if not the Australian Labor Party, are not that far apart. The member for Scullin speaks about the thousand Kooris in his electorate and how he wants them to be able to contribute to their own resolution of specific issues and community problems. I could not agree more, and that is the whole direction of the government. We are not going to have some European construct under the guise of ATSIC. We want to communicate directly with different communities and representative bodies formed and organised by Indigenous communities themselves. So, when the member for Scullin speaks about the northern suburbs regional group, we will embrace that organisation. That is exactly what Sena-
Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs, has attempted to foster over the past few months—to encourage communities to come together in their own way and to communicate directly with governments. We do not believe we can return to this prescriptive, artificial model of ATSIC where vested interests too easily can take charge.

But the time for talking is over—and there was just too much talk of a rhetorical kind from too many members of the opposition. They mourn the passing of ATSIC rather than submit to the House and, therefore, the wider Australian community. There were precious few ideas for the future or new ways suggested by any member of the opposition as to how to tackle the shameful condition of a great many Indigenous families and communities. You cannot, on the one hand, say that things have to be better in the future and, on the other hand, keep harking back to the past, even though you concede that ATSIC was a flawed body. We need alternatives, and we will look at them. We will examine them. We will consult. We will discuss. It is time to move on.

Given that, why has the opposition delayed passing the ATSIC Amendment Bill? As a result, there has been an unnecessary degree of confusion and hurt amongst Indigenous Australians. After all, the opposition did announce 12 months ago that it would support the abolition of ATSIC, and that is still the Labor Party’s policy. Despite that, we seem to be still arguing the toss. On the one hand, the opposition—not all but some influential contributors to opposition policy on Indigenous affairs, I might add—points to lack of progress and, on the other, supports continuation of the status quo. The government has been serious about reducing Indigenous disadvantage, and I was pleased to hear the member for Barton at one stage during his contribution mention the ‘p’ word—‘practical’. He spoke of practical assistance of the kind that the Howard government has championed since first coming to office.

There are a lot of great stories about Indigenous Australians and Indigenous communities that are not being told. There have been a number of wonderful successes of communities taking charge of their own issues and shaping and forming their own future. There have been individual standout success stories in many aspects of Australian life. There is much to be proud of in Indigenous affairs, but we know the results are not good enough. Indigenous Australians are not getting good value for money, and they know it. It is extraordinarily frustrating and demoralising for them that they are not in charge of their lives. So many Indigenous people and communities we all encounter will take full responsibility for their lives and for their future if given the opportunity. That is the starting and finishing point of the government’s policy: to empower Indigenous Australians.

Unfortunately, ATSIC was a big part of the problem. We do not lay all the blame at the feet of ATSIC. Heavens, this parliament does not operate perfectly and has too many issues of a personal kind that distract the work of parliament and government, to be sure. So of course you cannot say any representative body is made up of perfect and entirely competent individuals. That is why we are going to go beyond abolishing ATSIC and completely overhaul the approach to program and service delivery for Indigenous Australians. We want to make all government departments and agencies deliver the best possible service to Indigenous communities. No-one is going to be able to claim it is a responsibility of another part of government and avoid involvement, let alone responsibility.
We have a genuine commitment to making sure that a whole-of-government approach works. Needless to say, specialist Indigenous programs will be preserved. Many of the Indigenous programs that mainstream agencies will manage are delivered now by Aboriginal organisations—and we are not changing that. Interestingly, the Labor government in the Northern Territory has mainstreamed the management of programs—as almost all states and territories now have done. They support our approach. In any case, it has happened—and that is not the subject of the bill before the House today.

Some of the assertions we have heard in this chamber are wholly inaccurate—indeed, scurrilous. For instance, the opposition claims that the government wants to take away the voice of Indigenous people. Yet we are removing the layers of bureaucracy so that, like all the other voices representing Australian industry and society, the genuine voice of Indigenous people, in all its diversity and at times complexity, can be heard. We want to empower local people. I stress again that the National Indigenous Council is not a replacement for ATSIC; we do not claim it to be a representative body. We have said this time and time again. But the opposition wants to confuse the issue by claiming that the National Indigenous Council will be regarded by the government as the sole representative body for Indigenous Australians. It is not so.

Many of the submissions to the Senate Select Committee on the Administration of Indigenous Affairs said that we should not impose a Eurocentric representative model on Indigenous Australians—that it did not work for Indigenous Australians at the national and regional level and that Aboriginal and Torres Strait Islander people should be allowed to determine their own models. I agree—as does the government.

The opposition, I note from the debate and from its amendment, wants to extend the life of regional councils. The government has had discussions to resolve the impasse—the continuation of ATSIC has cost around $2 million in commissioners’ costs and has created a lot of uncertainty and confusion, not just amongst Indigenous communities but in the broader community as well. If you ask me, time has been lost. The negotiations were conducted in good faith, but you cannot describe them as ‘agreements’. There was no agreement, because, when you think about it, extending the life of the ATSIC regional councils only prolongs the uncertainty, the confusion and even the agony.

If you ask the regional councils, you will find that some of them are ready to move on and want a break from the past, and others have already begun to drop their bundle. Delaying their abolition might be a face-saver for the Labor Party, but I do not believe this ‘half abolition’—just extending their life—will be welcomed by them or by the majority of Indigenous Australians, who are looking forward to a new and promising start.

The government understands that the Labor Party has many regrets. A lot of effort was put in by a lot of people to create ATSIC but, in the end, it self-destructed. We need to accept that it is time for Aboriginal and Torres Strait Islander people to truly set their own agenda.

Question put:
That the words proposed to be omitted (Mr McClelland’s amendment) stand part of the question.

The House divided. [12.15 p.m.]
The Deputy Speaker—Mr Hatton

AYES

Ayes............. 78
Noes............. 55
Majority......... 23

Abott, A.J.
Bailey, F.E.
Baker, M.
Barresi, P.A.
Billson, B.F.
Bishop, J.I.
Brough, M.T.
Costello, P.H.
Draper, P.
Elson, K.S.
Farmer, P.F.
Ferguson, M.D.
Gamboro, T.
Georgiou, P.
Hardgrave, G.D.
Henry, S.
Hull, K.E.
Jensen, D.
Keenan, M.
Laming, A.
Lindsay, P.J.
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.
Windsor, A.H.C.

Byrne, A.M.
Crean, S.F.
Elliot, J.
Ellis, K.
Ferguson, L.D.T.
Fitzgibbon, J.A.
Georganas, S.
Gibbons, S.W.
Grierson, S.J.
Hall, J.G. *
Irwin, J.
Katter, R.C.
King, C.F.
Livermore, K.F.
McClelland, R.B.
Melham, D.
O’Connor, B.P.
Owens, J.
Quick, H.V.
Rudd, K.M.
Sercombe, R.C.G.
Swan, W.M.
Thomson, K.J.
Wilkie, K.

NOES

Adams, D.G.H.
Beanley, K.C.
Bird, S.
Burke, A.E.

Albanese, A.N.
Bevis, A.R.
Bowen, C.
Burke, A.S.

Corcoran, A.K.
Danby, M. *
Ellis, A.L.
Emerson, C.A.
Ferguson, M.J.
Garrett, P.
George, J.
Gillard, J.E.
Griffin, A.P.
Hoare, K.J.
Jenkins, H.A.
Kerr, D.J.C.
Lawrence, C.M.
Macklin, J.L.
McMullan, R.F.
Murphy, J. P.
O’Connor, G.M.
Price, L.R.S.
Ripoll, B.F.
Sawford, R.W.
Snowdon, W.E.
Tanner, L.
Vamvakouin, M.

* denotes teller

Question agreed to.

Original question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr McGauran (Gippsland—Minister for Citizenship and Multicultural Affairs) (12.21 p.m.)—by leave—I present a supplementary memorandum to this bill, and I move:

1. Clause 2, page 2 (table items 3, 3A and 3B), omit the table items, substitute:

3. Schedule 3 The later of:
   (a) 1 July 2005; and
   (b) the day immediately following the day Schedules 1 and 2 to this Act commence.

2. Schedule 1, item 112, page 16 (lines 6 to 8), omit subsection (1A).
(3) Schedule 1, item 118A, page 17 (line 21) to page 18 (line 22), omit the item.
(4) Schedule 3A, page 81 (lines 1 to 16), omit the Schedule.
(5) Schedule 4, item 23, page 85 (lines 4 to 30), omit the item, substitute:

**23 Subsection 74(1A)**

Repeal the subsection.

Government amendments (1) and (4) remove Senate amendments to clause 2, page 2 of the bill, which provide for retention of the regional councils until 1 January 2006 and insert a new schedule 3A on page 81. The government rejects this. It was always the intention of the government to continue with regional councils for a period of time after the abolition of ATSIC, to allow them to assist in the development of new arrangements for regional representation. That is why the original bill, as members will recall, allowed for retention of the regional councils for a year.

In the meantime, we are working with state and territory governments, and consulting with ATSIC regional councils and a range of Indigenous organisations and communities, about alternative regional representation arrangements. This may well result—and I hope it does—in quite different forms of representation emerging in different parts of the country, according to different community wants, wishes and needs. We support this diversity because it reflects what Indigenous people want and because we do not want an imposed or prescriptive structure applied by all-knowing politicians or bureaucrats. We want a grassroots form of consultation, representation and democracy. Let us have faith that Indigenous communities can tell governments and agencies what they require and how they can be involved in planning their own futures, instead of being told what is best for them. Accordingly, we propose that the House remove the amendments inserted by the Senate on this matter because the bill presented to the Senate provided for the abolition of ATSIC’s regional councils on 1 July 2005, or the day after ATSIC is abolished if that occurs after 30 June 2005.

Mr McCLELLAND (Barton) (12.24 p.m.)—The opposition opposes the government’s amendment. The government is seeking to remove amendments that were accepted by the Senate. Amendments (1) and (4) were moved by the Australian Labor Party and the purpose of those amendments was to extend the life of the ATSIC regional councils by six months in line with recommendation 4.3 of the report of the Senate Select Committee on the Administration of Indigenous Affairs tabled in parliament on 8 March this year.

Labor talked to the government about this proposal at the time and it is a shame that the government has decided not to support the proposal. There was some initial respect from the government for the proposition but regrettably it seems that the powers higher up the chain have prevented this common-sense measure from being accepted. The issue is essentially practical—to use the ‘p’ word, in the minister’s language—but it also goes to the right of Indigenous people to have a voice. The regional councils were established under the ATSIC structure and they have support in many regions. Many regional councils, for instance, are widely regarded as having been successful in providing grassroots representation and facilitating consultation. It is very much a case of the government’s throwing the baby out with the bathwater and leaving a vacuum.

Effective regional representative structures will be essential if the government’s proposed partnerships model is to work. The government’s ‘shared responsibility’ approach depends on its partnerships and agreements having credibility among Indige-
nous people. Evidence presented to the Senate select committee inquiry highlighted the confusion and serious concerns in Indigenous communities about how the new arrangements will work and what will happen in the transition period. Both this evidence and other stories that the Labor Party has been hearing from people on the ground indicate that the new arrangements are so far not working well at all. In fact, they appear to be nothing short of a bureaucratic nightmare. We can only hope, for the sake of Australia's Indigenous people, that these are teething problems and that the bureaucracy will be able to make the new arrangements work, given a bit more time. Even Dr Shergold, in his evidence to the Senate committee, admitted that the change in the way of doing business represents a big adjustment for public servants. We are concerned that there will be nothing in place while that adjustment is occurring. Labor’s proposal to extend the life of regional councils is a rational attempt to give everyone a little more time to adjust, to ensure that the transition is smooth and to ensure that the rights of Indigenous people are represented in the interim period.

**Mr McGauran** (Gippsland—Minister for Citizenship and Multicultural Affairs) (12.27 p.m.)—With regard to government amendments (2), (3) and (5), which remove Senate amendments that were proposed by the Australian Democrats and supported by the Australian Labor Party, I will, in the interests of time, simply say that the government does not believe they enhance the bill before the House. Moreover, they go to particular matters and there are significant doubts as to their workability. In any event, the Senate amendments make the situation far more complex than ever before—they are bordering on unworkable. We have a very simple philosophical proposition before the House—that is, to abolish ATSIC and start afresh on the premise of Indigenous empowerment.

**Mr Katter** (Kennedy) (12.30 p.m.)—I am not familiar with the detail of the proposals that are before the House but I think it is very important that there be an extension of six months. There are 100-odd people in the Kennedy electorate who are employed in this area and I think some humanity should be exercised in giving those people some idea about what is going to happen. At present the only thing they know is that they will receive a pink slip in the mail at the end of the week. I plead with the government, whatever happens with the legislation, to exercise some modicum of humanity.

Another issue is the delivery of services. It must be recognised that Urandangi was without water. Who was responsible for Urandangi? The shire council said, ‘It’s got nothing to do with us; it’s an Aboriginal community.’ The state government said, ‘It’s not under our act, so we’re not responsible for it.’ Eventually it was picked up by the ATSIC regional council, at my insistence of course. But I do not know what is going to happen to Urandangi next time the water goes off. The little council there has no ability whatsoever to finance water for people who desire to live there. So next time they are going to have to go without water, unless the government puts something in place. I dare say that there would be a thousand Urandangis in Australia, and the government has absolutely no mechanisms in place to deal with these issues.

Let me be very specific about mainstreaming by giving an example about the housing commission homes in Queensland—they change the name every 10 minutes; I do not know what public housing is called in Queensland at the moment, but then Aboriginal housing was separate. When mainstreaming occurred, in Mount Isa we went
from having 13 or 14 people of Aboriginal descent looking after the houses of Aborigines—I prefer the words ‘First Australians’—to one person. Of course, when it was a choice of whether the blackfella houses or the whitefella houses got fixed, any fair-minded person could guess which houses were fixed first. And if the whitefella houses were fixed first every time that meant the blackfella houses were never fixed. So mainstreaming was absolutely disastrous there, and I dare say the same will occur here.

The First Australians in the electorate of Kennedy have called almost universally for the abolition of ATSIC, but not without anything else being put in its place. As to the statement from the government that they are going to look after us, I must tell the minister that a standard joke throughout Australia is: ‘We’re from the government; we’re here to help you.’ And the statement ‘We’re going to be here’ is exactly that. When I was the minister for first Australians, I would always conclude my speeches by saying, ‘As always, fellas, trust me.’ I would have a big smile on my face and they would fall on the floor and die laughing at the thought of some whitefella from the Brisbane government, or from any government, saying, ‘Trust me’—looking at the historical record, that was one thing that they should never, ever do. We can rubbish the Americans, but in Queensland seven million acres of land was handed over to the locally elected shire councils and it was not five years before, as they saw it, the migaloos—the whitefellas—took it back from them. If some of these people hate and detest the white people of Australia, there is a lot on the record that would not justify it.

A classic case in point would be the terrible happening in Queensland, which I spoke about earlier, with the 13 suicides on Mornington Island. The lady who spoke about it is a person of Aboriginal descent and she offered to work for me. I asked, ‘Were you in Heritage?’ And she said, ‘Yes, I was one of the 15 that resigned.’ Every single person of Aboriginal descent in that department and above a certain level—there were 60 or 70 of them—all resigned as a matter a principle, nothing else. They all walked away from $70,000 or $80,000 a year as a matter a principle. I point out to the government that the principle was that the black people be allowed to run their own affairs. (Time expired)

Mr McGauran (Gippsland—Minister for Citizenship and Multicultural Affairs) (12.33 p.m.)—I am moved to respond to a number of the points the member for Kennedy has made on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005. I do not doubt his sincerity, his compassion or his genuine interest in this issue. Thank heavens he brings the concerns of Indigenous people in the electorate of Kennedy and further afield to this House but, if I hear one more story from him about his time as state minister for Indigenous affairs 20 years ago, I will explode! The trouble with the member for Kennedy is that he is living in the past. Every aspect of Indigenous affairs, not least the people assuming leadership, is entirely different. I cannot see how the member for Kennedy can draw on experiences from long ago to criticise the government today.

For instance, if you were to go to any community—Indigenous or non-Indigenous—in Australia and say, ‘We’re from the government; we’re here to help you,’ of course you would be howled down and greeted not only with scepticism but with cynicism. We all know that, but that is not what we are saying. We are saying, ‘We’re here to listen to you and act on what you want’—that is the revolutionary change. When the member for Kennedy said the government are in effect saying to Indigenous communities—
Mr Katter—Peter, you can’t be serious! Some principles are timeless.

Mr McGauran—No, you are the one out of date when you say that our message to Indigenous communities is ‘Trust us.’ That is not our message; our message is ‘We trust you to deal with government and bureaucracies and to have us respond as you wish.’ I am sorry, but the member for Kennedy in large part is immersed in the past.

The member for Kennedy also asked for an extension of time for regional councils. We have given them 12 months since the abolition of ATSIC the first time round. In the member for Kennedy’s usual, genuine way he has raised concerns about the treatment of individuals, and I want to reassure him that we are not abolishing ATSIC staff. They are all public servants who have been taken up in other positions and in other ways. If the member for Kennedy finds an ATSIC employee whose future is uncertain or jeopardised, please let us know. But I am advised that that will not happen. Also the 35 regional chairs across the country have received compensation payments equal to four months income. They were the only full-time paid members of the regional councils. The others were commissioners who received sitting day fees.

I do not want the member the Kennedy to misunderstand me—perhaps I have gone a bit far—because he was a distinguished minister for Aboriginal affairs, and this has been written about in a number of retrospective papers on the era. He was revolutionary and his stance put him in conflict with the dominant, all-powerful Premier of the time. It took a great deal of courage.

I well remember the member for Kennedy, as indigenous affairs minister for Queensland, taking on the legendary hard man of the Queensland Public Service who was director-general of the Indigenous affairs department. I think the member for Kennedy paid a heavy political price for his courage and the strength of his convictions. At that time he was seen as a man of new ideas. He was seen as somebody who directly communicated with Indigenous people—

Mr Katter—I appreciate that, Minister.

Mr McGauran—But I do not see that in you now. I want the Bob Katter of old!

Mr Snowdon (Lingiari) (12.37 p.m.)—I want to acknowledge the contribution of the member for Kennedy because, despite what the government says, he actually lives in the present with communities who suffer as a result of government policy. As do I. That is the end of it, really.

I am most concerned about the failure of the government to allow ATSIC’s regional councils to continue for at least six months into the future because what we have just heard is that they are prepared to pay the regional chairs another four months pay. They will not let the organisations run, but they will pay them out. That seems to me to be a very shortsighted approach. But, apart from anything else, what we know is that they have put in place these Indigenous Coordination Centres, ICCs, that bear no relationship to regional councils. They are not accountable to any regional council. There is no transparency in the arrangements they have with communities they are supposed to work with. They are made up of public servants who are controlled by central agencies here in Canberra, with a coordinating person. This person has the unenviable task of trying to bring these people together in a whole-of-government approach, yet we know the stovepipe mentality of the government and of the Public Service. It means in fact that they are competing with one another. We know this to be the case.

We also know there is no requirement on these public servants to have any experience,
understanding, knowledge or empathy with Indigenous cultures. We know there is no requirement on these public servants to demonstrate they have undertaken a course of study so they will understand the communities with which they work. And they are not responsible to the regional councils. They are responsible to the central administrative authority here in Canberra. There is no Indigenous ownership whatsoever in this approach. Then we have got this hideous exercise of the SRAs. As I have explained earlier in the debate, and I will not repeat it at length here, it is an unequal relationship, an unfair relationship, because Indigenous people are now expected to jump through hoops to get money which it is their right to receive as Australian citizens. They are now told they are going to have to jump through these hoops.

We are told, of course, that the strength of the attitude of the heads of department who are working together will permeate through the bureaucracy because, all of a sudden, the light has switched on for these heads of department and they have an understanding of Indigenous affairs. How does this happen? It used to be the case for people who were going to be field officers in the old days of the DIA—and even more recently in the Northern Territory, which has introduced a course for field officers—that they could not go out and work in these Aboriginal communities unless they had undertaken training. Yet none of the heads of department have undertaken any training. We have the absurd proposition that, because you are a senior bureaucrat, somehow by a process of osmosis you understand Indigenous cultures and Indigenous priorities. What a nonsense! We all know it to be a nonsense. The government knows it to be a nonsense. And, most of all, Indigenous communities know it to be a nonsense.

I can tell you this: none of the Indigenous communities in my electorate—and there are a lot of them; around 40 per cent of my constituents are Indigenous Australians—have come to me and said that they think this is a bloody good idea. What they have said is that they are very concerned about the fact they have no representative voice. They are quite concerned about the unequal relationship and about the ability of the government to cherry pick organisations and communities and say what they think is appropriate and right without acknowledging the priorities of Indigenous Australians as they see them themselves.

There has been a plethora of other changes in public policy terms that impact upon the operation of Indigenous affairs in this country and that are part of this government’s overall package, part of the big vista to ensure that Indigenous poverty is entrenched on a basis of dependency on government. It is not an equal relationship, not a partnership, but a proposition which is imposed deadset from above. There is nothing about grassroots democracy in this approach. I tried earlier on to table the Kalkaringi Statement. That is a good indication of what governance means for Indigenous Australians in the Northern Territory at least—a statement which outlines their priorities. That has not been picked up by this government; in fact, that has been totally ignored by this government.

The fact is that ATSIC may well have failed and we may well have to do something different. But to remove it in the way the government has done is a blight on the political landscape of this country and something which should be condemned. There should be an extension of the ATSIC regional councils. As well, the Democrat proposals
ought to be supported. I think this House should indicate its desire to the government to make sure that those proposals are put in place.

Mr KATTER (Kennedy) (12.42 p.m.)—I rise to speak to the amendments. It may well be that people running their own affairs will not run them as well as the government would run them. Mahatma Gandhi said, ‘It may well be that the Indians do not run India as well as the British have run India, but it is infinitely more important that Indians run India than that the British run India.’

Mr Snowdon—Good point!

Mr KATTER—It was a point the Japanese went to war on—one of the many points they went to war on. And those sorts of things cause those sorts of outbreaks of violence. In answering the minister—and I take it as a fair point that I refer him back to that period—I say: we are looking for successful models. I can give you a plethora of unsuccessful models. I want to give you a successful model, and I want you to follow that successful model. It was not my model. I must emphasise: there are three books—I do not have to put myself in the history books; I am already in them now!—they are textbooks used in universities throughout Australia and they were specifically about that period. They concentrated on what happened. There are many books on the Dawes Plan for the reservations in the United States, which I have taken great interest in, and on the crofter movement in Scotland. The situation of the first Australians is no different from that of the Scottish who had most of the surface area of Scotland owned by London for all of its history.

I am not against the government abolishing ATSIC. As I understand it, the opposition agrees with that proposition. But I plead with the government to listen. Listen to Wilson Tuckey and Ian Causley, who like me were brought up in communities that were part Aboriginal and who went to school and played on football teams with Indigenous people. They are talking about private ownership and bottom-up funding. They want the money tied in a parcel here and sent to the council at Doomadgee, for example. There might be a few people at some community who are a bit naughty and put a bit more money in their pockets than anyone else’s. We had a continuous audit to stop that from happening.

All I am saying is: please look at a successful model. Have a look at KASH in Mount Isa—it was a successful model. It has changed now but it was a successful model. Please take a successful model and then do it. I do not want to doubt the sincerity of the previous speaker but he would hardly be right in holding the ALP government up as an example. They precipitated the worst rioting in Queensland parliamentary history when they overturned the legislation I am referring to. I take the minister’s point about looking back at history. I am not saying that we did it brilliantly. What I am saying is that there was a model there that, objectively assessed, was enormously successful.

The local government model was not successful at Mornington Island and Aurukun. So we put in a different model which was a self-management model. It was only successful with a continuous auditor there looking over everybody’s shoulders. But the continuous auditor was also a person they could come to for advice—he lived at the other end of the town from the council chambers. They could go and get advice from him and he would track down the relevant government department and receive the advice and guidance that they needed.

Minister, I take your point about going back to the old days, and I suppose it does get a bit repetitive and irritating for people,
but the proposition that I am trying to put forward is that a successful model should be followed. Mainstreaming is a hopelessly unsuccessful model, and that is the model that the government is putting forward here. I am not saying go back to ATSIC; it was not a successful model. I am not saying go to local government powers in Queensland; I have to admit that is not a successful model. But go to the models that are successful, such as self-management. Listen to the people on your own team, the likes of Mr Causley and Mr Tuckey, who from its inception have had this right and have never wavered in their conviction about private ownership of land, which will give people the right to own their own home and their own business, but not being able to flog it off to outsiders—that is part of the deal. The crofter movement in Scotland or the Dawes Act in the United States are exactly the same—you are not able to flog it off to outsiders but there is private ownership within the community. (Time expired)

Mr McGauran (Gippsland—Minister for Citizenship and Multicultural Affairs) (12.47 p.m.)—Very briefly: I am indebted to the honourable member for Kennedy for the clarification of his remarks. It is instructive to look at models, even if they are in the past, that can be used to give us direction for the future. In drawing my comments to a close, I cannot allow the assertion by the member for Lingiari that the abolition of ATSIC is a blight on the Australian political landscape to go unchallenged. If that is the case and that is the belief, even conviction, of the member for Lingiari and his colleagues, they should vote against the legislation. But they will not. They support the abolition of ATSIC, and that is my whole complaint about the conduct of the opposition debate—they want a bet each way. On the one hand, they mourn the passing of ATSIC but, on the other hand, they believe it needs to be replaced. I remind the member for Lingiari, whilst we are talking of models, that neither New Zealand nor Canada have an ATSIC centralised model. Instead they rely on a diversity, a plethora, of views and organisations coming up from the grassroots of their indigenous communities, which is exactly the premise of the government’s policy.

Mr Snowdon (Lingiari) (12.48 p.m.)—I want to say one thing. You need to understand what is in the Canadian model, and understand about self-governance, and understand the direction in which Indigenous people in this country who talk to me want to go. You need to appreciate that there is a lot—

The Deputy Speaker (Mr Wilkie)—The member for Lingiari will refer his remarks through the chair.

Mr Snowdon—There is a lot more to this discussion than the member understands. I suggest to him that he read a little more about it. The fact is that there is a desire by Indigenous people in this country to have a voice. They want a national voice. It is our responsibility to listen to that. We on the Labor side will, and we will come back here at some future point with a model of our own which has developed as a result of input from Indigenous Australians and not impose our own views as you have done.

Mr Katter (Kennedy) (12.49 p.m.)—I do not wish in any way to be critical of the minister who is carrying this bill forward in the parliament. I think he is acting with sincerity here. But I point out to the minister that it is a difficult proposition to send money by tying it up here in a box with a padlock on it and sending it to Doomadgee, or whatever community in Australia you like to talk about, without anyone else getting their greedy hands on it. It is true that the government’s initiative is to abolish ATSIC which had 600 employees here. I am told
that over 430 of them were of European descent, not of first Australian descent. The money was not getting to the people. About $78,000 per Australian family is distributed to people because they are of Aboriginal descent. There is no-one with a black face driving around in a Volvo in my electorate. Where is that money going? It is not getting to them.

That is the point Mr Causley and Mr Tuckey continually make in the corridors and they are continually ignored. It is not my idea. I did not come up with that idea but, listening to them, I am very strongly of the opinion that they are 100 per cent correct. The member for Herbert is also talking about private ownership. Can you not at least give them the right to own their own home, their own farm or their own service station? This is not a right enjoyed by any first Australian. It is the only place on earth where Indigenous people do not have that right. I do not think the Canadian model or the American model have been remotely successful models. The successful models are very few and far between and that is why I was emphasising places where models have been successful.

Once people have the right to private ownership then they can borrow money from the banks. That is what happened in the Torres Strait islands. They started their own crayfish processing plants and they were grossing $7 million a year from an industry that supposedly did not exist. They were five or six boats working on Badu and then there were nearly 300 boats working on Badu. They were a bit naughty; they had a few boats from New Guinea working there as well.

Suddenly the whole place exploded. I was there the day the fight occurred over the freezer. It was corporate ownership. The government had said it had to be corporate ownership; they insisted on the community owning the freezer, so it went broke five times. There was a foot of water through it when I was there—it was a floating freezer. These blokes said, ‘No, we are going to own it privately’—the Ahmats, the Bowies and another family. There was a huge fight which went on for about four months. So I said that I was going to buy the thing and give it to the three families by way of a loan and they could pay me back. So they ended up with the freezer. Once they had private ownership and they had incentive and the pride in ownership, suddenly they went to $3 million. George Raptis told me that in the last 12 or 15 months he had sent $3 million to the three families up there and that that was paid out to all of the men working the dinghies. They had borrowed money from the banks. They had guaranteed the repayments to the banks on the 200 or 300 dinghies that were working there to facilitate the industry.

So the models are there. Listen to your own people, Minister. I strongly urge you to listen to those two people. You have a self-management group in each little community and, after all, that was the way it was 200 years ago in Australia—there was a little community and they ran their own affairs in the little area. That is all we are saying here. We will give them a bit of help, as we do to every other Australian, for the community to provide their services. But we also have to provide them the machinery to move into the 21st century. The machinery is not corporate ownership and it is not tribal ownership. If they want to move into the 21st century and stand on their own feet, they have got to have the machinery of private ownership. I do not think that corporate ownership is a successful model. I think that private ownership, family ownership—and your own family is a great example of that, Minister—will enable them to move forward, and they have
proven it on the ground. The answers are there.

Question agreed to.

Bill, as amended, agreed to.

Mr McGauran (Gippsland—Deputy Leader of the House) (12.57 p.m.)—I move:

That the bill be now read a third time.

Question agreed to.

Bill read a third time.

ANZAC COVE

Mr Albanese (Grayndler) (12.55 p.m.)—I move:

That so much of the standing orders be suspended as would prevent the Member for Grayndler from moving the following motion forthwith: That the Government (1) immediately table all documents in its possession related to excavation work at Anzac Cove, including any archaeological reports done since 2002, all heritage assessments of Anzac Cove done since 2002, and all correspondence with the Turkish Government since 2002 relating to the current road works and associated constructions at Anzac Cove; (2) outline in detail what measures the Government has taken to monitor the current road works and associated constructions at Anzac Cove; (3) provide details of any plans for road widening elsewhere on Gallipoli peninsula, such as the road running between the Australian Memorial at Lone Pine and the New Zealand Memorial at Chunuk Bair; and (4) immediately table all Australian Heritage Commission, Australian Heritage Council and Department of Veterans Affairs documents relating to the proposed listing of Anzac Cove on the National Heritage List or the proposed World Heritage Listing of any sites on the Gallipoli Peninsula.

Anzac Cove is a sacred site. It is much more than a heritage site and it has been left vulnerable by the complacency of the Howard government.

Dr Stone—Mr Deputy Speaker, I move:

That the member be not further heard.

Question put.

The House divided. [1.01 p.m.]

(The Deputy Speaker—Mr Wilkie)

Ayes............ 78

Noes............. 56

Majority......... 22

AYES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Bailey, F.E.
Baird, B.G. Baker, M.
Baldwin, R.C. Barresi, P.A.
Barlett, K.J. Billson, B.F.
Bishop, B.K. Bishop, J.I.
Broadbent, R. Brough, M.T.
Cadman, A.G. Causer, I.R.
Ciobo, S.M. Costello, P.H.
Downer, A.J.G. 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.
Hartsonyker, L. Henry, S.
Hockey, J.B. Hull, K.E.
Hunt, G.A. Jensen, D.
Johnson, M.A. Katter, R.C.
Keenan, M. Laming, A.
Ley, S.P. Lindsay, P.J.
Markus, L. May, M.A.
McArthur, S.* McGauran, P.J.
Moylan, J. E. Nairn, G. R.
Nelson, B.J. Neville, P.C.
Panopoulos, S. Pearce, C.J.
Prosser, G.D. Pyne, C.
Randall, D.J. Richardson, K.
Robb, A. Ruddock, P.M.
Schultz, A. Scott, B.C.
Secker, P.D. Slipper, P.N.
Smith, A.D.H. Southcott, A.J.
Stone, S.N. Thompson, C.P.
Ticehurst, K.V. Toller, D.W.
Truss, W.E. Turnbull, M.
Vaile, M.A.J. Vale, D.S.
Vasta, R. Wakelin, B.H.
Washer, M.J. Wood, J.
Wednesday, 16 March 2005

NOES

Adams, D.G.H.
Andren, P.J.
Bevis, A.R.
Bowen, C.
Burke, A.S.
Corcoran, A.K.
Danby, M.*
Ellis, A.L.
Emerson, C.A.
Ferguson, M.J.
Garrett, P.
George, J.
Gillard, J.E.
Griffin, A.P.
Hatton, M.J.
Irwin, J.
Kerr, D.J.C.
Lawrence, C.M.
Macklin, J.L.
Melham, D.
O’Connor, B.P.
Ovens, J.
Quick, H.V.
Rudd, K.M.
Sercombe, R.C.G.
Snowdon, W.E.
Tanner, L.
Vamvakionou, M.

(The Deputy Speaker—Mr Wilkie)

Ayes............. 77
Noes............. 57
Majority......... 20

AYES

Abbott, A.J.
Andrews, K.J.
Baird, B.G.
Baldwin, R.C.
Barrett, K.J.
Bishop, B.K.
Broadbent, R.
Cadman, A.G.
Ciobo, S.M.
Downer, A.J.G.
Dutton, P.C.
Entsch, W.G.
Fawcett, D.
Forrest, J.A.*
Gash, J.
Haase, B.W.
Hartsuyker, L.
Hockey, J.B.
Hunt, G.A.
Johnson, M.A.
Laming, A.
Lindsay, P.J.
May, M.A.
McGauran, P.J.
Nairn, G.R.
Neville, P.C.
Peach, 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.

NOES

Adams, D.G.H.
Andren, P.J.
Bevis, A.R.
Bowen, C.

* denotes teller

Question agreed to.

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

Mr RUDD (Griffith) (1.06 p.m.)—I second the motion. The truth is that the government requested the new roadworks at Anzac Cove but will not release the letters outlining the—

Dr STONE (Murray—Parliamentary Secretary to the Minister for Finance and Administration (1.07 p.m.)—I move:
That the member be not further heard.

Question put.
The House divided. [1.07 p.m.]

* denotes teller

Question agreed to.

Original question put:

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

The House divided. [1.10 p.m.]

(The Deputy Speaker—Mr Wilkie)

Ayes……………  57

Noes……………..  77

Majority………..  20

AYES


NOES


CHAMBER
Ms GILLARD (Lalor) (1.14 p.m.)—The Parliamentary Service Amendment Bill 2005 establishes the statutory position of Parliamentary Librarian within the amalgamated Department of Parliamentary Services and describes the function of that position as:

to provide high quality information, analysis and advice to Senators and Members of the House of Representatives in support of their parliamentary and representational roles ...

The bill also clarifies the role of the Library Committee, which advises the presiding officers in respect of library matters. It specifies the reporting, appointment, remuneration and termination conditions of the position. It also provides for the provision of resources to the librarian through an annual agreement with the departmental secretary, approved by the presiding officers with advice from the Library Committee.

Consequently, this bill establishes how the library itself will be resourced. The impartial information and analysis provided by the Parliamentary Library is crucial to the effective scrutiny of government in the parliament and to ensuring that the Australian people get the highest quality of debate and legislative engagement as possible. For those members of the opposition, who obviously find themselves without many of the resources that flow in government, the access that we have to the Parliamentary Library makes all the difference in the world and is one of the foundation stones for enabling an opposition to play the role that it must play in our parliamentary system: holding the government to account and providing scrutiny of the bills that the government brings before this parliament. Having said that, we certainly understand that many on the government side, particularly many members on the backbench, would also rely very heavily on the library to assist them with analysing policy changes being acceded to and pursued at a ministerial level.

While Labor support the bill in its creation of a statutory Parliamentary Librarian, we are seriously concerned about the Howard government’s clear lack of commitment to ensuring the independence and funding of the library. These concerns have been reinforced by information we gained in recent Senate estimates hearings. It is out of those concerns that Labor chose to act in the Senate to amend and strengthen the bill that is before the House today, which has been much improved as a result of the process undertaken by Labor.

The purpose of those amendments was to ensure that the Parliamentary Library had a statutory status and that this bill provided that statutory status. The amendments ensured that this bill expanded the possible qualifications for the librarian to include librarianship, information management or individual qualifications and experience judged as suitable by the presiding officers; and ensured that this bill provided a statutory basis for the functions and operations of the Security Management Board.

As many people in this place would recall, in his 2002 report the Parliamentary Service Commissioner, Andrew Podger, recommended the amalgamation of the three departments providing services to the parliament into a single department: the Depart-
ment of Parliamentary Services. The Commissioner’s report made the following four recommendations regarding the Parliamentary Library:

5.1 The position of Parliamentary Librarian be established at a senior level within the amalgamated service provision department.

5.2 The independence of the Parliamentary Library be granted by charter from the Presiding Officers.

5.3 The independence of the Parliamentary Library be reinforced by strengthening the current terms of reference for the joint Library Committee.

5.4 The resources and services to be provided to the Library in the amalgamated department be specified in an annual agreement between the Departmental Secretary and the Parliamentary Librarian, approved by the Presiding Officers following consideration by the joint Library Committee.

Parliamentary agreement to a resolution establishing the new department was given on the understanding that the government would implement the recommendations of the Podger review to ensure library independence. With some concern I note that, when this bill was first introduced, it did not follow through on that commitment. To take one very clear and specific example, there was no reference to the independence of the Parliamentary Library. Labor’s Senate amendments have remedied that deficiency. I think that is not only of importance for today, in circumstances where the Howard government occupies the Treasury bench and Labor occupies the opposition bench. The nature of our democracy is that the wheel turns and times change and who is the party of government and who is the party of opposition changes over time.

One thing should never change and should be shared by everybody in this place is a commitment across parliament—whether in government or in opposition, whether in a governing party or in an opposition party, or indeed whether an Independent—and an understanding of the vital role that the parliament plays in holding the government to account. One of the foundation stones of our system of democracy is that this parliament can hold the government to account. That can only happen in any meaningful way, rather than simply being a symbolic statement, if there are resources on which members of parliament can rely to assist them in that task. The Parliamentary Library is key to enabling members of parliament to do that task. It is difficult to envisage how debased the debate in this place—and public policy debate in the broad—and the ability to hold the government to account in this House and in the Senate would be if we did not have the sorts of assistance and resources that are available through the Parliamentary Library.

Ensuring that the independence of the Parliamentary Library—a cornerstone of the recommendations in the Podger review—ends up in legislation is absolutely pivotal to the independence of the library over time and to protecting the vital role it plays in resourcing members of this House and the Senate to play their proper role in our system of democracy. That very vital task has been achieved in this bill as a result of Labor’s Senate amendments. It is to be regretted that that is the way in which the matter was achieved. It is certainly to be celebrated that that was ultimately achieved, but it should have been achieved by being volunteered by the government rather than achieved by way of Labor amendment, which is of course what has happened here.

Mr Speaker, you may recall that late in the life of the last parliament Labor raised concerns about the qualifications for the Parliamentary Librarian being limited to professional librarians and the question of the lack of statutory status for the library itself. We also raised concerns about funding cuts im-
posed on parliamentary departments by the Department of Finance and Administration in order to pay for security upgrades to Parliament House. These cuts were imposed without any statutory mechanism for oversight of security management. When parliament commenced following the election, we moved early in the year to the February estimates hearings in the Senate, and those hearings reinforced concerns about the protection of the library’s independence and funding. As I noted, pivotal amongst those concerns was the fact that Mr Podger’s recommendation that the library’s independence be guaranteed by a charter from the Presiding Officers had been ignored. But more than that was ignored, including the fact that very little work had been done to strengthen the terms of reference of the Joint Library Committee, another Podger recommendation. The government ignored or neglected two of the key recommendations from Podger designed to guarantee the library’s independence, recommendations that were key to the agreement to set up the new department.

We on this side of the House also had grave concerns over the provision of funding to the library. When Mr Podger conducted his review, he recommended an annual resources and services agreement to be reached between the librarian and the departmental secretary. The resources and services agreement has been replaced in this bill by a resource agreement. During recent estimates hearings, the Secretary of the Department of Parliamentary Services insisted that a resource agreement was in fact the same thing as a resources and services agreement. Of course what matters in the end might not be so much the terminology but that the library has access to the resources and services that it needs to do its work. We on this side of the House were concerned to learn during the Senate estimates process that the library has taken a funding cut in the current financial year of $382,000 and that in the next financial year it will have a further reduction, which will be a pro rata share of the department’s $1.3 million cut.

Mr Price interjecting—

Ms GILLARD—As my colleague the Chief Opposition Whip says, this direct cutback is to be regretted and is a great shame. As I have said earlier in this speech—but you cannot emphasise the point too greatly—the Parliamentary Library is absolutely pivotal to members of this House and the Senate being able to play their role in our democracy. Clearly, with the best will in the world and with the Parliamentary Library working at the highest possible level of efficiency, when you cut back dollars you make a difference. I certainly do believe that there has been fat or slack in the Parliamentary Library. Indeed, I believe the complete reverse: I believe many staff members of the Parliamentary Library consistently attend to their duties above and beyond the call of duty. I am sure that, if we walked through the Parliamentary Library and got talking to staff, each staff member would be able to tell us a story about scrambling around and working excess hours beyond the hours for which they are paid because they believe in what they are doing and are dedicated to the task. Many of them understand the very vital role they play in supporting the work of members of this House. So in circumstances where there isn’t fat and there isn’t slack—in circumstances where, if anything, there is real enthusiasm for the task by the dedicated staff members in the library—and you come along and impose a funding cut, then that makes a difference. And we are seeing a funding cut of almost $400,000 in the current financial year—that is a lot of money—with a further share of the departmental funding cut still to come.
If that is not bad enough, we have learned that the department as a whole is expecting to absorb a wage costs increase of around $2 million. No-one would begrudge parliamentary staff appropriate wage increases as and when they occur—and I am sure that they do not flow easily. Wage increases are not just offered willy-nilly to parliamentary staff. Ultimately, because of changes in the cost of living and in work value—the sorts of things that are weighed up in these matters—there is a proper review process by which wage costs change over time. What does become concerning is when you are really saying, ‘If this much work needs to be performed, we are now going to shove this much work into a situation where there will be a direct cut and another cut in real terms because the wage cost increase needs to be absorbed.’

There is no magic about this: if you are running a hard-pressed entity like the library and you are required to absorb direct cuts and cuts in real terms with the absorption of wage costs, there is only one way to do it and that is by reducing the services and the resources which the library can offer its clients, who are of course members of this House and the Senate. And that can make a real difference to members’ ability to engage with their duties as members in this House, playing their proper role in our parliamentary democracy.

I understand that the library will not turn people away. That is not what they have done in the past, and I am sure that is not what they will do in the future. But clearly, as they become more stressed, it makes a difference to how quickly they can respond to requests and it makes a difference to the degree to which they can undertake their own researches. Those of us who are engaged, day to day, in the parliamentary process, the process of scrutinising government and the process of monitoring and engaging in the public policy debate know that things change very quickly. The provision of timely and urgent advice is very important to members of parliament. We know in this House that everything can change within the course of 24 or 48 hours, with bills being urgently introduced and with new items coming onto the public policy menu to be dealt with, and dealt with quickly.

Obviously, government ministers are in the luxurious position where they have the resources of their departments to assist them in that task. When things change and they need new advice, new information and new analysis, they have their departments there to assist them to get that information, advice and analysis quickly and when it is needed. The rest of us are not government ministers. We do not sit on that front bench in this place or in the Senate. The only way we can access information as quickly, so that we can be participants in the public policy debate on something like an equal footing—it probably will never be on equal terms, because the resources flowing from departments are substantial—is through the library. We need the library to be in a position to assist us, and to assist us quickly.

That is not just a statement about the nature of being in opposition, though I think there is a special burden placed on members of the opposition, because of course at the end of the day it is our job to hold the government to account and to join the government in the public policy debate. In order to do that, we need to be informed. Without access to departmental resources, one of the prime ways in which we end up being informed is by relying on the Parliamentary Library.

But that is also true even for back bench members of the government. It is true for back bench members who might have their own policy ideas that they seek to refine and define before they agitate them with gov-
ernment ministers or through internal government processes. It is true for back bench members of the government who are focused on a public policy issue in their own localities and seeking to design a public policy solution. It is true for backbenchers who might envisage that one of these days they will have a career on the front bench and who want to be engaged very visibly in slices of the public policy debate in pursuit of that career. Those members of the government, too, end up being highly reliant on the work of the Parliamentary Library. It is with great concern that I note that we are in a circumstance where those resources will be less than they have been in the past.

When we look at the Parliamentary Library, we do have to be careful to recognise that it is not just playing a role for us, important as that role is, but that it is truly one of Australia’s great national libraries. Our national libraries are cultural icons. They are repositories of knowledge, culture and understanding about what it is and what it means to be Australian and what the Australian public policy debate is about. Libraries are very important institutions for the transmission from generation to generation of what has gone before and what has shaped what is. Our Parliamentary Library is one of our great national libraries, so robbing it not only robs current members of parliament of potential sources of advice and assistance, but I would say it robs the future as well, because there is only so much that can be done to preserve, catalogue, research, define, analyse and hold for all time when you are dealing with cutbacks.

We understand that the business of effective government requires access to expert analysis and technical and policy advice. We understand that that is the pressure on the government and that they meet that pressure through departmental resources. It is also a pressure on us, and that is why it is very important that the library is able to continue its work at the highest quality level.

Mr Speaker, I ask you to cast your mind to the functioning of other democracies that have either our system of government or a comparable system of government. I think it is instructive to look at those other democracies and see what they have done to ensure that independent resources are available to members of parliament who are not members of the executive government. In the first instance, let us look at the United Kingdom, whose parliament ours is based on, if I can put it like that. That was the mother parliament and, that being so, we show many of its features. In the UK, the parliament has both a library and a Parliamentary Office of Science and Technology. That is their way of making independent resources available to members.

The US obviously has a different system of government from ours, but one that faces the same challenges of having the parliament exercise some form of control over the executive government—though of course the executive government is formulated differently from our system. In the US, the Congress has access to a range of independent resources. The Congress has the Library of Congress, the Government Accountability Office and the Congressional Budget Office. I am not suggesting that I am an expert in the workings of the American Congress—maybe one of these days I will get time to study the matter in greater detail—but the Government Accountability Office sounds like a feature of some interest to those of us in the opposition. More than anything else, we are noting that these parliaments have gone out of their way to ensure that there are dedicated and independent resources available to their members of parliament, because they recognise the challenge of resourcing members of parliament so that they can ade-
quately meet the task of keeping some check on executive government.

Can I ask, Mr Speaker, for you to consider, in whatever limited time in a sitting day you get to reflect, which I suspect is not very much, how more effective and accountable governments in Australia could be if we had something like a Congressional Budget Office charged with providing budget and economic projections in an independent way that all members of parliament could access.

Obviously, when you say something like that from opposition, it is going to be looked at as a partisan point. We know that the wheel turns and that who forms the government and who forms the opposition will ebb and flow over time, but there are some things that should always be viewed as right. One of the things that should always be viewed as right is giving members of parliament, whether or not they are members of the government, fair access to budget and economic projections, given that so much of the public policy debate in modern times ends up being about the fiscal position and the affordability of policy changes.

In our system, to the extent that we get access to that kind of independent advice, it is provided by the Parliamentary Library. But there is a challenge there for all of us to think about what more could be done. Obviously, there have been some changes in fiscal accountability measures. If we look back over the relatively recent past, we have the Charter of Budget Honesty process and the like. Obviously we also get the budget papers, MYEFO and, in the election context, PEFO—the update to the economic and fiscal outlook. But I think there would be some merit in there being an independent way that members of parliament could access budget and costing capabilities for public policy measures that they may be considering.

I conclude by saying that Labor will support this bill, which establishes the position of the Parliamentary Librarian and clarifies the operation of that position. We are very pleased that there has been acceptance of our amendments to give statutory status to the library and the Security Management Board and to broaden the possible qualifications of the librarian. We are very pleased to see that those amendments were accepted, but we would have been even more pleased if the amendments were unnecessary because they had been in the original bill.

However, we remain deeply concerned about the Howard government’s lack of clear commitment to both the independence and the funding of the Parliamentary Library. If the government had had that clear commitment to independence, our amendments would not have been necessary because that would have been made crystal clear in the original version of the bill. The question of funding, I believe, I have canvassed. I think it is understandable that the opposition would register concerns. We will of course continue to monitor the situation in relation to the Parliamentary Library and we will continue to stand up for the library, which we believe has provided outstanding service to this parliament for more than 100 years.

Mr PRICE (Chifley) (1.41 p.m.)—I rise to support the Parliamentary Service Amendment Bill 2005 and the remarks of the honourable member for Lalor, the Manager of Opposition Business. Mr Speaker, there are some things that you are uniquely responsible for in this House. I do not think we would debate the proposition that you must guarantee, and that there exists in this place, freedom of speech without fear or favour. It is the library that often provides the detailed information and research that underpins many of the speeches in this place. If there were an attack on freedom of speech without fear or favour, there would be outrage—the
galleries would be reporting it and talkback would be awash with the news. But, sadly, when there are cutbacks to the library, nothing is mentioned. Cutbacks to the library impinge on our ability to have freedom of speech in this place without fear or favour.

Another one of your great responsibilities, Mr Speaker, is to uphold the rights of ordinary and honourable members in this place. Significantly, what that tends to mean today is protecting the rights of honourable members against the executive—the government and ministers. It is sad to know that you are unable to prevent cutbacks to the library. I agree with everything the member for Lalor has said about cutbacks to the library. Let me emphasise that libraries and research units comprise highly qualified people and are people intensive. I know that the honourable member for Lyons, a long-serving member of the Library Committee, would uphold the remarks that I am making. Cutbacks are terrible.

Mr Adams—Hear, hear!

Mr PRICE—Although there is a Library Committee—and I in no way wish to reflect on their activities—it is too much to expect the Library Committee to prevent these cutbacks. It is you, and you alone Mr Speaker, who has that responsibility. I regret to tell you, Mr Speaker, that it was Senator Jessop, a party colleague of yours in the seventies, who recommended that both the President and the Speaker of this House should be bolstered in their protection of honourable members, and the services provided to them, by the setting up of a staffing and appropriation committee.

I have never heard in this place, in 20 years of being here, one Liberal member of this House stand up and support the proposition that you, sir, as Speaker, should be supported against the actions of the government wanting to cut services to members by a staffing and appropriation committee. Since the mid-seventies that has successfully operated in the Senate and, as you know only too well, Mr Speaker, senators receive a disproportionate amount of money to support their important and vital services. I hope, Mr Speaker, that you might reflect on these remarks. I hope that at some point in the future, with your enormous responsibility to protect members, this place will be bolstered, either by a staffing and appropriation committee or, as in the Mother of Parliaments and in the New Zealand parliament, by a commission of the parliament. We are not strong enough and members are being diminished.

The Parliamentary Service Amendment Bill 2004 is a somewhat half-hearted response to the recommendations of the 2002 Podger report. Labor’s amendments, which I am glad the government has agreed to adopt, go some way to addressing our concerns about the bill. The Parliamentary Library has been servicing parliamentarians, the House and the Senate, and through them the people of Australia, since 1901—more than a hundred years of dedicated service. There is no doubt that the library’s resources and the impartial research and analysis it provides play a vital role in how politicians inform the public. It stimulates us to question and encourages us to debate. Without it, our democracy would be diminished.

This bill establishes the office of Parliamentary Librarian, along with the function and responsibilities of the position. Labor’s proposed amendments make that position statutory. In other words, they afford some protection. Although Labor supports the creation of the statutory position of Parliamentary Librarian, I deeply regret that this bill makes no reference to the independence or the continued funding of the library itself. The review by the Parliamentary Service Commissioner of aspects of the administra-
tion of the parliament in 2002 made four recommendations: that the position of Parliamentary Librarian be established at a senior level within the amalgamated service provision of the department; that the independence of the Parliamentary Library be granted by charter from the Presiding Officers; that the independence of the Parliamentary Library be reinforced by strengthening the current terms of reference of the Joint Library Committee—I am sure that is a proposal that my colleague the honourable member for Lyons would want to support; and finally that the resources and services to the library in the amalgamated department be specified in an annual agreement between the departmental secretary and the Parliamentary Librarian, approved by the Presiding Officers following consideration by the Joint Library Committee.

Nothing in the commissioner’s recommendations recommended cutbacks to the library. In line with the recommendations of the Podger report, parliament agreed to abolish the three joint parliamentary departments and to replace them with a new Department of Parliamentary Services, with the understanding that other recommendations relating to independence would be adopted. While the government has addressed recommendations 5.1 and 5.4, the most important recommendations relating to the independence of the library have been ignored. Only through Labor’s amendments to this bill will the position of Parliamentary Librarian be independent.

It is sad that this government will not adopt the approaches of some of the other great parliamentary libraries in the world. The House of Commons Library in the UK was made independent in 1967. That was put into legislation just over a decade later. Similarly, in the United States the Congressional Research Service has complete research independence and the maximum practical administrative independence as consistent with the United States code, and I quote:

The legislation deals with the functions and objectives of the Service, the appointment and conditions of service relating to the Director, Deputy Director and other necessary personnel, duties of service as well as procedures on the joint Committee on the Library.

Labor believes we must legislate to enshrine the library’s independence. Labor’s amendments also seek to broaden the professional qualifications required for the Parliamentary Librarian. While the bill originally required only that a professional librarian was eligible for the position, Labor proposes that the Presiding Officers in charge of the appointment would be able to appoint someone with individual qualifications they deem suitable.

I am disturbed that the government continues to cut the library’s budget. Andrew Podger, the Parliamentary Service Commissioner, recommended that the library should receive adequate resources and services, to be negotiated annually between the Secretary of the Department of Parliamentary Services and the Parliamentary Librarian. This bill refers only to the provision of resources, making no reference whatsoever to services. Through the ever-enlightening but oft-disturbing Senate estimates process, we have discovered that the library has lost $382,000 this financial year and will lose a proportion of the department’s $1.3 million cut in the next financial year. I pose the question: how many staff positions does the $382,000 which was lost this year translate into in the library? How many people have we lost? How many librarians and researchers? And in what way has the library been diminished? That it has been diminished is unarguable. Again, what is the impact of the library’s share of the $1.3 million cut in the next financial year? How many librarians and researchers are to be lost and what services are being cut?
Frankly, we all have a responsibility to propound the view that we need to invest in democracy. If we are proud of our democracy in this country—and we should be; and I say that as an opposition member—then we should be prepared to invest in democracy, that is, invest in things, like our great library, that underpin our democracy. How can the library continue its current work following such significant funding cuts?

The Howard government might well approve of the cutting of the library’s budget now, but when it loses government in three years time—or whenever it may be—I would not be surprised if it calls for a reversal of its own funding cuts decisions. Government ministers have not only their huge departmental resources to service them but also their large private staff, and they can forget what a great, valuable tool the Parliamentary Library is. But one of the government’s backbenchers is well aware of what a tremendous institution the library is. In an article in the Daily Telegraph in November last year, the member for Wentworth wrote:

I have been really impressed by the resources of the Parliamentary Library. Not only is its collection enormous, but its team of researchers are able, at what seems like a moment’s notice, to produce the most detailed and insightful information on any of the great variety of public issues that come before the Parliament.

I certainly support the member for Wentworth in those remarks, but I just wish he would speak up, as he is wont to do, about the cutbacks to the library which have occurred and which will occur. The Parliamentary Library is a valuable institution that serves not just the senators and members of the parliament but also, through them, the Australian people. Its resources and the tireless research and analysis by its staffers contribute to our healthy and robust democracy. The library must be given adequate funding to continue its fine work—indeed, that was the recommendation of the Parliamentary Service Commissioner.

So why does the Howard government want to chip away at and claw back funding from one of the great national libraries—a noble institution that has served Australia for more than 100 years? The library is particularly useful to an opposition, to Independents and to minor parties as those groups investigate the scrutiny of the government of the day and hold it accountable. But I do not complain about funding cuts simply because I am on this side of the House. The library makes for a healthy opposition. Without a healthy opposition, our democracy becomes terminal. Again, I do not understand why the government of the day wants to chip away at our democracy and at the resources available to the opposition and minor parties. I support the bill but, more particularly, I support this fine institution and ask that its funding be protected.

Mr ADAMS (Lyons) (1.54 p.m.)—What a fine speech by the Chief Opposition Whip in support of the Parliamentary Library and of the funding to that great institution that services all of us. The Parliamentary Service Amendment Bill 2005 relates to the discussion that was occurring all last year about the position of the Parliamentary Librarian and the independence, resources and services of the Parliamentary Library. The Senate has already debated this bill. I know that the Labor Party has introduced a number of amendments which have been agreed to by the President of the Senate, and I believe that it is very important that those amendments are passed through this House too.

The amendments provide for the statutory status of the Parliamentary Library, expand the possible qualifications for the librarian to include librarianship and information management, which are individual qualifications and experience judged as suitable by the Pre-
siding Officers, and provide a statutory basis for the functions and operations of the Security Management Board. The Podger report, which resulted in the superdepartment in this place, indicated the importance of having a librarian to take on the battle to protect the library. As has been said by previous speakers, I do not think the report was given the emphasis that it should have been given. I think it is a very tardy matter that it has been dealt with here. I think it could have something to do with turf wars and also with cutting back on meeting financial obligations of departments. When we interfere with the library of this place it threatens the whole democracy of Australia. That is just a damned shame. There should be a big effort from people on both sides of the House to support the library and its staff.

As a member of the Library Committee, where these issues have been discussed many times, I now believe that there is an understanding of these concerns—as reflected by this bill and by the amendments. The library is one of our most important resources in this building. It can and does offer services and resources to all the building occupants, particularly to those of us who are not used to doing our own research. I for one appreciate the extraordinary efforts that the library and its staff offer to senators and members. This assistance is central to much of our work here; in fact, it is essential to the democratic process of our country—a point which was very ably outlined by the Manager of Opposition Business and the Chief Opposition Whip.

It is vital that we have an independent and properly resourced Parliamentary Librarian. As I said, it was envisaged that the librarian would protect the library against the senior superhead of all three departments and protect the money that was allocated to the library. We have gone two years without a librarian in this place. There have been two years to whittle away the money. We have seen through the Senate estimates process where cuts will be made: $382,000 this year and another $1.3 million next year—a big cut to our library services. We need to deal with that, Mr Speaker, and you will have to play a role in that. We have been without a librarian for a long time. We have had people acting in the position but not somebody who could stand up to the cuts that have been made to the Parliamentary Library service. The library has not been able to undertake any development or renewal over the last couple of years either. Research is vital to any academically oriented institution and allows us, the members, to benefit from the expertise of the library staff.

The SPEAKER—Order! It being 2 p.m., the debate is interrupted in accordance with standing order 97. The debate may be resumed at a later hour and the member will have leave to continue speaking when the debate is resumed.

MINISTERIAL ARRANGEMENTS

Mr HOWARD (Bennelong—Prime Minister) (2.00 p.m.)—I inform the House that the Minister for Local Government, Territories and Roads is absent from the House. He is visiting some of the cyclone affected areas of Northern Australia. In his absence the Deputy Prime Minister will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

Iraq

Mr BEAZLEY (2.00 p.m.)—My question is to the Prime Minister. I refer to the statement overnight by Italian Prime Minister Silvio Berlusconi that Italy will begin progressively withdrawing its troops from Iraq from September this year. Does the Prime Minister acknowledge the possibility of the withdrawal of up to 3,000 Italian troops coming on the back of the withdrawal of 800 Polish troops, 450 Bulgarian troops and 150
Ukrainians? I also refer to the Prime Minister’s previous statements to the Australian people in which he has refused to rule out the possibility of increasing Australia’s troop deployment in the future. Will the Prime Minister now give his word to the Australian parliament and people that he will not increase Australia’s troop deployment to Iraq in the future?

Mr HOWARD—I thank the Leader of the Opposition for his question. My attention has been drawn to that very qualified conditional statement by the Italian Prime Minister. Let me say that the disposition of Italian forces in Iraq is a matter for the Italian government and the Italian people. I do not propose to comment on that particular statement except to observe that the Italian contribution to the reconstruction of Iraq and the building of a democratic Iraq has been exemplary. I want to praise the Italian Prime Minister. He has displayed great courage and great leadership within his own country, and the contribution that the Italians have made is something that we should be ready to praise and compliment. We should not seek to draw some kind of political advantage domestically from some statement that Silvio Berlusconi has made. In so far as the Australian position is concerned, I repeat what I said when I made the announcement about the additional 450. We do not have any current plans to increase that number but I cannot rule out some changes in the future and I do not intend to do so.

Foreign Affairs: Indonesia

Mr GEORGIOU (2.02 p.m.)—My question is addressed to the Prime Minister. Is the Prime Minister able to confirm the visit to Australia of the President of Indonesia? What implications does this have for the Australia-Indonesia partnership and our relations more generally?

Mr HOWARD—I thank the member for Kooyong for his question. I know that members on both sides of the House will welcome the fact that the President of Indonesia, President Yudhoyono, will pay an official visit to Australia between 31 March and 2 April this year. This visit will represent a further advance in the relations between our two countries. It will be the first visit to this country by an Indonesian president since the visit by President Wahid in June 2001, shortly before that gentleman ceased to be the President of Indonesia. That visit was the first that had taken place for a period of close to 30 years, the previous visit having been by President Suharto during the term in office of the Whitlam government.

President Yudhoyono will bring to this visit a very strong commitment to the bilateral relationship. He is a person of great dignity and strength. He is a person who represents very much the new democratic future of Indonesia. Indonesia is now the third largest democracy in the world and it goes unremarked what that country has achieved in the last few years in its transition to democracy. Indonesia has suffered more than any other country as a result of the tsunami. It is well known to members on both sides of the House that the contribution that Australia has made to rebuilding the Aceh province after the tsunami has been second to none of those by nations around the world.

I should also inform the House that the visit to Australia by President Yudhoyono will be preceded, on Friday this week, by the first meeting for some time of the joint ministerial council between Australia and Indonesia. There will be no fewer than nine ministers of the Indonesian government who will sit down with their counterparts in the Australian government here in Canberra on Friday not only to exchange policy experiences but also to further build the bilateral relationship. In addition to that, on Thursday after-
noon—that is, tomorrow—that will be the first meeting, which I will briefly attend, of the Australia-Indonesia Partnership for Reconstruction and Development. This is the joint body that was established by President Yudhoyono and me and that will oversee the disbursement of the $1 billion aid package—the largest in Australia’s history—that has been made available in the wake of the tsunami. I take this opportunity of saying again to the parliament that none of that money can be disbursed except with the joint approval of the governments of Indonesia and Australia. At that meeting Australia will be represented by the Treasurer and the foreign minister. Their counterparts on the Indonesian side will be the foreign minister and the minister for planning.

In conclusion, can I say that the state of the relationship between Australia and Indonesia owes a great deal to the efforts of many people. I want to pay particular tribute to the efforts of many of my own ministers, particularly the Minister for Foreign Affairs. His relationship with his counterpart in the Indonesian government, Hassan Wirajuda, is a very integral part of the relationship. Very importantly, can I also record the value of the links between the Australian Federal Police, their counterparts in the Indonesian government and also the Australian Security Intelligence Organisation. Both of those agencies have developed the closest possible relationships with their Indonesian counterparts, and of course those relationships were very material in catching those responsible for the terrible attack in Bali which murdered 88 Australians in October 2002.

**Iraq**

Mr RUDD (2.07 p.m.)—My question is to the Prime Minister. I refer again to the statement made overnight by the Italian Prime Minister, Silvio Berlusconi, that Italy will begin progressively withdrawing its troops from Iraq from September this year. Can the Prime Minister confirm to the parliament that a considerable number of Italian troops are deployed at Tallil air base, not far from the proposed new Australian deployment at As Samawa? What change in the security situation in the broader As Samawa region will arise from any withdrawal of Italian troops? What impact will this have on the security of the Australian deployment scheduled for May?

Mr HOWARD—Can I say in reply to the member for Griffith that the statement made by the Italian Prime Minister is a lot more conditional than you have implied. I am reminded by the Minister for Foreign Affairs that it is conditional on the Iraqis being able to take over from the Italians. As to any implications for us, naturally they will be assessed, but let me make it clear that we have taken a decision, properly based on the advice we have received, to provide a secure environment for some Japanese forces which are providing valuable humanitarian work.

I know he might not like to be reminded of it, but I recall, amongst the many pieces of correspondence I received on Iraq, a very well argued letter from the member for Griffith after he had returned from a visit to Baghdad. I think it would have been in 2002. He said we had ‘a solemn duty’—I think he may have actually used that expression—to provide more humanitarian assistance to the people of Iraq and that we should provide more support for training. With the very greatest of respect, can I remind the member for Griffith that the two purposes of the deployment of the 450 Australian troops are to provide a secure environment for the Japanese who are providing humanitarian assistance and to provide further training for the Iraqi forces.

In the long run, I think even the member for Griffith would concede that the basis for
the Iraqis being able to run their own affairs is the training and development of adequate internal and external defence and security forces made up of Iraqis. We are making a contribution to that, and those who sit opposite seek to frustrate and to snipe at our endeavours to do so. They will not be successful.

Trade: Exports

Mr TOLLNER (2.10 p.m.)—My question is addressed to the Minister for Trade. Would the minister update the House on Australia’s recent export performance?

Mr VAILE—That is a very good question from the member for Solomon. We recognise how important Australia’s export effort is for the Northern Territory, which he represents very well. It is important to note a few statistical facts. That is something that eludes the Labor Party—they do not like talking in facts; only a great deal of fiction. The export recovery which began in mid-2003 has continued into 2004 and 2005 led by strong world demand for resources. Of course, that is being driven by the extraordinary growth in China. Export values grew by 8.3 per cent in 2004 and delivered an export figure of $152.5 billion worth of products out of Australia. I have said before in this place that that is the second highest figure that we have ever achieved in exports as a nation. While volumes may have only grown by four per cent, it is still a significant figure.

Export earnings in the first half of 2004-05 are up by 13 per cent over the same period in 2003-04. Treasury’s Mid-Year Economic and Fiscal Outlook forecasts export volumes to rise by four per cent in 2004-05, reflecting strong global demand for non-rural commodities. As I indicated earlier, resource exports are expected to rise even further as new projects come on stream in Australia and the growth in demand externally continues, particularly in areas like iron ore, coal and liquefied natural gas. Obviously this is being driven by the growth in China.

The Australian Bureau of Agricultural and Resource Economics has forecast a 16 per cent growth in exports of resources out of Australia in 2005-06. Of course, as we have debated in this place in recent times and publicly, there is one impediment to this and that is being able to get bulk commodities through the bulk ports in Australia that are controlled by the states, which will have an impact on the final result. ABARE has also forecast that farm export earnings are to increase by around 2.5 per cent in 2004-05. It was not too many years ago that we suffered the worst drought we have ever had in this country and there are many parts of this country still suffering from this significant drought. Yet ABARE is forecasting a 2.5 per cent increase in exports from the farm sector in 2004-05.

Onto the services sector: one of the largest exporters within that sector is tourism. According to the Tourism Forecasting Committee, strong growth in international tourism arrivals is expected to continue. The forecasting committee expects tourism export earnings to rise by 5.8 per cent in 2005, and that is off a very strong base. This is obviously mainly due to international visitor arrivals, but it is an area that is very important in our services sector.

The indication for growth prospects as far as our export earnings are concerned is strong. International markets are indicating growth and strength, particularly in East Asia. It is also interesting to note that the terms of trade are currently at record highs. In MYEFO the terms of trade are forecast to increase by 4.5 per cent in 2004-05, with a further increase in 2005-06. When we come to some of the fundamentals that a government has control of—that is, the policy settings—our government has been very asser-
tive since 1996 in exercising and pursuing policies that open up markets across the world. We have also been very active in prosecuting the case for more reform domestically, within our own economy, to try and maintain the efficient and competitive advantage that we need to have. So it is only good policy, good management and delivering on productivity gains that will maintain the competitive edge for Australia and continue to deliver the export growth that we have had in recent years.

DISTINGUISHED VISITORS

The SPEAKER (2.15 p.m.)—I inform the House that we have present in the gallery this afternoon His Excellency Mr Demetris Christofias, President of the House of Representatives of the Republic of Cyprus, accompanied by the Cypriot High Commissioner. On behalf of the House I extend to them a very warm welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Trade: Policy

Mr BEAZLEY (2.15 p.m.)—My question is to the Prime Minister. I refer to the Prime Minister’s response to my question yesterday and his comments that Australia’s worst ever trade performance is only temporary. Is the Prime Minister aware that Treasury’s export growth forecast for 2001-02 was five per cent and the outcome was minus 1.5 per cent? For 2002-03, Treasury’s export growth forecast was six per cent and the outcome was minus 0.5 per cent. For 2003-04, Treasury’s export growth forecast was six per cent and the outcome was 1.6 per cent. For 2004-05, Treasury’s export growth forecast was eight per cent, and that has already been revised down to four per cent? Prime Minister, doesn’t this mean that the trade account problem has not been and is not temporary; rather, our woeful trade performance is an endemic failure of your policy?

Mr HOWARD—I can say in reply to the Leader of the Opposition that he must have been focusing on something else whilst the Minister for Trade was going through the prospects that lie ahead of us. Let me remind him of the ABARE forecast of a 16 per cent increase. Let me remind him of the enormous increases that will kick in in April this year in relation to exports of many of our mining products. Let me caution the Leader of the Opposition against grabbing hold of the past current account deficit figures in order to criticise the government’s economic performance. Let me read something to the Leader of the Opposition. He may or may not have had this brought to his attention. It is a piece that I came across in a little bit of research in relation to the future of the economy. It has this to say about recent economic developments:

The major weakness was in declining housing construction—a sector long due for a downturn. A great deal depends on stronger export growth but there is nothing in the numbers for 2004 to preclude solidly increasing output in employment between now and the next federal election. Global growth may well be down this year but the United States, China, Japan, most of the rest of East Asia and to a lesser extent Europe will continue to expand, underpinning Australia’s export growth. If export growth increases and import growth fades, as I expect, the current account deficit at the end of this year will be a little narrower than at the end of last year.

They are not John Howard’s words or the words of the Treasurer. They are the words of John Edwards in an article ‘Home truths for Labor’, posted on the web site under the heading of NewMatilda.com. The last time I saw John Edwards on television, he was in the company of the Leader of the Opposition at the launch of a book that Edwards had written on the economic credentials of a former Prime Minister of Australia, John Curtin.
Can I conclude with another extract from John Edwards, which really bears very heavily on this whole debate. He had this to say: The Australian economy is not merely prosperous. In many respects the recent economic experience is the best Australians have ever enjoyed. Later this year the economy will highly likely begin the fifteenth year of uninterrupted expansion, a record unmatched since European settlement. In the last fourteen years real household wealth has doubled, a bigger increase than occurred over the previous forty years. Average real income has increased by nearly half. Average real earnings have increased by nearly one third. There are two million more jobs today than there were fourteen years ago, a much bigger increase than in the previous fourteen years. The proportion of working Australians to the whole population is at a twenty seven year high. Unemployment is now hovering just above 5 per cent, a twenty five year low.

I am indebted to John Edwards for such an objective analysis of the state of the Australian economy. I thank him for providing such a valuable answer to the person whom he accompanied in the launch of his book on Curtin.

**Taxation: Income Tax**

**Mr TICEHURST** (2.21 p.m.)—My question is addressed to the Treasurer. Would the Treasurer inform the House how after-tax incomes of Australian average workers compare with those of other OECD countries?

**Mr COSTELLO**—I thank the honourable member for Dobell for his question. He would be aware that earlier in the week there was a lot of interest in an OECD report called *Taxing wages*. This report attempts to take an average production worker across the 30 countries of the OECD and then compare their after-tax with benefits position across those 30 countries and across the years. It does this in relation to eight different profiles, taking 67 per cent of the average production worker’s income, 100 per cent, 133 per cent and 167 per cent. I want to inform the House what this analysis shows, where Australia was and where it is in relation to the after-tax, after benefits income of the average production worker at those different levels.

For a single worker with no children, on 67 per cent of the average income, in 1996 Australia had the third highest after-tax position in the OECD; in 2004 Australia had the second highest in the OECD. For a single person on 100 per cent, in 1996 Australia was the fifth highest in the OECD; in 2004 Australia was the second highest in the OECD. For a single person with no children, on 167 per cent of wages, in 1996 Australia was the sixth highest in the OECD; in 2004 it was the second highest in the OECD. For a married person on 100 per cent of income, with two children, in 1996 Australia was the sixth highest in the OECD; in 2004 it was the highest in the OECD. For a married person with two children, on 133 per cent, in 1996 Australia was the fourth highest in the OECD; in 2004 Australia was the highest in the OECD. For a married person with two children, on 167 per cent, in 1996 Australia was the fifth highest in the OECD; in 2004 it was the highest in the OECD. For a married person with no children, on 133 per cent of income, in 1996 Australia had the fifth highest net income—after taxes—and in 2004 it was second of the 30 countries of the OECD.

What that report shows is that, on the average production worker’s income at those different amounts, Australians—after tax, with their family tax benefits—are either the highest or the second highest of the 30 rich countries of the world and have improved across every cameo since 1996. I think members of this House will think that that does represent success in policy—that Australians on average, production worker incomes, after tax and after benefits, are either the top in the world or the second top in the world in terms of their after-tax income.
A big part of that has been not just the improvement in tax and family benefits but the fact that wages have been increasing over the period 1996 to 2004. Over the period of 1996 to 2004, Australian workers have had real wages growth of 11.9 per cent, compared to an OECD average of 10.8 per cent. So their wages have been increasing faster than the OECD average, but it was not always the case. I ask the House to listen very carefully to this: from 1983 to 1996, the period when the previous government was in office, the average real wage growth in the OECD was 8.3 per cent. In Australia it was 3.3 per cent—not even half the OECD average. In fact, from March 1983 to March 1991 the real wages of Australian workers actually fell by 4.2 per cent.

Those of us who were here in those days—and I was—can remember the Prime Minister and the then Treasurer coming to this dispatch box and their proudest boast was that they had depressed real wages. They would measure the success of their policy by the amount by which real wages had declined. I want to say to the House: this side of the House has always believed that if we have a strong economy average workers in Australia should have rising incomes based on productivity improvements and on a tax system which delivers better to them and which has now taken them to the top or the second position amongst the economies of the world.

**QUESTIONS WITHOUT NOTICE**

**Interest Rates**

Mr CREAN (2.26 p.m.)—My question is to the Prime Minister. Prime Minister, given that Australia has recorded 39 monthly trade deficits in a row, isn’t the failure of your government’s trade policy the reason why Australia has recorded its largest ever current account deficit: 7.1 per cent of GDP? Prime Minister, hasn’t this placed a premium on interest rates in this country, a point acknowledged by you in this House in 1995 when you said:

The reason why we have high interest rates in Australia is ... that overseas lenders are charging a risk premium to lend to borrowers in a country whose current account deficit is the second worst in the OECD.

Prime Minister, isn’t the huge size of our borrowing today the reason why we have one of the highest interest rates in the Western world?

The SPEAKER—Order! Before calling the Prime Minister, could I remind honourable members that the use of ‘you’ and ‘your’ is strongly discouraged.

Mr HOWARD—I certainly remember statements I made about the current account deficit when I was in opposition and I certainly remember the economic circumstances in which those statements were made. It is true that there are very heavy borrowings overseas by Australians: by Australian individuals and by Australian corporations. In fact, one of the consequences of a strong economy is that individuals and corporations borrow both domestically and overseas. But I think the member for Hotham will acknowledge that one of the big differences between now and when I spoke in 1995 is that now the government itself is not contributing to the borrowing demand. It does not have any budget deficit; it has a budget surplus—and the government is not making any contribu-
tion because the government has had a budget that has been very heavily in surplus for some years.

Let me remind the member for Hotham that over the past three years the Australian mining industry has invested about $26½ billion in the expansion of productive capacity and, as this new capacity comes online, Australia’s exports of mineral commodities should increase significantly. Furthermore, increases in export prices, many of which come into effect in April 2005, will benefit our external accounts in the period ahead. The contract price for iron ore, for example, has risen by 70 per cent and metallurgical coal in excess of 100 per cent. And the Bureau of Agriculture and Resource Economics published forecasts suggesting a 16 per cent growth in our commodity export earnings in 2005-06.

Could I also remind the member for Hotham that Australia’s ability to manage and service its foreign debt through export earnings has improved markedly in recent years. The net foreign debt servicing ratio rose to 9.3 per cent in the December quarter 2004. This remains well below the peak of 20 per cent recorded in 1990, and below the 1990s average of 13 per cent. Can I say that of course we have a large current account deficit—the government is not disputing that—but there is every reason, as I said in the House a few days ago, to believe that that situation will improve. That is a belief that is shared by reputable economists on both sides of Australian politics.

**Iraq**

Mrs VALE (2.31 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister advise the House how Australia is assisting Iraq? Apart from our troop presence, what other forms of assistance are being provided?

Mr DOWNER—First, I thank the honourable member for Hughes for her question and for her interest. Today, 16 March, is the anniversary of Saddam Hussein’s attack with chemical weapons against his own people in Halabja in 1988, and it is also the date the Iraqis have chosen for the Transitional National Assembly, elected in the elections on 30 January, to convene. We congratulate Iraq on this election and on the convening of the Transitional National Assembly, and I am glad we have supported it. We have so far committed $126 million of assistance for Iraq’s rehabilitation and reconstruction. For example, we are providing technical experts to assist with the re-establishment of Iraqi government services. We have people working in areas like the electricity generation sector. We have provided significant support for the Iraqi elections ourselves. We have Australian Federal Police officers training Iraqi police. We have agriculture ministry officials who are being trained by Australians. I think we have about 25 of them in Australia at the moment.

I would draw the House’s attention to the fact that Soccer Australia has arranged a soccer game between Australia and Iraq in Sydney in the honourable member’s home town on 26 March. I would urge all members who possibly can to go to the match and to support the team that represents Australia, of course, but also to give encouragement to the Iraqi national soccer team—after all, that is a team that now represents a freed people.

Other countries are providing assistance as well. There has been some questioning today by the opposition about Italy, somehow suggesting that the Italian Prime Minister would be akin to the man whose name is not spoken in this House any more. But I will breach the protocol and say the name: Mark Latham. ‘Troops out by Christmas’ was the Labor Party’s policy in the lead-up to the last election. Actually, what the Italian
Prime Minister has done is provide significant numbers of troops to assist Iraq and show great courage in doing so. It has not always been popular in Italy, but Silvio Berlusconi has shown great courage in sending troops. Those troops have performed admirably. The Italian parliament—the Chamber of Deputies, the equivalent of the House of Representatives—yesterday voted by 246 to 180 to keep the troops—

Ms Gillard—Mr Speaker, I rise on a point of order on the question of relevance. The question was about non-military aid to Iraq from Australia.

Government member—And other forms of assistance.

Ms Gillard—I do not think ‘other forms of assistance’ enables the canvassing of matters in the Italian parliament. If the foreign minister wants a question on that, I am sure he can be asked—

The SPEAKER—The member will resume her seat. The minister is referring to a question relating to Iraq.

Mr DOWNER—The only point I would make about Silvio Berlusconi is that they have got a six-month extension for the troops. He said the question of withdrawing the contingent ‘will depend on the capacity of the Iraqi government to give itself an acceptable security structure’.

Finally, I know members of the opposition are interested in what is happening in their brother party, the British Labour Party. I have mentioned before Harry Barnes, my parents-in-laws’ own local MP, the member for North-East Derbyshire, and his establishment of the UK Labour Friends of Iraq. The Labour Friends of Iraq have established a ‘Toolkit on Solidarity with Grassroots Iraq’. I have a copy of the toolkit here, and members of the Labor Party can apply to my office for copies of the toolkit because it is for Labour members of parliament. What the Labour Friends of Iraq say is this:

‘We should not walk away when the going gets tough ... we must do everything we can to help the people build a democratic country.’

The Iraqi democrats need you—Labour members of parliament—in their hour of need.

And British Labour members of parliament are helping the Iraqi people. They are helping the Iraqi Federation of Trade Unions, the teachers union and other members of the labour movement in Iraq. They are supporting them against the insurgents and the forces of tyranny. And what happens in Australia? The Labor Party, the cut-and-run party on Iraq, is now, of course we know—

Mr Rudd—Mr Speaker, on a point of order on relevance: the question did not ask for any matter on alternative policies whatsoever. This minister was canvassing matters which were not faintly addressed by the question.

The SPEAKER—The member will resume his seat. I believe the minister has finished his answer.

DISTINGUISHED VISITORS

The SPEAKER (2.36 p.m.)—I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from Finland, led by the Speaker, Mr Paavo Lipponen. On behalf of the House, I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Economy

Mr BEAZLEY (2.37 p.m.)—I suggest that you need a translator, Mr Speaker! My question is to the Prime Minister and follows his discussion, in an answer to a previous
question of mine, of the article by John Edwards he enjoined me to read, which I can assure him I have done. Does the Prime Minister recollect this in Mr Edwards’s argument:

… the Howard government and specifically Peter Costello as Treasurer are riding the boom, but doing very little to sustain it. They are failing to use the prosperity generated by the boom, the vast increase in tax revenue, and greater willingness to accept change that arises from continued success and the existence of full employment, to entrench growth and build Australia’s competitive advantages.

Prime Minister, are you also aware that Mr Edwards said of you and the Treasurer:

… they have done very poorly in preparing Australia for the issues posed by an extended period of strong growth, and by Australia’s increasing integration into a fast changing global economy.

The SPEAKER—Order! The leader will come to his question.

Mr BEAZLEY—I will ask him a question. Prime Minister, are you further aware that Mr Edwards singled out your rotten performance on infrastructure and education for the fact that the excellent system which you inherited has now been trashed by you? Prime Minister, will you concede—

Honourable members interjecting—

The SPEAKER—Members on my right! The leader will come to his question.

Mr BEAZLEY—I am coming to it. Prime Minister, will you concede—

Honourable members interjecting—

The SPEAKER—Order! Members on my right!

Mr BEAZLEY—Will the Prime Minister concede that his failure to build on the legacy of the previous government is why growth is slowing and interest rates are rising?

Mrs Bronwyn Bishop—Mr Speaker, on a point of order: I draw your attention to standing order 100 and to the Practice, which say that that sort of prologue to a question is totally out of order. The Leader of the Opposition should not be able to get away with it. It is out of order.

The SPEAKER—The member for Mackellar has raised a point of order about the length of the question. I believe the question was far too long and, frankly, as some members have already observed, rather difficult to hear. I call the Prime Minister because I believe he heard the question.

Mr HOWARD—Actually, I have not the faintest idea what the question was, but I will have a go at it. As to the first part of the question, the answer is yes. As to the second part of the question, which was highly defamatory of my government, the answer is no. Finally, given the confected exuberance of the Leader of the Opposition, I would like to read out a piece of advice contained in the article by Mr Edwards. It reads:

But it would be foolish indeed for Labor to imagine the long run of prosperity is over. Everything about the behaviour of the Australian Labor Party has been predicated in the hope that, in some way, the good economic times of the last few years are over. Our warning to you, and Mr Edwards’s warning to you, is that it is not over and you would be very foolish to get too excited about a few numbers.

Trade: Coal Exports

Dr JENSEN (2.41 p.m.)—My question is to the Treasurer. Would the Treasurer advise the House of any bottlenecks affecting Australia’s export industries? What would help to progress a solution to such bottlenecks?

Mr COSTELLO—I thank the honourable member for Tangney for his question. I can advise him that Australia’s largest export is coal, and it was worth over $13 billion in
2004. Hay Point is the biggest coal port in Queensland, and the Dalrymple Bay coal terminal is one of the largest in the world. Australian coal producers have just struck a deal with Japanese steelmakers to lift coking coal export prices from $US57 a tonne to $US120 a tonne. According to newspaper reports, 50 ships are now queued outside the Dalrymple Bay coal terminal and the owner expects 31 more ships to arrive by the end of the month. The average wait before a ship can load has increased to 23 days, and Australia’s coalminers are paying $2.4 million a day in demurrage to wait for those ships to come in and load. The Dalrymple Bay coal terminal is owned by Prime Infrastructure, a floated infrastructure trust of the merchant bank Babcock and Brown. An argument between the users and the owner about the rate of return on any new investment—

Mr Fitzgibbon—Do you think it should be higher?

Mr COSTELLO—I love the way the member for Hunter comes in on cue—was referred to the Queensland Competition Authority for a decision 20 months ago.

Mr Fitzgibbon interjecting—

The SPEAKER—Order! The member for Hunter will remove himself under standing order 94(a).

The member for Hunter then left the chamber.

Mr COSTELLO—I would say to any other infrastructure—

Mr Tanner—Mr Speaker, I rise on a point of order. Throughout the recent question by the Leader of the Opposition, you allowed a cacophony of noise from the government benches without proper intervention. You have just warned me for one interjection and thrown out the member for Hunter for one interjection. That is exhibiting gross bias, and I call on you to exhibit—

The SPEAKER—The member for Melbourne will resume his seat. The member for Melbourne is well aware that reflections on the chair are highly disorderly.

Mr COSTELLO—With respect to the Queensland Competition Authority, I would point out that parties can either come to agreements in relation to this matter—which may be a much faster way of resolving the problem—or, alternatively, there is provision for a declaration under the Trade Practices Act which will allow the Australian Competition and Consumer Commission to intervene in areas of national infrastructure and to make timely decisions which can resolve these disputes. That may be an alternative, which is open to the parties if this matter should drag on any longer in the Queensland Competition Authority, which has now had the matter for 20 months, is yet to give a final decision, whilst 50 ships queue and the demurrage cost is $2.4 million a day. Once the Queensland Competition Authority gives an arbitrated decision after having been seized of this matter for 20 months, if the owner of the port, the private infrastructure trust, were to decide to build a new loader it would probably take between 12 and 24 months from start to finish. The only thing I can say, having discussed this with the owners and the users—

Mr Tanner interjecting—

The SPEAKER—The member for Melbourne is warned!

Mr COSTELLO—I note, for the sake of the record, that Labor Party members are intervening in support of the Queensland Competition Authority and its 20-month delay in giving the decision. They are intervening in defence of the Queensland—

Mr Fitzgibbon interjecting—

The SPEAKER—Order! The member for Hunter will remove himself under standing order 94(a).

The member for Hunter then left the chamber.
jurisdiction in a way which is now affecting Australia’s vital national interests in our No. 1 coal export.

Skills Shortage

Ms King (2.47 p.m.)—My question is to the Prime Minister. I refer the Prime Minister to his refusal yesterday to answer my question about the manufacturing firm MaxiTRANS putting on hold eight Australian apprenticeships in favour of importing boilermakers and welders from China. Will the Prime Minister now answer my question about why his imported skills quick fix is displacing Australians in training, or will he duck the question again?

The Speaker—Order! The Prime Minister can ignore the last part of that question.

Mr Howard—I say to the member for Ballarat that I do not seek to avoid addressing this issue. I am now in a position to say something more about it, as my office and my department have been in touch with a number of people concerned with this matter, which has received considerable publicity. We have been in touch with the group training company to establish what is being done to assist a further seven young people who were not placed by group training with the MaxiTRANS company. My advice is that it is not accurate to say that the skilled Chinese workers were displacing apprentices. The two are not substitutes. The Chinese workers in question were fully trained.

I am advised that the decision to source skilled workers from overseas was taken last year, and the process commenced in the last half of last year. This was before the arrangements for the 2005 intake of apprentices were made. I have very considerable sympathy for the situation of the young man who was interviewed on national radio this morning, but there is all the world of difference between a company making a decision last year to bring in some skilled workers where there is a need for immediately trained people and—

Ms King interjecting—

The Speaker—The member for Ballarat is warned!

Mr Howard—It should not be said that in some way that is unfairly disadvantaging people who are about to start—therefore, by definition, having had no training. I therefore think the criticism of that arrangement and of the actions of that company are misplaced. I have been asked a question about training, and I have been asked a question about skills, and there have been allegations of a skills crisis. For the last two or three weeks the Leader of the Opposition has been running around the country saying, ‘I warned you years ago that there was a skills crisis; I was out there years ago.’ In fact, on 12 March this year the Leader of the Opposition said, ‘What this country needs is opportunities for young people to become plumbers, electricians, hairdressers and mechanics. The Labor Party has been talking about that for the past five years.’ When I heard him say that, I thought, ‘Gee, that is not the man I remember as Leader of the Opposition a few years ago,’ so I rummaged through a few old files. It is amazing, but I came across a comely little publication called Workforce 2010: securing your future. Needless to say, this is a document of the Australian Labor Party. It is a very good one, but it did not have too much to say about plumbers or electricians. This is what the Leader of the Opposition had to say:

We need to lift the numbers of apprentices and trainees in the sales, marketing, retail, health, education, welfare and hospitality—read ‘Hungry Jacks’—if we are to meet the future demand.

That document had nothing to say about the need to lift the number of people in the tradi-
tional trades area because, unlike what he is saying now, the Leader of the Opposition—

Mr Albanese—Mr Speaker, I rise on a point of order. The member for Ballarat, as is the right of a local representative sitting in this House—

The SPEAKER—Is the member raising a point of order?

Mr Albanese—Yes, on relevance. She has asked a very specific question about a firm and about young people in her electorate and why they are being let down by this government.

The SPEAKER—The member will resume his seat. The Prime Minister is coming to the conclusion of his answer.

Mr Howard—I want to quote once more from this little publication. It shows us how able the Leader of the Opposition was to predict the future. He said:

On current trends the industries most at risk of declining jobs over the next 10 years are communications, electricity, gas, water and mining. Many of the workers in these industries may find jobs in other industries.

The Leader of the Opposition is, in every sense of the word, a Johnny-come-lately to the contemporary debate about skills in this country.

Rural and Regional Australia: Economy

Mr Forrest (2.53 p.m.)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Would the Deputy Prime Minister inform the House how an expanding rural sector helps the wider economy? What programs does the government have in place to support regional Australia, and are there any alternative policies?

Mr Anderson—I thank the honourable member for his question and acknowledge that I was able to visit Mildura recently. The Sunraysia region is one of the fastest growing regions in Australia. In fact, I think it is the 10th largest growth centre in Australia. It is focused around water, irrigation development and our export performance. I think Econtech are pretty well known in this House and are pretty well respected for their work. They have recently done some work for the Australian Farm Institute and Horticulture Australia. That has resulted in a report called Australia's farm-dependent economy. It will probably surprise many Australians—and I say this with the best will in the world—who sit in the cafes of the big cities, enjoying the high quality food and fibre that our farmers produce, that they can probably thank farmers not only for the food and fibre they enjoy at such low prices but for their jobs as well.

Amazingly, it is often said that the farm sector constitutes only 3.2 per cent of Australia's gross domestic product, but that very significantly underestimates the importance of the sector when you include all of the industries that support agriculture and the industries that depend on it. For example, the farm sector provides almost half the total inputs used by the meat and dairy products manufacturing industry. Econtech added all of this together and concluded that the farm dependent sector contributes more than 12 per cent of Australia's GDP. That sector employs 1.6 million people, 17 per cent of the labour force—and some 800,000 people in the major cities of Australia.

I was asked about programs to support farmers. The most critical thing you can do for the farm sector is to keep interest rates low. It is worth recording that when the Leader of the Opposition was in government—when I came into this place 16 years ago—farmers were paying 22 per cent or 23 per cent interest. The other day I took the trouble to check what a farmer who wanted to borrow some money to expand would pay today; it is under 7.5 per cent. That is a third
of what the rate was 16 years ago. So, sound economic management is the first and most important thing the government can do. You can add industrial relations reform to that—and nowhere has that been more evident than in our ports, where the lift in our productivity has been huge despite the fact that the Labor Party said it could never be done.

Mr Katter interjecting—

The SPEAKER—The member for Kennedy is warned!

Mr ANDERSON—We are currently experiencing a drought, and I know that the Minister for Agriculture, Fisheries and Forestry shares my concern about the desperate need for rain across most of eastern Australia. We are providing about $1 billion worth of support directly to farmers. Work has been done by the Minister for Trade in opening up further trade opportunities everywhere for the farm sector. The National Water Initiative has provided investment security for better environmental and economic outcomes. We have introduced the Roads to Recovery program—because every farm product starts its journey on a rural or regional road somewhere—and we are getting the roads back into condition. There has been talk about infrastructure.

Mr Beazley interjecting—

Mr ANDERSON—The Leader of the Opposition called it a boondoggle! Just about everything we value-add and everything that those 800,000 jobs in the major cities depend upon, starts out on a country road—and we are helping to restore the roads.

Education: Student Unions

Ms MACKLIN (2.57 p.m.)—My question is directed to the Minister for Education, Science and Training. Is the minister aware of the Treasurer’s comments in Lot’s Wife, the Monash University student newspaper in 1978, where he said:

The funding and ... provision of the various student services would be impossible unless there was some requirements to pay a contribution ... He went on:

The fact that some people object to the way in which some public funds are spent does not mean ... we should therefore create a situation whereby all activities ... are financially penalised by voluntary payments.

Honourable members interjecting—

Ms MACKLIN—Why won’t the education minister heed the Treasurer’s lessons on how essential campus services—like child care, sport and health—are delivered?

Dr NELSON—I suppose I should say that I could take the question in writing with a grain of salt! Behind the facile nature of the question is a very serious issue. When Australian students arrive at Australian universities in 2006, as far as this government is concerned they should be given the choice as to whether or not they will join the student union. There are many young people in the gallery today whom I suspect may be at university next year or the year after, and they should have the choice as to whether they will have $500 or $600 removed from their hard-earned dollars to join a student union, guild or association. If they want to join the Lego club at the University of Queensland, they can. If they want to join the fruit carving club at Sydney University, they can.

Yesterday I made the point that, if you are an Australian student on campus today paying $600 in student union fees for subsidised services, why is it that when you turn up at the cafeteria at Manning you will pay $2 for a sausage roll, but, if you go across the road—and I will give the Leader of the Opposition and the white bread politicians on the other side an opportunity to write this down—to the Crispy Inn Bakery in King Street, Newtown, you will pay $1.70 for a sausage roll? And, in fact, you will get a very
warm reception from someone who is in a traineeship. Further, if you go to the Newtown Bakery in King Street, you will pay $1.80 and get service with a smile.

In terms of reading documents, I am not familiar with the 1978 publication, but I am very, very familiar with the February publication of the Southern Highlands branch of the Labor Party as written by Rodney Cavalier, which was published again in the *Sydney Morning Herald* last Saturday.

Mr Albanese interjecting—

The SPEAKER—The member for Grayndler is warned!

Dr Nelson—According to Alan Ramsey, Mr Cavalier was ‘unsparing’ when he said:

Kim Beazley diminishes himself by asserting Macklin is the goods. She is a dud, gold and rolled—

You are going to love this one, Mr Speaker: Given opposition is about making speeches to get a point across, this woman is a dead weight—

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

Mr Price—Mr Speaker, I rise on a point of order on relevance.

The SPEAKER—The point of order is on relevance. I ask the minister to come back to the question.

Dr Nelson—I will come back to the question and will come back to Mr Cavalier again in question time. He said:

Unafraid of a cliche, predictable to the point of tedium, you can always finish a sentence for her (and wish most devoutly that you could)—

The SPEAKER—Order! The minister will resume his seat. The minister has completed his answer.

Workplace Relations: Reform

Mr Keenan (3.03 p.m.)—My question is to the Minister for Employment and Workplace Relations. Is the minister aware of plans by trade unions to campaign against the government’s workplace relations reforms? What is the government’s response?

Mr Andrews—I thank the member for Stirling for his question. Yes, I did read reports that the ACTU was meeting yesterday to discuss a proposed campaign against the government’s workplace reforms. It reminded me of the hysterical campaign that was launched back in 1996 when the government made substantial reforms to workplace relations in Australia. When I looked back at what the ALP had to say then, the then shadow minister—the member for Fraser—laid down five criteria by which he said the government’s package would be judged. The criteria were: would it lead to fewer disputes, more jobs, a fairer distribution of wages, higher productivity and low inflation, and a low interest rate environment?

I am pleased to report that the Workplace Relations Act has led to those outcomes. In fact, the government’s reforms since 1996 have delivered a 12 per cent growth in real wages, the lowest unemployment rate in 28 years, the lowest number of strikes ever, higher productivity and more family-friendly work practices—and all that against a background of low inflation and low interest rates in this country.

One has to ask: what does the ACTU propose to protest against—higher wages? Do they propose to protest against lower unemployment in this country? These reforms, like the others that this government has put in place, have led to better outcomes for ordinary working Australians and their families. Not only is the proposed campaign by the ACTU premature and reactionary, but it is no wonder that today in the private sector in Australia four out of five workers have walked away from trade unions.
Health and Ageing: Community Care Services

Mrs ELLIOT (3.06 p.m.)—My question is to the Minister for Ageing. Why has the Howard government allocated less than three weeks, which includes the Easter holidays, for a compulsory tendering process for all community care services for people with a disability and for elderly Australians? Does the minister understand that this short time frame, along with the extremely complex tender document, may well jeopardise the continuity of services like respite services, telephone information services, continence advice and carer support services across the country? Will the government guarantee that no person with a disability or older Australian will lose their community care service as a result of this rushed tender process?

Ms JULIE BISHOP—I thank the member for her question. The government has conducted a thorough review of the community care sector, with wide consultation throughout the aged care sector over the past two, almost three, years. That resulted in a document, ‘The Way Forward’, which is the government’s approach to community care, including to the community services the member referred to. This document was released in August 2004. In January of this year, in line with the recommendations in that document which was published widely last August, the government notified all services that there would be an invitation to apply for new services. We are not cutting services. This is an opportunity for service providers to apply to provide new services to older Australians in the community. That letter was sent in January. The invitation to apply was published in the newspapers on 5 March. The tenders—the invitation to apply—and the process will be completed by 30 June, at which time old contracts will cease, and so no service will in fact be cut and people will continue to receive community services as they did previously.

Health: Avian Influenza

Mrs DRAPER (3.08 p.m.)—My question is addressed to the Minister for Health and Ageing. Would the minister inform the House how the government has prepared for possible outbreaks of avian influenza?

Mr ABBOTT—I do thank the member for Makin for her question. I am happy to inform the House and put on the public record that Australia is as well prepared as any other country in the world for a possible outbreak of avian flu. That is not just my judgment, that is the judgment of the World Health Organisation.

Opposition members interjecting—

Mr ABBOTT—There is a caterwauling opposite.

The SPEAKER—Order! The minister has the call.

Mr ABBOTT—In last year’s budget the government committed $114 million to purchase antivirals and, thanks to that foresight, Australia now has the world’s largest stockpile on a per capita basis. Also in last year’s budget the government provided $10 million to increase our disease surveillance capacity and $4 million to upgrade our laboratory analysis capacity. The government has a binding agreement with two of the largest vaccine manufacturers in the world to provide guaranteed supplies of a new vaccine against pandemic flu. Should it become available, the government can install thermal imaging equipment at all of the international airports in this country within a few hours of any pandemic outbreak. Since early last year all baggage coming to Australia from countries affected by bird flu has been routinely screened, and quarantine authorities have seized more than 1.5 tonnes of poultry contraband. There have been three previous out-
breaks of pandemic flu known in this country. I can say that, thanks largely to the good work of federal and state health officials as part of the National Influenza Pandemic Action Committee, Australia is far better prepared than ever before. Certainly in the judgment of the World Health Organisation, it is as well prepared as any country in the world.

Regional Services: Program Funding

Mr Kelvin Thomson (3.11 p.m.)—My question is to the Deputy Prime Minister. When did the Deputy Prime Minister become aware that the member for New England had been informed that government funding for the Australian Equine and Livestock Centre in Tamworth was conditional on the member for New England removing himself from the board of the centre? Was the Deputy Prime Minister or any other member of the National Party involved in placing this condition on the funding?

Mr Anderson—I thank the honourable member for his question. No such condition was ever placed on the funding by me or by anybody else. Indeed, the Tamworth businessman who gave evidence to the Senate last week made precisely the same point. He said that he had suggested, as I understand it, to a couple of members of the committee that it might be advisable, and the committee might work more effectively, if there was no politician on it. But there were no conditions attached by me or by any emissary of mine. He gave that testimony to the Senate. He made it absolutely plain that he had not been advised as the chairman of the committee by me or by anyone else that there was a conditionality in terms of Mr Windsor’s presence on the committee and the funding of the equine centre. He did make it plain that he had accepted the chairmanship of the Tamworth equine centre at the request of the member for New England, and he made it plain that, as he started to look over it, he became aware that the member for New England had been quite ineffective in pulling the whole thing together.

Opposition members interjecting—

Mr Anderson—You asked the question. He said that the member for New England had not only failed to interact effectively with the federal government but he had failed completely to pull the local community together, specifically the P&A Association who own the showground. I think the best thing I can do is refer those opposite to the Senate hearings and to the extensive evidence given by the chairman of the equine centre committee over a 2½-hour period, and they will find in that a very detailed rebuttal of this particular claim and many others as well.

National Security: Terrorism

Mr Fawcett (3.13 p.m.)—My question is addressed to the Attorney-General. Would the Attorney-General advise the House of the government’s actions to keep Australians safe from the threat of terrorism at home and in the region?

Mr Ruddock—I thank the honourable member for Wakefield for his question. I know he represents a number of organisations that are instrumental in helping us in relation to defence and security issues. Of course, the government’s response to the global threat of terrorism in the wake of September 11 and of the Bali bombings closer to home was swift and decisive. We have been constantly working with our security, intelligence and law enforcement agencies here in Australia, as well as with the owners of critical infrastructure, to ensure that the Australian community is effectively protected against the threat of terrorism.

But Australia will not defeat terrorism by acting alone, and that is why we have put a high priority on strengthening our coopera-
tion with neighbours and, where required, offering assistance in capacity building. Never before have we been as engaged with our region on both government and operational levels. Our intelligence and law enforcement agencies have liaison partners right across the region, and ASIO continues to monitor individuals such as those with links to al-Qaeda, Jemaah Islamiyah and their affiliates. Australian agencies are continuing to work closely together with overseas authorities to counter the terrorist threat in our region. We base our decisions on allocating resources dealing with counter-terrorism on assessment of threat. Our advice indicates that, in our immediate region, JI retains a high capability of carrying out attacks. The Australian embassy bombing last year I think demonstrated that point very cogently. But, not surprisingly, I understand the member for Griffith had some things to say about these matters yesterday in the House. Our approach has always been to take advice from competent authorities about where best to direct our efforts and not gratuitous advice. Let me just say I heard nothing yesterday from the member for Griffith that would prompt me to alter that approach.

Transport and Regional Services: Structural Adjustment Program

Mr KELVIN THOMSON (3.16 p.m.)—My question is again to the Deputy Prime Minister. Did the Deputy Prime Minister announce in June 2003 a $214,000 grant for the upgrading of Castle Mountain Enterprises Pty Ltd, a zeolite plant, in his electorate of Gwydir? Is there another zeolite mining company, 20 kilometres away, which did not receive a similar grant? Was the decision to grant money to Castle Mountain Enterprises in breach of the Namoi Valley Structural Adjustment Package competitive neutrality guidelines which require that a grant not adversely impact on existing businesses?

Mr ANDERSON—I thank the honourable member for his question. I feel it is more than likely to be the case that the normal processes of the structural adjustment committee would have been followed and that the department then would have reviewed that and it would have gone through in the normal way. If there is any suggestion that that is not the case and that the guidelines were in some way overruled, I will report back to the House.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Interest Rates

Mr HOWARD (Bennelong—Prime Minister) (3.17 p.m.)—Mr Speaker, I seek the indulgence of the chair to add to an answer.

The SPEAKER—The Prime Minister may proceed.

Mr HOWARD—The member for Hotham asked me a question about our trade account. He based it in part on a remark attributed to me in 1995. He said this: The reason why we have high interest rates in Australia is ... that overseas lenders are charging a risk premium to lend to borrowers in a country ... Et cetera. My attention has been drawn to the source of the quote, which was an MPI of 30 March 1995. The source of the quote reads as follows:

The reason why we have high interest rates in Australia is not only the size of the budget deficit but also that overseas lenders are charging a risk premium ...

In other words, the member for Hotham has deliberately left out a reference to the high budget deficit. The member for Hotham owes this House honesty when he quotes from other people. I made the great mistake of accepting that the member for Hotham was honestly quoting what I had said. May I
conclude by thanking my colleague the member for Casey for one of the speediest pieces of accurate research while question time is under way that I have experienced in many years. I thank the member for Casey.

QUESTIONS TO THE SPEAKER

Question Time

Mr PRICE (3.19 p.m.)—During question time I am not sure whether there was a problem with the microphones on the opposition side, in particular that of the Leader of the Opposition. There was a lot of noise coming from the government benches. Would you have the matter investigated and make sure that the level of the opposition microphones is similar to that of the government’s?

The SPEAKER—I thank the Chief Opposition Whip. I will make some inquiries and report back to the member.

DOCUMENTS

Mr McGAURAN (Gippsland—Deputy Leader of the House) (3.20 pm)—Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:


Debate (on motion by Ms Gillard) adjourned.

MATTERS OF PUBLIC IMPORTANCE

Howard Government: Trade Policy

The SPEAKER—I have received a letter from the honourable member for Hotham proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The long term and continuing failure of the government’s trade policy causing slow export growth resulting in a record current account deficit and putting upward pressure on interest rates. I call upon those members who approve of the proposed discussion to rise in their places.

More than the number of members required by the standing orders having risen in their places—

Mr CREAN (Hotham) (3.21 p.m.)—I will answer the dorothy dix question that the Minister for Trade was asked today about Australia’s trade performance because the fact of the matter is this government has presided over the worst trade performance in Australia’s history. Yesterday, the Prime Minister argued that this was only a temporary circumstance. Let me just say this: it is not temporary; it is endemic. It is also due to the failure of government policy on many fronts. That failure is putting upward pressure on interest rates in this country. That is the thrust of this argument today and that is what the government fails to acknowledge.

Let us just look at how temporary this woeful trade performance is. Australia has recorded 39 monthly trade deficits in a row, a feat that has never been achieved by any government in the history of this country—39 deficits in a row with the 40th about to be recorded. Not only that, but net exports—the difference between exports and imports—have not contributed positively to economic growth in this country for 3½ years. How can you sustain economic growth if effectively it is just coming off consumption, out of people’s pockets and mostly on their credit cards—and that is why we have got record household debt—or by government expenditure, instance the $66 billion spending spree that this government went on to get itself elected? For 3½ years this government has failed to have net exports contribute positively to growth.
Export growth under the Howard government is less than half of that achieved by Labor. We have heard the Minister for Trade rabbit on about the increase in exports. You would expect increases in exports if the economy is growing. But it is the rate of growth in exports and their contribution to that growth that is important. Their contribution to growth has been negative for 3½ years and the rate of growth of exports—Labor achieved almost 11 per cent—has been a paltry 5.3 per cent. That is a failure of policy. Labor demonstrated that we could do better.

As a consequence of this appalling performance on exports, Australia has now got the largest ever current account deficit. It is now 7.1 per cent of GDP, the highest current account deficit in the world—another world performance, another gold medal for this government. As a proportion of GDP the current account deficit is higher than the US’s, higher than the UK’s, higher than Canada’s, higher than Spain’s, higher than Japan’s and higher than New Zealand’s—a pathetic performance. Year after year Australia’s export growth has not come anywhere near Treasury forecasts. The Leader of the Opposition asked the Prime Minister about this today. How is it that for the past four years actual performance has come in nowhere near Treasury’s forecast figures? We have always been told about the opportunity for exports, how it is just around the corner, how things have been coming good. But in 2001-02 they were forecasting five per cent and it came in at minus 1.5 per cent. A year later they were forecasting six per cent and it came in at minus half a per cent. The following year it was forecast at six per cent and it came in at just 1.6 per cent. And in last year’s budget, which the Minister for Trade did not refer to in his dorothy dix answer—he talked about the revision, at four per cent growth this year, but he did not talk about the budget forecast—it was eight per cent, twice the figure he gave. So within six months of that budget, the budget that we went to the election on essentially, you have got Treasury now admitting that the rate of growth on their estimate then is at least half that. Let us wait and see what it comes in at, not the prognosis that you were talking about before.

My case on this point is that this trade performance is not temporary; it is endemic, and it is due to the government policies. We know why the Prime Minister made the comment yesterday: he was in trouble on the question of tax cuts. His backbench has been agitating for them. The Prime Minister gave the stock answer that if we have a surplus after we have paid for things like education and health and there is enough money left over in the surplus then they will give tax cuts. But he added something different this time. He said that this time we need a bigger surplus because of our poor performance on the trade account—but it will only be temporary.

What you have got to read into that is that the government will not give tax cuts in this budget and it will dress it up in the circumstances by saying that it cannot afford it because of the trade performance. He will say that the trade performance will turn around—that is: ‘Wait until the next election and we will dole out some more money for tax cuts.’ The only time you see a tax cut from this government is when there is an election on the horizon. They are looking for excuses, but they are in denial about the extent of this problem.

Why has this come about? There has been a failure of policy on the trade front. They have put too many eggs in the basket of free trade agreements. They have dropped the initiative in terms of the Cairns Group and they are not devoting enough attention to the Doha Round. The biggest gains in trade, as
Labor demonstrated when it was in office, came from the combination of its leadership of the Cairns Group, its successful pursuit of an outcome in the Uruguay Round, its translation of that in a regional sense through the Bogor declaration, and then the driving of free trade agreements to underpin and to move the issues forward country by country.

This government has reversed that role. It is driving free trade agreements that undermine multilateralism. Just look at the US free trade agreement: carve-outs on agriculture, no most favoured nation provision, inconsistent rules of origin—all the things that undermine an effective drive forward on a multilateral outcome. That is the government’s failure on trade policy. It has also failed to have an integrated trade and industry strategy, an industry strategy by which not only do you seek to open up the markets but you actually encourage efficient competitive industries in this country to get into them. That is where you have to invest in the skills, Minister. It is where you have to invest in the research and development and it is where you have to invest in infrastructure. But these are all areas where this government has underinvested.

I am delighted today that the Prime Minister drew attention to Labor’s document Workforce 2010. This document came about because in opposition Labor realised that we would need to continue to do what we were doing in government. I was the minister at the time we produced a document similar to this in government called Workforce 2005, a blueprint—a map—of where the skills needs of the future were so that we were actually sending a signal to businesses as to where they needed to invest and recruit while saying, in terms of government resources, ‘This is what we have to invest in.’ Labor initiated that report, the Leader of the Opposition launched it, and we argued years ago that this was where the government was failing.

The Prime Minister of the day has only come to realise there is a skills crisis. Labor have been talking about this for years. We were seriously addressing this when we were in government. Labor established the Australian National Training Authority and established traineeships as a second stream to apprenticeships. What this government did was put them all into one, call them ‘new apprenticeships’ and then try to claim credit on the numbers. But in the process of getting the numbers up they failed us on the traditional trades, and that is why we have got this crisis today.

Labor did not approach it that way. Labor approached it properly, and that is why Labor was equipped, and also equipped this nation, to address this skills shortage. It is similarly so with research and development. The rate of growth in business expenditure on research and investment increased every year when Labor was in office. Why? Because we had the 150 per cent research and development incentive and we had incentives for small business in research and development. We actually knew there was market failure in this field and that governments had to play a role: they had to intervene and give incentives. What did this government do when they came to office? They effectively scrapped all of those mechanisms, and that is why investment research and development has fallen. The only time this government put out a statement was just before the last election, and the Prime Minister referred to it in his list the other day. It is good that they are finally realising that money has to go into R&D, but why the nine years of neglect on skills, research and development, infrastructure, integrated trade and industry strategies, and trade policy?

That is the reason for the problem we have today—the failure of policy. Let us look at the point that I made before. When Labor were in office, exports grew 11 per cent al-
most every year because we had that suite of policies. The government have undermined and stripped them and, as a consequence, exports are down to a miserly 5.3 per cent, despite the significantly lower commodity prices when Labor were in power. This government is presiding over the biggest commodity price boom since the Korean War, and it wants to claim credit for its export policy. I am telling you, Minister, we did this with significantly lower commodity prices, so at least be honest in the debate. At least be honest as to what is causing these things. God knows where we would be if it were not for those commodity prices.

Labor also achieved a growth in manufacturing exports of 14 per cent a year—and I ask the minister at the table, the Minister for Trade, to look at these figures because I want him to respond. So under Labor there was a 14 per cent growth in manufacturing exports a year and under the Liberals it is 3.6 per cent a year. Under Labor, service exports grew at 13.4 per cent a year. The government cannot even grow them at five per cent a year. So Labor’s approach delivered results—it delivered strong exports and a strong and robust trade performance—but all the government can deliver is trade deficit after trade deficit and repeat this endemic struggle.

If Labor’s performance had been continued, the rate of growth in exports that this government could have achieved would have been $230 billion a year—not the $152 billion that the minister talks about—in other words, more than half as much again. If exports had continued to grow at the rate achieved by Labor, Australia would have achieved a trade surplus last year of $12 billion, rather than the largest ever trade deficit on record of $26 billion. That is the difference in policy and that is what we are trying to get this government to understand. Why do trade deficits matter? They matter because if we are not earning from exports sufficient to cover our imports we have to suck in foreign savings, and to do that we have to borrow. The government wants to make the point as to who borrows, but the fact of the matter is that we need the borrowings to service it and we know also that when you have to service those borrowings there is a premium on the interest rate. I know the nice bit of sophistry that the Prime Minister went on with before. It is true that his quote did refer to the budget deficit, but it went on to specifically say that the reason we have high interest rates is that overseas lenders are charging a risk premium to lend to borrowers in a country whose current account deficit is the second worst in the OECD. If we now have the worst figure in the OECD, surely the same has to apply, Minister.

Mr Vaile—We haven’t got a budget deficit though.

Mr CREAN—But we have to attract the borrowings and we have to pay the premiums. If you do not believe that is right, look at what the OECD says:

In the case of persistent external ... deficits—that is us—real long-term rates will come under upward pressure both compensating foreign investors for any exchange rate—risk and acting to correct any domestic saving-investment imbalance.

Australia has had a history of relatively balanced government finances but with a persistent current account deficit resulting in higher real rates. That is why we have got rates higher than those of other countries—four percentage points higher than the US, 5½ percentage points higher than Japan, 3.4 percentage points higher than the European Union and three percentage points higher than Canada. This is a failure of policy and every Australian family is paying for it.
Families are paying for it through higher interest rates, interest rates that have upward pressure on them because this government has failed on trade policy. It has got a blowout in the current account and the worst ever trade performance in history. Rising interest rates are a consequence of those factors, and every Australian household is paying for that failure.

Mr VAILE (Lyne—Minister for Trade) (3.36 p.m.)—The member for Hotham has raised a matter of public importance focusing on trade policy. We just heard a fairly lengthy discourse about all sorts of other aspects of government policy, industry policy and economic policy, but I want to just address the critical issue that the MPI is about. The MPI refers to ‘the long-term and continuing failure of the government’s trade policy’. I would assert that trade policy has not caused the slow export growth that we have. Trade policy is about the settings that the government establishes in our engagement with our international trading partners and in the structures that we provide for our private sector to take advantage of opportunities in different parts of the world. Trade policy is about removing barriers and impediments to gaining access to the markets of the world. Trade policy is about giving our exporters the best chance they possibly can to get into those markets.

Yes, we have a high current account deficit, but the member for Hotham knows but does not speak about the many other aspects that affect the current account deficit, such as the strength of the domestic economy, the size of the imports that are being drawn into the country and the value of the exchange rate that gives Australian consumers a much stronger purchasing power on imports. He did not mention those things in this debate, but I want to stick to what the MPI is about: trade policy. What is the government’s trade policy? The government’s trade policy is fundamentally to remove impediments and barriers to Australian exporters wherever we can and as quickly as we possibly can.

The member for Hotham referred to the Labor Party’s prime objective as far as trade policy is concerned, and that is the multilateral system. He referred to the fact that the Labor Party were in power when the Uruguay Round of World Trade Organisation negotiations were concluded. He would also recall some of the agreements that were made in the finalisation of the Uruguay Round that have had a detrimental affect on Australia’s agricultural producers. They have worn that for the last 10 or so years. Let me remind the member for Hotham that, since we have been in office, and certainly since I have been in this portfolio from 1999, I have been actively pursuing and finding new ways to move the multilateral trade agenda along. It was bogged down; it was stuck.

We attended the ministerial meeting in Seattle at the end of 1999 and it was a failure. It failed to launch the round of negotiations that we desperately needed. We have an absolute focus on what can be delivered with a successful outcome as far as the multilateral system is concerned. There is no argument about that, and it would be fair to say that on that one single issue I agree with the Labor Party and I agree with the member for Hotham. It remains the government’s singular strongest focus in its trade policy.

We have added further resources to what we are doing, but we have not been prepared to put all our eggs in the one basket. I continue to talk about the critical issue of trade policy here. We have not been prepared to put all our eggs in the one basket; we have continued to pour resources into the prosecution of our case as far as the Doha Round is concerned, and it is moving along slowly. Sometimes it moves at glacial pace, and we have been frustrated by that system. That
system works at the pace of the slowest common denominator—and that is how the decisions are made in the WTO—notwithstanding how important it is to get a decent outcome and notwithstanding the fact that it will deliver broad-based benefits to the Australian economy and Australian exporters. We are not losing sight of that fact, and we are maintaining a very strong presence in Geneva.

We still lead the Cairns Group of agricultural free-trading countries, but we have not been prepared to leave all our eggs in that one basket, so we have embarked on an agenda to take up and negotiate bilateral agreements that improve market access with some of our major trading partners whilst at the same time negotiating in the WTO. Of course we want to focus our energies on that, because at the end of the day governments must continue to provide the best economic framework and the best foundation that they can for the country domestically—for our manufacturing industries, service industries and agricultural industries so that they are efficient and can compete in the international marketplace. The other thing we must do is continue to remove barriers and impediments to the markets that we aspire to get into and sell more into.

Our trade policy has always been to maintain the effort as far as the multilateral system is concerned and focus on the benefits that can be delivered on an MFN—most favoured nation—basis out of the WTO, where everybody benefits. But at the same time, where we can get, if you like, an early harvest with bilateral trading partners to improve the opportunities for our exports to get into those markets and we can get those gains earlier than we can in the WTO, we are going to continue to pursue that policy.

I know over recent years we have been criticised by a number of sectors in industry and academia and by the Labor Party, but we have stuck to our guns in pursuing this agenda. We have negotiated free trade agreements with Singapore, Thailand and the United States. Yesterday in this place I announced that agreement had been reached to embark upon a negotiation with the first of our trading partners in the Middle East, the United Arab Emirates—our second largest trading partner in that region and a very important transport and financial hub in the region that we can use as a launching pad into those markets in that part of the world.

It is not just about gaining new and better access; it is about consolidating our position in very important markets with some of our major trading partners. That is why we targeted the Singapore deal and the Thai deal—off the back of what we had established with New Zealand 20-odd years ago—and the negotiated outcome with the United States. Of course, our aspirations as far as pursuing an agreement with China are well known. Targeting the largest, most dynamic and fastest growing market in the world is going to provide Australian manufacturers, producers and exporters with the best chance they have of selling their products overseas. Then, along with the economic management and policy settings in Australia to create a much more efficient and productive base here, we are creating a circumstance where they can take advantage of that.

We can do so much. We can put all that into place. We can establish that environment economically at home by removing barriers globally for our producers and our exporters to get into those markets. Then we will assist them through the Austrade programs to gain market access and to connect with purchasers in that marketplace. I put it to the House that trade policy has not resulted in the things that the member for Hotham has asserted in this debate. He spoke about a whole range of other issues, but our trade policy is
Mr Crean interjecting—

Mr VAILE—It is a dynamic circumstance. It is not static and you cannot lock yourself away in the policies of the past. I will go through some of those statistics again in this debate to inform the House of what is happening at the moment. When we came into office in 1996 the export figure was around $99 billion. In total, $99 billion worth of products went out of this country. In 2004, it was $152.5 billion. Let us remind ourselves of some of the external circumstances that this government and this nation had no control over and that we dealt with as a nation, as an economy, during that time.

In 1997, we had the Asian economic recession. Some of our major trading partners within our region of South-East Asia struck major economic difficulties. That was a major challenge to our exporters and to our exports going into those markets. The Asian economic recession did not just affect countries like Thailand and Indonesia, who had major financial structure problems within their economies; it also had a knock-on effect right across the region for a lot of our other major trading partners.

Then a couple of years ago we suffered the worst drought this country has had in its history as a nation. It had a profound impact on what we had available as agricultural product to export to markets across the world. If that was not enough, at the same time we had the impact of the SARS virus across East Asia. That really rocked a number of our major markets in North Asia, particularly in China. Our industries dealt with that. The member for Hotham did not acknowledge that exports dropped in that year to $147 billion as a result of the external impact and the climatic impact in Australia.

Since then we have come back up to our current level of $152.5 billion. We are on the verge of enjoying a resources boom that is being driven primarily by the extraordinary growth in China. I gave some statistics to the House in question time, as did the Prime Minister. ABARE forecasts that in 2005-06 there will be 16 per cent growth in exports in the resources sector. That area is a major contributor to our export effort in both value and volume terms. ABARE have also forecast a growth in agricultural exports of only 2½ per cent. Many parts of this country, as you well know, Mr Deputy Speaker, are still in the grip of drought, which is restricting our productive capacity in agricultural exports. Also, producers and exporters of agricultural products have had to confront a corrupted global marketplace.

That comes back to my earlier point on trade policy, whereby we are trying to improve bilaterally our market access. We want better market access by removing barriers to agricultural exports with many of our major trading partners; but, at the same time, we are playing a pivotal role in the WTO by making sure that the agricultural negotiations in the Doha Round are leading the negotiations. One point that was agreed upon by the ministers at the informal mini-ministerial in Kenya two weeks ago is that we cannot let the energy go out of the agriculture debate in the Doha Round, otherwise everything else will slip off the page. It is only going to be led by the agriculture framework. Those negotiations will lead to reforms in market access openings in industrial goods and services and to new issues and rules.

I also indicated some statistics on one of our largest export earners in the services sector. The Tourism Forecasting Committee is forecasting a 5.8 per cent rise in earnings
from inbound tourism to Australia in 2005. If that forecast is correct, that is a significant improvement in the earnings base that exists.

I will continue to defend our trade policy against MPIs such as this one, in terms of where it is positioning this economy and this country for the future—withstanding external impacts that have taken place, internal climatic conditions that have beset this country and the slow level of global growth over recent years, particularly in the major economies of the world. The economies of the European Union, Japan and the United States have had an effect on the global economy. Our trade policy is delivering opportunities to Australia’s manufacturers, producers and exporters that they have not had before. The Labor Party in office was not game to embark on any bilateral agenda. In 20 years we sat on one bilateral agreement with New Zealand.

During the negotiations the member for Hotham and his colleagues railed against Australia’s free trade agreement with the largest economy in the world, the United States; they tried to scuttle it. The former Leader of the Labor Party, Mr Latham, tried desperately—against the wishes of the clearer thinking people in the Labor Party on Australia’s economic relationship with the United States—to knock the legislation out when it came through this House.

It is pleasing to read in the *Daily Telegraph* that Labor is being encouraged by the member for Hotham to display a positive disposition to the prospective trade deal with China. I welcome that, because that is eminently sensible. The economy in China is going to grow at eight per cent a year from now until beyond 2020. That industrialisation and growth are going to be resourced primarily by Australia. We heard about the prices that have just been negotiated on coal and iron ore. We know that LNG is going to start flowing to China at the beginning of 2006. That is just the beginning of the energy relationship with China that we are going to have for decades to come.

I refute the assertion by the member for Hotham that trade policy is causing slow export growth, that it is impacting on the current account deficit and that it is putting upward pressure on interest rates. Trade policy is setting up this nation for great prosperity in the future.

**Dr Emerson** (Rankin) (3.51 p.m.)—On Black Friday, 31 January 2003, the Australian Bureau of Statistics released the trade deficit figure for December 2002. It was a whopping $3 billion—a record. It was the worst trade deficit in Australia’s history. The minister went into a huddle with his advisers and departmental officials, and they obviously asked, ‘How are we going to explain this away?’ The minister answered: ‘Don’t you worry about that’—that is how they speak in the National Party—‘I’ll explain it away. I’ll welcome it.’ And he did; he welcomed it. He said:

> The ... data released today signals investor confidence in the future growth of the Australian economy.

So the bigger the trade deficit the better, the more investor confidence in the future of the growth of the Australian economy. Ever since that day, since that record trade deficit, the Minister for Trade has been in denial about our terrible trade performance. The trade deficit is the elephant in the coalition party room. The National Party thought it was a regional rort, and as it got bigger and bigger they thought it was getting better and better, so they did not say anything about it. They have refrained from saying anything about it other than welcoming it. The Prime Minister yesterday finally acknowledged the existence of the elephant in the coalition party room—but he claims it is only a tem-
porary elephant; it is going to go away. It is a temp; it is a casual, and it will leave the party room before too long. That is what the Prime Minister is saying; that is what the trade minister is now saying: it will all be fine come the end of the year when the resources boom finally comes into play.

Is it temporary? The trade deficit elephant has been around for 39 months. That is a long time for that trade deficit elephant to be in the party room. I do not believe, and no economist sensibly believes, that the trade deficits are going to go away. The truth of the matter is that export growth has more than halved under this government, compared with the Labor years. Exports of goods and services are now lower than four years ago, and yet the trade minister says, ‘Well, they’re bigger than last year.’ They might be bigger than last year, but they are lower than four years ago. That is how bad the situation has become. It is the worst export performance since the Second World War. How can you make a good story out of that shocking news? It is a shocking trade performance despite the best terms of trade since 1973. By that, we mean the value of our exports is so high, the price of our exports is so high, and the price of our imports is so low because we have mineral exports with enormous prices and our imports—especially those from China—are very inexpensive manufactured goods. We have the best terms of trade, the best purchasing power for our exports, since 1973. It takes a very special trade policy to produce 39 successive trade deficits when you have the best purchasing power your exports have had for more than 30 years.

In his contribution today the trade minister said, ‘Trade policy has not caused slow export growth.’ What has? We have record prices. The government does not control world prices—the minister might think he does—but it can influence the volumes of exports. It has to take responsibility for the volumes, but it always blames everyone else. There has been slow export growth. The trade minister said, ‘It’s a dynamic circumstance.’ My oath it’s a dynamic circumstance! There have been 39 successive trade deficits—the worst export performance since the Second World War. He said, ‘We are enjoying a resources boom.’ If we are enjoying a resources boom, why do we have a record trade deficit, why do we have a record current account deficit and why do we have record foreign debt? He has belled the cat. He has said, ‘We have got this resources boom; it’s beaut!’ and yet we are in deficit up to our ears: 39 of them in a row.

As the member for Hotham has pointed out, Australia has in absolute terms the fourth largest current account deficit in the world—that is, in dollars. But, as a proportion of our economy, we get the gold medal. We are right up there. They think the US has a big current account deficit; we have a bigger current account deficit as a share of our economy than any country in the world, including Mexico, Nicaragua, Botswana, Swaziland—all the countries that the Treasurer likes to mention in these debates. We are in the middle of the blame game. We heard it again today: it was terrorism, it was September 11—that was the problem.

Mr Adams—What about the unions, what about the states?

The DEPUTY SPEAKER (Hon. IR Causley)—I am sure the member for Rankin does not need any support from the member for Lyons.

Dr EMERSON—Yes, it is the trade unions, it is the workers, it is SARS, it is the bird flu virus. And today we heard a new excuse: slow world economic growth. Global economic growth last year was five per cent. How much faster does economic growth have to be before the trade minister stops blaming slow world economic growth? Five
per cent is going gangbusters, and he says, ‘Oh, it’s too slow for us.’ It is too slow for the trade minister—that is for sure.

You would think that all of these factors—terrorism, SARS, bird flu virus and slow world economic growth of just five per cent per annum—would surely affect everybody’s exports. But, no, we are special. It has affected our exports more than anyone else’s, because Australia’s exports as a share of global exports are now below one per cent—the lowest since 1948. The trade minister must take responsibility for that appalling performance. The reason for it is a shambolic trade policy. This government is obsessed with preferential trade deals, and it made one with the United States—for strategic reasons first and foremost, trade reasons perhaps incidentally—because of its close alliance with the United States. We fully support that alliance, but do not believe it should be reflected in trade policy.

The government has admitted that it has given up on the World Trade Organisation. It has given up on the Doha Round—let’s be frank about it. It has given up on APEC. It could not spell ‘APEC’, though apparently they are going to have a meeting here in a couple of years. It can refamiliarise itself with the fact that APEC was set up in the first place to promote regional trade. It has dropped the ball on APEC and the Cairns Group. The Labor government set up the Cairns Group and made Australia the leader of the Cairns Group—and the government has effectively relinquished that leadership. It hardly does anything with the Cairns Group of fair trading nations.

Let us apply a few yardsticks here—and not from the IMF, the OECD or the Reserve Bank but from the Treasurer and the Prime Minister. Let us find out what the Treasurer said about current account deficits. He said in 1995:

Look, if you’re running a current account deficit of 6 per cent of GDP, it’s not sustainable. It’s an obvious point; it’s not sustainable.

It is now 7.1 per cent. He says 7.1 per cent is sustainable, but he said six per cent could not be sustained. They are living in fantasy land.

The Treasurer also said in 1995:

Four million dollars an hour is the rate at which we went backwards, and I feel a cold anger on behalf of the Australian people ... that Mr Keating could have done this to our country ... He should apologise to the Australian people for what he’s done.

Australia’s $50 billion current account deficit today amounts to $5.7 million an hour, compared with the $4 million an hour that he said should be the basis for the Prime Minister of the day apologising. So the Treasurer should call upon this Prime Minister to apologise. The Treasurer should have a cold anger towards this Prime Minister—

Mr Crean interjecting—
Dr EMERSON—Apparently he does, but that is for other reasons. The Treasurer said in 1995:

Well look, if you forecast a disaster there are no congratulations for reaching it. If the Government knew that it was going to run a $26 billion deficit over the year, what it should have been doing is making sure that it improved the situation rather than sitting back with this smug and complacent attitude—

he would know a lot about that—

and saying what jolly good fellows we are we’ve forecast disaster and we’ve made it.

They have forecast a $50 billion current account deficit and they are doing nothing about it, other than sitting back and saying, ‘What jolly good fellows we are.’ The Prime Minister and the Treasurer in 1995 directly linked interest rates with the current account deficit and the trade deficit. They are right—there is a relationship between the current account deficit and interest rates. The fact is that every day the Australian people are paying a higher price on their mortgages and on their bank cards because of the neglect and the sloth of the government. The government have neglected any sensible, decent trade policy in this country, and they ought to be brought to account for this scandalous failure of policy. (Time expired)

Mr ROBB (Goldstein) (4.01 p.m.)—In responding this afternoon, I would like to start by taking a wider view and looking at the politics behind this matter of public importance. It is obvious to anyone who has been studying the performance of the opposition over the last few weeks and the last few years that this is part of a wider political strategy to talk down the economy. The Labor Party have made an art form of seeking to talk down our Australian economy, potentially at great cost to their fellow Australians. On this, they have form. Barely into opposition after 13 years of running the shop, the Leader of the Opposition, Mr Beazley, said on 4 June 1997:

The Australian manufacturing industry, on today’s figures, is in recession. One of the biggest sectors of employment in this nation is in recession. Indeed, if you look at the underlying figures as opposed to the quarter on quarter figures, you will see that it has been in recession for three quarters. This continued in August 1998, when the Leader of the Opposition predicted:

... next year—

that is, 1999—

is going to be a year of great economic difficulty for this nation.

Bear in mind that this was all during an unprecedented level of economic growth in our economy.

The member for Hotham, Simon Crean, said in June 2001 that the economy was going bust and that growth would stop because of the GST. He said, ‘The GST has mugged the economy.’ In September 2001 the member for Hotham predicted economic downturn because of tax reform slugging the economy, referring to the GST. On 20 September 2001 he said:

All this under your watch, and you crow about how good the economy is. If the economy is going so well, how come people are being thrown out of jobs? How come they are in bigger household debt? How come the inflation rate is high? How come we have mugged the economic growth of the nation so that it has choked off job opportunities?

That was the member for Hotham, who had the hide to bring forward this matter of public importance today. He said that in 2001. The Labor Party have been crowing on, trying to talk down the economy for years and years. Their performance today and over the last three or four weeks is just a continuation of that failed tactic. They ought to spend their time focusing on genuine policies to improve things in this economy, not trying to
talk things down so that they can take some cheap political advantage of it all.

During the Ryan by-election in March 2001, the Leader of the Opposition said:
This is a downturn.
At the same time he said:
All I know is that we are now losing jobs, we are in downturn and it’s all coming off the back of the goods and services tax.
He talked about the readiness of a recession. This is another example, during a period of unprecedented job growth—we now have the lowest unemployment in 26 years—and of unprecedented economic growth, of the Labor Party all the time predicting that things would turn down, that things would get worse. They have cried wolf so often that they are starting to lose their impact, and we have seen that again today. This is just verbiage. Why don’t they spend their time trying to come up with some constructive policies?
All of this is part of a wider political strategy to talk down the economy. Let me address more specifically the elements in the matter of public importance today. The Labor Party talk about the supposed slow growth of our export performance. Australia has performed in an outstanding way on exports, despite the best efforts of the Labor Party over the last nine years. We have seen exports grow in a very significant fashion, as outlined by my colleague the Minister for Trade. We have had a period over the last nine years during which we have worked through and built our export income from $99 billion in 1996, when we took over managing the show, to $150 billion in 2004. This was during an Asian economic recession. We walked through the US recession, we walked through the worst drought in the nation’s history and we walked through the SARS virus. This economy and the export performance of this economy—the trade performance and policies—have delivered for Australia. We have delivered magnificent results despite some very serious things happening on our doorstep. Despite some very serious economic circumstances in Asia and in the rest of the world, we have continued to outperform and to register high economic growth.

What happened on the other side of the House through all of this? The Labor Party’s actions sought to hold back Australia’s economic and export performance through this time. We saw the Labor Party oppose just about every possible expenditure cut we sought to introduce into this parliament to reduce the $10 billion deficit that they left us in 1996. They sought to oppose that. The impact would have been to increase inflation and interest rates, making us uncompetitive on world markets. If they had had their way on expenditure cuts throughout 1997-98, we would have been less competitive and our export performance would have been pulled back accordingly.

What else did they do? They opposed the GST endlessly. They went to an election opposing this. They then proceeded to oppose it after we had a mandate to introduce it. The goods and services tax replaced over $20 billion of wholesale sales taxes, many of which fell directly on our exports. The wholesale sales tax was at rates of 20 per cent and 30 per cent on a narrow base—heavily on our manufactured goods—that fed their way into rural exports as well as these costs cascading down through the production and distribution chain. The introduction of the goods and services tax is one of the most significant developments in promoting exports in this nation’s history. It means that a tax does not fall on our exports. The wholesale sales tax was removed—$20 billion of wholesale sales tax. That was violently and endlessly opposed by the people on the other side. They now have the hide to stand up here and talk about export performance.
Over the last nine years, they have done every-thing in their capacity to hold us back as a nation.

Those opposite opposed reform of the water-front. The average rate of movement of containers through our ports pre 1998 was 20 containers per hour; now it is at a historical high of 28.2 containers an hour. Prices for moving containers have dropped by nearly one-fifth since 1998—one-fifth over the last six years—because of that reform. Again, that was a reform of great moment for this country. Those on the other side opposed the reform; they continue to oppose what is a really significant reform in terms of our export performance.

Those on the other side opposed the diesel rebate for the mining industry. They did all they could to frustrate the free trade agreement with the United States. And, of course, their colleagues in the state Labor governments have sought to hold back investment in infrastructure. They have spent money on wages for public servants and other things and not invested in infrastructure. They have not spent the money from the GST. Again today we have heard in the House how the Labor Party in all the states—the colleagues of those on the other side—have held back the capacity for us to increase our export performance by sitting on a lot of the essential infrastructure investment that is required in this country.

The second part of this motion suggests that the current account deficit is putting upward pressure on interest rates. I assert very strongly that the current account deficit is manageable, is sustainable and is not putting upward pressure on interest rates. There are two reasons for this. First, it is manageable because this government, as distinct from our predecessor, is contributing to savings. We are running consistent surpluses. We are not dissaving as the previous incumbents did during their term. Ian Macfarlane, the Governor of the Reserve Bank, at the recent hearings in February acknowledged this. He said: ... if you just look at investment in its totality, it is true that the current account deficit in Australia is not due to government budgetary decisions—it is due to private sector decisions.

Second, it is not putting pressure on interest rates because interest rates are set with respect to inflation, not with respect to the current account deficit. In the 1980s, the Labor government made the big mistake of setting interest rates with respect to the current account deficit. The hands on the levers, the daily calls to the Governor of the Reserve Bank, the arrogance, the ignorance and the interference led to the huge recession and to interest rates of 17 per cent. If they had bothered to set interest rates with respect to inflation, we as a nation would not have suffered as we did through those times. In terms of setting interest rates with respect to inflation, the Governor of the Reserve Bank has confirmed that he expects that the inflation rate will stay within the two to three per cent inflation band. In other words, as he said, while the balance-of-payments result is disappointing, this is not a reason for monetary policy response. (Time expired)

The DEPUTY SPEAKER (Hon. IR Causley)—Order! The discussion is concluded.

AUSTRALIAN SPORTS COMMISSION AMENDMENT BILL 2004

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.
Ms JULIE BISHOP (Curtin—Minister for Ageing) (4.12 p.m.)—by leave—I move:
That the bill be now read a third time.
Question agreed to.
Bill read a third time.

APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE) BILL 2004-2005
APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE AND AUSTRALIA-INDONESIA PARTNERSHIP) BILL 2004-2005

Returned from the Senate
Message received from the Senate returning the bills without amendment or request.

BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2004

Returned from the Senate
Message received from the Senate returning the bill and informing the House that the Senate does not insist on its amendments disagreed to by the House.

PARLIAMENTARY ZONE
Approval of Proposal
Ms JULIE BISHOP (Curtin—Minister for Ageing) (4.13 p.m.)—On behalf of the Minister for Local Government, Territories and Roads, I move:
That, in accordance with section 5 of the Parliament Act 1974, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 15 March 2005, namely: Temporary sculpture adjacent to Questacon.
Question agreed to.

COMMITTEES
Public Works Committee Report
Mrs MOYLAN (Pearce) (4.15 p.m.)—On behalf of the Parliamentary Standing Committee on Public Works, I present the following reports of the committee: the 68th annual report and the first report for 2005, relating to the fit-out of new leased premises for the Department of Industry, Tourism and Resources in Civic, ACT.

Ordered that the reports be made parliamentary papers.

Mrs MOYLAN—by leave—In accordance with section 16 of the Public Works Committee Act, I present the 68th annual report of the Joint Standing Committee on Public Works. This report gives an overview of the work undertaken by the committee during the 2004 calendar year. In addition to its 67th annual report, the committee tabled nine reports on public works, with a total estimated value of $540 million. Works reported on by the committee in 2004 included:

- site remediation and construction of infrastructure for the Defence site at Randwick Barracks, Sydney, interim works;
- proposed fit-out of new leased premises for the Department of Health and Ageing at Scarborough House, Woden Town Centre, ACT;
• mid-life upgrade of the existing chanceller-y building for the Australian High Commission at Wellington, New Zealand;
• provision of facilities for Headquarters Joint Operations Command near Queanbeyan, NSW;
• proposed development of land at Lee Point in Darwin for Defence and private housing;
• fit-out of new leased premises for the Department of the Prime Minister and Cabinet at 1 National Circuit, Barton, ACT;
• fit-out of new leased premises for the Attorney-General's Department at 3-5 National Circuit, Barton, ACT;
• construction of the new East Building for the Australian War Memorial; and
• development of a new collection storage facility for the National Library of Australia at Hume, ACT.

Committee members also participated in a Public Works Committee training day organised by the Defence Infrastructure Asset Development Branch and in the annual conference of parliamentary public works and environment committees, held in Melbourne and Lorne. Issues of note arising from the committee’s deliberations in 2004 included the issue of concurrent documentation being applied for prior to the committee bringing its report to the parliament. Concurrent documentation is the preparation of contract documentation. As I said, it is applied for before the committee has completed its inquiry on works. In extraordinary circumstances, the committee will permit agencies to commence some elements of project documentation if deadlines cannot be met by any other means. In 2004 the committee received requests for concurrent documentation in respect of six of the nine works brought before it. The committee believes that concurrent documentation unnecessarily pre-empts the outcome of parliamentary investigation and seeks to remind agencies that sufficient time should be included in works schedules to allow for thorough scrutiny.

In 2004 the Parliamentary Secretary to the Minister for Finance and Administration gazetted a regulation to the Public Works Committee Act providing that projects making extensive use of demountable buildings should be referred to the committee. The committee welcomed this decision as, in the past, some agencies have excluded demountable buildings from works budgets with the result that sizeable projects have escaped appropriate scrutiny. The committee was also advised by the parliamentary secretary that where a Commonwealth agency arranges for the provision and subsequent leasing of purpose-built infrastructure through a private company such projects should also be subject to committee scrutiny. This information was considered by the committee to be particularly timely given the increasing trend for agencies to acquire property and infrastructure through private financing and joint venture arrangements.

The committee also raised concerns with respective ministers in relation to the exemption of works for defence purposes and the appropriate monitoring of contamination remediation works. I would like to extend my thanks to all the members of the committee for their continued hard work and support throughout the year. I would also like to express my gratitude, and that of the committee, to the secretariat, to other parliamentary staff and to those officers in the Department of Finance and Administration who play an integral role in facilitating references and expediency motions.

The committee’s first report of 2005 addresses the proposed fit-out of new leased
premises for the Department of Industry, Tourism and Resources in Civic, ACT, at an estimated cost of $19.4 million. The need for the proposed work was driven by the department’s objective of co-locating its four existing Canberra offices at a single purpose-built building. The department submitted that its current premises do not provide an adequate standard of accommodation, are inefficient and are difficult to secure. Further, all current leases expire in 2006. The department expects rationalisation and consolidation of its accommodation to result in a number of benefits, including enhanced operational cohesion and efficiency, reduced environmental impacts, increased amenity to staff and visitors, and better security. The works required to meet Customs’ objectives comprise:

- integration of electrical, ventilation, security, communications, fire and hydraulic services into base-building works;
- office accommodation, including meeting and training rooms, IT and communications rooms, storage, workstations and loose furniture; and
- staff amenities, such as parenting rooms, carer’s room, first-aid facilities, breakout areas and a prayer room.

In examining the work, the committee noted that the proposed new building will provide less floor space than the department’s current leases and sought to ensure that this would not impact upon amenity for occupants. The department explained that each of its current premises has its own entry, storage and reception facilities and that co-location will remove this requirement, creating more space in the new building. Moreover, it is proposed that individual workstation space will be increased.

The department’s submission on the fit-out proposal outlined a range of measures intended to minimise energy use and operating costs in its new premises. The new building will achieve 4½ stars under the Australian Building Greenhouse Rating scheme and will be audited annually to ensure that the energy rating remains at that level. At the public hearing, the department added that its new lease will include a green lease schedule, which will require the developer to install energy-saving equipment and to ensure that the energy efficiency of the building is maintained for the life of the lease. The committee welcomed the energy conservation initiatives taken by the department. In closing, I wish to thank again my committee colleagues and the secretariat for the work they have completed on this particular inquiry. I commend the report to the House.

Mr BRENDAN O’CONNOR (Gorton) (4.22 p.m.)—by leave—I rise to concur with the comments made by the Chair of the Parliamentary Standing Committee on Public Works, the member for Pearce. I think it is important to note the extent of the work undertaken by the committee over the last 12 months. As already outlined by the chair, the works have been very comprehensive indeed. Committee members are very mindful of the fact that decisions made by government that lead to departments making proposals to be put to us pursuant to the Public Works Act 1969 are, on occasions, quite rushed. There are obvious needs that have to be met, and therefore we are sympathetic to the requirements that arise quite often very suddenly. What the committee members are also very mindful of and what the committee does quite well is to try to find the right balance, to apply the authority of the committee practically but with the view of ensuring value for money when great expenditure is outlayed for particular proposals.

As the chair has indicated, the actual amount of money spent on the proposals before us exceeds half a billion dollars, and therefore it is not to be trifled with. It is an
enormous amount of taxpayers’ money, and I think we do our best to ensure that the departments are spending it properly. I also add my thanks to all members of the committee and, indeed, to the secretariat. It is a very busy committee, with very many inquiries. Above and beyond that, the annual conference took up quite a large amount of the secretariat’s time. I think they do a great job in providing us with the assistance we need to deliberate properly. Finally, with respect to the tabling of the report on the proposed fit-out of new leased premises for the Department of Industry, Tourism and Resources in Civic, I indicate my support for the comments made by the member for Pearce.

ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2005

First Reading

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

Second Reading

Mr RUDDOCK (Berowra—Attorney-General) (4.25 p.m.)—I move:

That the bill be now read a second time.

The Administrative Appeals Tribunal Amendment Bill 2005 introduces a suite of measures that will improve the capacity of the Administrative Appeals Tribunal (the tribunal) to manage its workload and ensure that reviews are conducted as efficiently as possible. The bill amends the Administrative Appeals Tribunal Act 1975 (the AAT Act) and related legislation.

Taken individually, each of the measures contained in the bill is relatively modest. However, taken together they represent the most substantial reform of the tribunal undertaken since it first opened its doors on 1 July 1976.

The purpose behind the reforms is simple: to make the tribunal more efficient, more flexible and more responsive to the ever-changing environment in which it operates. The reforms reinforce that the primary objective of the tribunal is to provide a mechanism of review that is fair, just, economical, informal and quick.

The reforms do not involve a fundamental change to the purpose, structure or functions of the tribunal. Rather, they build on the tribunal’s experience over almost 30 years of operation.

The reforms can be divided into four key areas:

- Reforms to tribunal procedures
- Removal of restrictive constitution provisions
- Better use of ordinary members, and
- Reform of the role of the Federal Court.

A number of government and opposition amendments to the bill were made in the other place. The government amendments were made for the purpose of implementing most of the recommendations of the report on the bill made by the Senate Legal and Constitutional Legislation Committee on 8 March 2005. The government has been prepared to compromise on this bill, and the amendments moved to give effect to most of the committee’s recommendations are a clear demonstration of this goodwill.

A number of opposition amendments were also passed, including on a matter not canvassed in the Senate Legal and Constitutional Legislation Committee report, namely an amendment to provide members of parliament with a right to bring proceedings in the AAT for review of any decision for which AAT review is available (other than those under the Australian Security Intelligence Organisation Act 1979).
Reforms to tribunal procedures

The bill reforms existing tribunal procedures to allow for more efficient conduct of reviews.

The powers of the President will be expanded to facilitate more effective case management. In particular, the President will have the power to issue directions in relation to the operation of the tribunal and the conduct of reviews. The bill also rationalises the provisions relating to the resolution of disagreements between the members of the tribunal hearing a particular matter, avoiding the costly and inefficient delays that, at present, occasionally result from such disagreements.

In keeping with the government’s commitment to alternative dispute resolution as an inexpensive and effective way of resolving disputes between parties, the bill expands the range of alternative dispute resolution processes available to the tribunal. New alternative dispute resolution processes will include neutral evaluation, case appraisal and conciliation. The bill also provides the Registrar with the capacity to engage appropriately qualified and experienced consultants to conduct alternative dispute resolution processes.

Removal of restrictive constitution provisions

The bill removes restrictions contained in the AAT Act and other legislation on how the tribunal is to be constituted for the purposes of particular hearings. This will give the President greater flexibility in managing the tribunal’s workload. To ensure that the tribunal is constituted by the most appropriate members in each proceeding, the bill requires the President to have regard to a range of factors when determining the constitution of the tribunal. These factors include:

- the degree of public importance or complexity of the matters to which the proceeding relates
- the status of the person who made the decision that is to be reviewed, and
- the degree to which it is desirable for the members constituting the tribunal to have special knowledge, expertise or experience in relation to the matters to which the proceeding relates.

To complement these changes, the bill simplifies existing reconstitution provisions. There are two aspects to this proposal. First, the bill would amend the provisions that apply where a member becomes unavailable during the course of a review. Secondly, the President would have the power to add, remove or substitute a member of the tribunal if he or she is of the opinion that it is in the interests of achieving an expeditious and efficient conclusion of the review. Amendments made by both the government and the opposition in the other place have inserted further explanation of the criteria governing the exercise of the President’s powers to remove a member and reconstitute the tribunal for the purposes of particular proceedings.

Better use of ordinary members

The bill contains amendments to allow the President to authorise ordinary members to exercise powers currently only conferred on presidential and/or senior members. These powers will include granting applications for an extension of time before a hearing has commenced and giving a party leave to inspect documents produced under summons. These reforms will give the tribunal greater flexibility in the allocation of resources and allow for tailored management of particular matters. It is expected that some matters will be heard more expeditiously than is possible under existing arrangements as a result of these reforms.
The role of the Federal Court

The bill introduces an amendment requiring the consent of the president before a question of law may be referred to the Federal Court. I wish to stress at the outset that no existing appeal rights will be affected by this proposal. At present, subject to some restrictions, the tribunal constituted for the purposes of a hearing may refer a question of law arising in the proceeding to the Federal Court for decision.

The involvement of the president is intended to ensure that only matters in genuine need of judicial resolution are referred. Under current arrangements, it is possible for issues that may be regarded as settled or insignificant to be referred to the Federal Court wasting the resources of the court and causing delays in the resolution of the proceeding. Where a party believes that a decision of the tribunal was based on an error of law, they will still be able to appeal that decision to the court.

In a related reform the bill allows the Federal Court to make findings of fact in appeals from decisions of the tribunal. This reform implements a recommendation made by the Administrative Review Council in its report titled Appeals from the Administrative Appeals Tribunal to the Federal Court. This proposal is not intended to in any way reduce the tribunal’s role as the primary finder of fact in review proceedings. Rather, it is intended to allow the Federal Court to dispose of appropriate matters completely rather than remitting them to the tribunal for the taking of further evidence.

The court will only be able to make findings of fact if they are consistent with those already made by the tribunal. Before making such findings the court must determine whether it is convenient to do so, having regard to factors such as:

- the expeditious and efficient resolution of the whole of the matter to which the proceedings relate
- the relative expense to the parties of the court, rather than the tribunal, making the findings, and
- the relative delay to the parties of the court, rather than the tribunal, making the findings of fact.

The amendments will not bring about far-reaching changes to the federal system of administrative law, but rather will improve the efficiency of the review process and provide for more immediate outcomes in a small but significant number of proceedings.

Tenure

The bill also removes those provisions under the act which currently confer tenure on presidential members who are also judges and allow for the appointment of deputy presidents or senior members with tenure. This means all future appointments to the AAT will be for fixed terms of up to seven years.

Tenured appointments reduce the flexibility of the tribunal to respond to its changing case load.

To ensure it is able to continue to meet the needs of its users, the tribunal requires access to a pool of appropriately qualified members. Tenured appointments undermine the ability of the government to ensure that the pool of available members corresponds with the needs of the AAT and its users.

This reform is also intended to provide consistency across the membership of the AAT.

Following amendments made by the opposition in the other place the bill now also provides for minimum terms of appointment. The government does not support this approach. It reduces flexibility for the tribunal,
in direct contrast to the intent of these reforms.

In addition, the bill modernises the vocabulary of the act and inserts new headings to enhance the readability and user-friendliness of the act. Terms such as ‘serve’ and ‘furnish’ will be replaced with plain English equivalents. These amendments accord with the government’s policy of making the Administrative Appeals Tribunal more accessible to self-represented litigants. Criminal offences contained in the AAT Act are also redrafted to accord with the style used in the Criminal Code and penalties updated.

Changes to the qualification requirements for appointment as president

The government has made real and serious change to the proposed reform package, in light of the report of the report of the Senate Legal and Constitutional Legislation Committee. In particular, it has changed a key aspect of the reforms by removing the proposal to broaden the qualifications for appointment as president. The president will continue to be a Federal Court judge, implementing the committee’s first recommendation. The government listened to the concerns expressed and has agreed to compromise on this point. It is unfortunate that the opposition was not also minded to compromise in the other place.

If they are not prepared to compromise in relation to these matters, it may well be that we will have to wait our time to allow the democratic processes to operate, in which case they would not operate in quite the way in which this compromise offers. And I certainly would not be found binding to a compromise where I was expecting that there would be some give and take. Let me just make that very clear. I think the opposition have recognised that the government has made substantial changes. They have certainly claimed it. It is not the time for the opposition to continue to press these matters. I think they ought to come to the party in the way in which the government has.

Conclusion

For close to 30 years, the tribunal has provided an avenue for people to seek review of the decisions of government that impact on their lives. The tribunal has also played an essential role in improving the quality of administrative decision making across the Australian government. The measures contained in the Administrative Appeals Tribunal Amendment Bill will ensure that, as the tribunal enters a fourth decade of operation, it continues to perform its vital function and to so serve the interests of the Australian community.

I present to the House explanatory memoranda which I have signed.

Leave granted for second reading debate to continue immediately.

Mr KELVIN THOMSON (Wills) (4.36 p.m.)—I rise to speak on the Administrative Appeals Tribunal Amendment Bill 2005. Yesterday the Howard government backed down from what could only be described as arrogant attempts to undermine the standing of the Administrative Appeals Tribunal. Labor has consistently called on the government to abandon its changes, which would have stripped the Administrative Appeals Tribunal presidency of its status and independence. The government has now adopted Labor’s position. The Attorney-General has conceded his bill went too far, and the government has now agreed that it will abandon its attempts to abolish tenure for the President of the Administrative Appeals Tribunal and maintain the president’s status as a judge of the Federal Court.

The many citizens who appear before the Administrative Appeals Tribunal with social security, tax, veterans’ entitlements and
many other disputes with the government will be able to breathe easier knowing that the distance between the Administrative Appeals Tribunal and political decision makers will be maintained. I am very pleased that Australians will continue to have the Administrative Appeals Tribunal as a place of totally independent review where they can be confident of getting a fair go.

The fact that this provision was originally in the bill demonstrates the growing arrogance of a government that is intent on stripping back any avenues of review or dissent from its decisions. The increased politicisation of the Administrative Appeals Tribunal contained in the original form of this bill was unpalatable, and I am very pleased to see that the government has now reversed its position. I am very pleased that, as a result of the Labor Party’s efforts, the status and independence of the President of the Administrative Appeals Tribunal will be maintained. This bill also contains a number of amendments made by the Senate. These are a substantial improvement on the original form of the government’s bill, and I urge the government to accept them.

By way of background, the Administrative Appeals Tribunal Amendment Bill 2005 is primarily aimed at improving the AAT’s ability to manage its workload and ensuring that it operates more efficiently. It includes a number of reforms which will provide for a more efficient Administrative Appeals Tribunal. It is, of course, important that the AAT operate as efficiently and quickly as justice will allow because delays in the AAT can cause the parties not only a great deal of angst but also severe disadvantage. Anything this parliament can do to speed up this process is important and valuable.

In designing a tribunal of this type, the balance between efficiency and justice requires very close consideration. As has been noted during the long process of reforming the AAT, this tribunal is not a chapter 3 court; it is a tribunal within the executive and is charged with conducting merit reviews of government decisions. But because of the fact that the AAT is the primary place of external review for citizens in dispute with the government, the original design of the AAT was heavily weighted with judicial principle and practice. The requirements that the AAT president should be a Federal Court judge and that a significant number of judges should be appointed to the tribunal with tenure demonstrated an early commitment that the tribunal be seen not just as a creature of the bureaucracy but as an avenue of completely independent review. Great care went into ensuring that the tribunal was seen to be a body completely independent from the executive so that no bias could be attributed to its decisions.

The history of the AAT shows that all parties, including government, have respected those decisions and the tribunal’s standing. At the same time, the tribunal’s proceedings are designed to be relatively informal so that it remains accessible to anyone, regardless of their resources, who needs to appeal a government decision. The question we all face in consideration of this bill is whether that important and delicate balance has been maintained. The question is: to what extent can one shave away the tribunal’s judicial vestiges yet retain the characteristics essential to maintaining its actual and perceived independence? As I have mentioned, Labor had very serious concerns about the bill in its original form, particularly with regard to the role and standing of the Administrative Appeals Tribunal president. While the government has backed down on this issue, it has pushed ahead with its commitment to allow appointments to be made for fixed terms but with no statutory minimum period.
There are a number of other less controversial aspects of the bill, which I will now discuss. The amendments make a number of cosmetic changes to the act to update the language to plain English. This is particularly important for an act which creates a tribunal designed to be accessible to all. The bill also expands the alternative dispute resolution processes available to the tribunal. It empowers the president to direct parties to these processes and requires that all parties undergo the alternative dispute resolution process in good faith—though sanctions do not apply if they fail to do so.

Naturally, the resolution of disputes by the parties themselves is preferable, but care must be taken to ensure that differences in the resources and power of the parties are not exacerbated by the process of referral to alternative dispute resolution. As long as disputes are referred to alternative dispute resolution conscientiously and the process is carried out responsibly, there are benefits to be obtained by resolving disputes in this way. Under these amendments, the president will have responsibility for referring questions of law to the Federal Court, and the Federal Court will be empowered to make findings of fact so that it can completely dispose of a matter without returning it to the tribunal for finalisation. This is a commonsense amendment which Labor supports.

The powers of the Administrative Appeals Tribunal president will be increased by this bill. The existing sections 20 and 23 of the AAT Act will be overhauled to remove restrictive provisions and give the president broad powers to constitute the tribunal in relation to a particular matter. The president will also have the power to authorise ordinary members to exercise powers that can currently only be exercised by presidential or senior members. These changes by themselves are reasonable and are designed to give the tribunal additional flexibility, but we can only have the confidence to bestow increased powers on the president if the position itself retains the existing level of independence and status. We again point out that, without Labor securing a backdown by the government on the issue of the independence of the president, these powers would have been exercisable by a president who was far too reliant on the government for his or her job.

The Labor Party has serious concerns about a number of aspects of the bill. While the government has removed its divisive provisions regarding the president, this does not erase the fact that the Howard government’s original intention formed part of its overall attempts to gradually shut down avenues of review, dissent and disagreement. While the strongest concerns at the Senate inquiry into this bill were to do with the downgrading of the status of the president, there were also strong concerns about the removal of tenured appointment for presidential and senior AAT members. While the protest against these changes was not as loud as the voices raised against the downgrading of the status of the president, significant concerns were raised about this issue. Labor shares many of the concerns about the complete abolition of tenured positions in the tribunal and the government’s refusal to accept statutory minimum terms of appointment.

The Senate committee report noted that the accepted practice for over 15 years has been that new appointments to the tribunal are made on a fixed term basis. Labor understand the importance of flexibility in the appointment process, but we strongly believe that minimum terms must be maintained to give security to Administrative Appeals Tribunal members. Labor moved provisions, which were passed in the Senate, that provide for minimum terms of appointment of five years. This goes some way to giving
Administrative Appeals Tribunal members the certainty they need, thereby giving the public greater confidence in their decisions. This does not totally remove the possible perception that an AAT decision could be coloured by a member seeking reappointment, but it is a significant improvement. Labor urge the government to accept this.

Labor are also concerned that the bill gives broad discretionary power to the president to remove an AAT member from a particular proceeding ‘in the interests of justice’. This was also the subject of some concern in the Senate committee inquiry into this bill, which pointed out the vagueness of this phrase. While the government attempted to address this in an amendment in the Senate, the form of words they provided was inadequate. They neither successfully placed a real check on the discretionary power of the president to remove members from a proceeding nor provided the president with any useful guidance on when they would be required to do so. Labor moved amendments in the Senate which gave greater direction to the president when exercising this power. Labor’s amendments defined the factors that the president will need to consider when removing a member from a proceeding. These factors are: firstly, where there is a conflict of interest or a perceived conflict of interest; secondly, where the Administrative Appeals Tribunal member has made public statements or where actions of an AAT member make it desirable that the member not take further part in a proceeding; and, thirdly, where the member has been subject to an investigation or their conduct warrants their removal. Again, we urge the government to accept these reasonable additions to the bill.

In conclusion, the government’s earlier proposals to reform administrative review in Australia failed because the government was not willing to uphold the important safeguards in the Administrative Appeals Tribunal in its current form. In October 2003, when announcing the government’s intentions to legislate the current reforms, the Attorney-General signalled the government’s ongoing commitment to the amalgamation of merit review tribunals into a single body. Labor rejected that bill, not on the basis of amalgamation but because the bill did many of the things that the government has attempted to do here—that is, to undermine an important and respected public institution and to give the government more control over citizens. With the changing nature of the Senate upon us, we must be concerned that the government is so determined to limit rights of review and appeal and to shut down debate. The changes the government originally proposed went too far and indicate this government’s arrogant belief that all its decisions are beyond reproach. I notice in the Attorney-General’s second reading remarks his reference to the prospect of the government getting control of the Senate. He said things like, ‘We will have to wait our time,’ and made some threatening noises about the government’s future intentions. Labor support the bill in the form passed by the Senate, and we call on the government to allow it to pass unamended through the House.

Mr SLIPPER (Fisher) (4.48 p.m.)—I think most of us accept the importance of the Administrative Appeals Tribunal. It has been part of the fabric of this nation since 1976, which is a very considerable time. However, it is appropriate that one looks at its operation and, wherever possible, to improve and streamline it. The Administrative Appeals Tribunal Amendment Bill 2005 seeks to enact reforms in five key areas: reforms to tribunal procedures, the removal of restrictive Constitution provisions, better use of ordinary members, reform of the role of the Federal Court and changes to the qualification requirements for appointment as president. It is regrettable that the member for Wills
sought to politicise these changes, when all the government is seeking to do is to bring about better administrative procedures.

Following the passage of this bill, the Administrative Appeals Tribunal will be able to offer a more efficient review mechanism because its workload will be better managed as a result of these amendments. It is regrettable that the opposition always seeks to discern an ulterior motive in every reform that the government brings before the House. It is useful to reflect a little on the history of the Administrative Appeals Tribunal, which came about largely as a result of the Kerr report, a review committee that was chaired by the Hon. Mr Justice Kerr as long ago as October 1971. The objective was to provide a coherent and integrated system of administrative review that was comprehensive, accessible to the public, inexpensive, fully focused on substantive rather than procedural issues and committed to ensuring adequate disclosure to applicants of relevant information and reasons for decisions. The bill before the House will enhance the primary objective of the Administrative Appeals Tribunal while making the tribunal more effective and efficient. It is illuminating to note that ordinary users of the tribunal will find the tribunal much more efficient. The more effective tribunal practices as a result of the implementation of this bill will lead to a more effective and expeditious resolution of disputes. Retaining the requirement that the president must be a Federal Court judge and clarifying that the minister must consult the president before making or altering the assignment of members to a division or divisions of the tribunal should alleviate the concern of a number of stakeholders and the opposition that the bill will undermine the independence of the tribunal.

The bill does not have any financial implications; rather, it is focused on improving outcomes with respect to the administration of the Administrative Appeals Tribunal. The minister has consulted widely in the community and released an exposure draft. There has been ample consultation with the community at large, and the bill before the House is the result of that consultation. The member for Wills quite wrongly imputes false motives to the government. I realise he has his job to do but people get sick and tired of an opposition that just criticises for the sake of opposition or criticism. This is an important initiative of the government. It is one for which the Attorney-General deserves great credit and I am pleased to be able to commend the bill to the House.

Mr RUDDOCK (Berowra—Attorney-General) (4.53 p.m.)—in reply—I thank the members for Wills and Fisher for their comments. I introduced the second reading speech; the shadow minister responded immediately. I think we are at issue. I have no further comments to make.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr RUDDOCK (Berowra—Attorney-General) (4.54 p.m.)—by leave—I present the supplementary explanatory memorandum to the bill and move government amendments (1) to (3), as circulated, together:

(1) Schedule 1, item 21A, page 6 (lines 16 to 22), omit the item.

(2) Schedule 1, item 66, page 18 (lines 7 to 27), omit paragraph 23(9)(a), substitute:

(a) the President is satisfied that the direction is in the interests of justice; and

(3) Schedule 1, items 76A and 76B, page 26 (lines 1 to 14), omit the items.

I will not detain the House by speaking at length. As I said in my earlier remarks, the amendments were to implement some matters that were raised in a Senate committee.
report and some other matters that the opposition did not foreshadow at the time—and another respect where the opposition is going beyond the recommendations of the Senate committee. I do not necessarily always agree with Senate committees but, if the opposition wanted to argue that these were reasonable amendments that evidenced a consensus position, I think they would have at least adopted the Senate committee’s position.

Government amendment (1) is designed to restore subsection 8(3) of the government’s initial objective so that it would provide for terms of up to seven years for members of the tribunal. The government’s amendment would remove the change made in the other place that the term be a five-year minimum. That is a higher minimum than the Senate committee recommended, which was three years. There is currently no minimum in the legislation, and the government believes that specifying minimum terms of appointment would be inconsistent with the objective of these reforms because it would remove the flexibility to make short-term appointments of specialist or generalist members to help the tribunal resolve, in a peak, a particular type of workload.

There are other situations where you might want to make a short-term appointment. Where somebody is near what might otherwise be retirement age and they are willing to take a short-term appointment, given their experience and background they could be usefully engaged for that term. That would be, essentially, an extension. The proposal that the opposition brings forward would deny that opportunity and it would be inconsistent with the arrangements that are in place in other merits review tribunals.

The second amendment is designed to remove an amendment made in the Senate which deals with the factors that should be considered when the president is removing a particular member from a particular proceeding or reconstituting the tribunal in particular proceedings in a way that a member or members do not continue to be part of those proceedings. As proposed to be amended by the government, the provision requires that the president, before directing that a member not continue with a proceeding, be satisfied that this is in the interests of justice. There are mirror provisions in another section dealing with that matter. We think that is an appropriate factor to be entertained. We believe that the president—particularly given that the opposition would agree—having retained his judicial status, independence and tenured position, ought to be entrusted to deal with these issues. That is a view that we hold very strongly.

The final amendment is one which the opposition has introduced. It is designed to allow any member of the Commonwealth parliament to seek review of any Commonwealth decision that is reviewable in the tribunal. Our view is that an amendment of that sort would have a very significant impact on the way in which government decision making occurs. It would impact on the matters that a government might allow to be the subject of administrative appeals. For that reason, and the prospect of potential misuse and the pressure it puts decision makers under, we are not prepared to accept it.

As I said earlier, we came to some sensible compromises. I think we have implemented the bulk of the Senate committee decisions—not because the government believes it is the appropriate way forward but to obtain an element of compromise. I am disappointed that the opposition do not see fit to proceed on the basis that this was a reasonable compromise and support the bill as the government amended it in another place. As I said, my intention is to implement the compromise and accept it but if the opposition persist with the view that they want it as
they have proposed it then in the long term we will obtain the measures that we intend by waiting for the democratic process to deliver a government that is capable of implementing the legislative package in its entirety.

Mr KELVIN THOMSON (Wills) (4.59 p.m.)—The amendments to the Administrative Appeals Tribunal Amendment Bill 2005 which Labor moved in the Senate largely mirrored the recommendations of the Senate Legal and Constitutional Legislation Committee’s report into this bill. As I said during my speech in the second reading debate, we are glad that the government has come to see Labor’s view on the status and independence of the Administrative Appeals Tribunal president. We urge the government to accept Labor’s additions to the bill which were unanimously endorsed by the Senate committee and passed by the Senate. Those additions were a statutory minimum term of appointment of five years for AAT members and giving greater guidance to the president about the circumstances under which the president can exercise the power to remove a member and reconstitute a particular tribunal. Labor also moved an amendment, which had been previously introduced as a private members’ bill in the House by the member for Griffith, giving MPs standing before the AAT.

I wish to say a little more about the detail of each of these provisions. The first provision, which the government is seeking to remove, provides for AAT members to be appointed for a statutory minimum term of five years. The current act provides that members are appointed for a maximum of seven years. We are disappointed that the government is not reconsidering its refusal to provide for statutory minimum terms of appointment. Under this bill the government could conceivably make rolling short-term appointments, leaving members in the unenviable position that they could constantly be sweating on their reappointment by the government. At best, this leaves the perception that the desire for reappointment may influence decisions, and this is very unsatisfactory. At worst, AAT members may be influenced to decide in favour of the government to secure their positions. A number of submitters to the Senate inquiry suggested that if tenured appointments were to be removed then statutory minimum terms should apply. The Senate Legal and Constitutional Legislation Committee unanimously agreed with this position and recommended terms of no less than three years.

Labor’s amendments in the Senate which now form part of this bill go a little further and provide for a minimum term of appointment of five years. In doing so, we recognise that tenure for senior members other than the president has largely been replaced over the past 15 years by fixed term appointments. A minimum term of appointment provides some stability and certainty to the tribunal members and goes some way to resolving this issue. This will give AAT members a greater level of certainty and independence in making decisions and provide applicants with a greater certainty that any decisions are free from political influence. The government is now seeking to remove this provision. We urge them to reconsider and allow this provision to remain part of the bill.

The second amendment involves the definition of ‘the interests of justice,’ and we think we should set out some circumstances in which this power should be exercised. As I indicated before, these include where there is a conflict of interest or perceived conflict of interest, where the AAT member’s public statements or actions make it desirable that the member not take further part in a pro-
ceeding and where the member has been subject to an investigation or their conduct warrants their removal.

This amendment is an alternative to the government’s inadequate response to recommendation 3 of the Senate committee report. The ability of the president to remove or reconstitute a tribunal is a broad power. The bill allows this power to be exercised when it is deemed to be ‘in the interests of justice’ to do so. The Senate committee heard a number of concerns about the vagueness of this term. We understand that the explanatory memorandum does outline some circumstances in which the president may exercise this power, including where there is a conflict of interest or where the member has made public statements that could prejudice the impartiality of the proceeding.

The outline in the explanatory memorandum, however, is not exhaustive and does not have the force of law. Labor’s amendment provides more comprehensive circumstances under which the president can remove an AAT member from a particular proceeding. It significantly narrows what both Labor and the Senate committee believed was an excessively wide discretion bestowed on the president. If this wide discretion were to remain, it would result in a significant downgrading of the safeguards which currently apply. Labor urge the government to allow this provision to stand.

The third amendment, involving federal members of parliament having standing before the AAT, was originally proposed and introduced as a private members’ bill by the member for Griffith last year. It provides that federal MPs and senators have standing to be heard in matters before the AAT and was introduced in response to a perceived narrowing of the definition of standing before the Administrative Appeals Tribunal. (Extension of time granted) This amendment will provide the opportunity for federal members of parliament to appear in matters before the AAT.

As members of this House well know, federal MPs have a close and crucial relationship with and understanding of issues and developments in our electorates. The member for Griffith was particularly concerned with the government’s decision regarding an airport development in his electorate, which I understand prompted his drafting of this provision. Allowing MPs to be heard in AAT hearings can only enhance our ability to represent our constituents on federal issues, and Labor believe that this is a sensible amendment which will not only assist members of parliament in their duties but also make us more responsive to our electorates.

Mr RUDDOCK (Berowra—Attorney-General) (5.05 p.m.)—I do not intend to speak at length; I simply note in relation to amendment (1) that no evidence has been adduced that over the nine years of this government any member of the AAT has felt that they have been affected in terms of their independent decision making by the length of their tenure. I would like to see the evidence adduced for that proposition. We have had nine years to test it. There is no evidence. Let me say that to simply assert it does not give it credibility.

I was very interested in the defence of the second matter that members’ public comments should be taken into account in determining whether they should sit on certain matters. I find it fascinating because, if that view were applied to, say, the High Court of Australia, I do not think Mr Justice Kirby would be sitting on many cases. If it had been applied to the Family Court of Australia, given some of the public comments that former Chief Justice Nicholson had made about the Convention on the Rights of the
Child, he would not have sat on the decision that the Family Court took, which was overturned by the High Court, in relation to children in detention. I think it is a very interesting proposition and, if the opposition are serious, they may be prepared to argue that it ought to be pursued in relation to all judicial as well as administrative bodies. That is one for a Labor government to introduce, and I suspect we would never see it.

On the final matter, let me say the proposition that the opposition is pursuing is a very wide one—not in relation to a specific matter in a member’s constituency, but one that would allow a member of parliament to seek to intervene in any matter where an administrative decision has been taken. Certainly the government could not entertain that as an appropriate way forward. As I indicated earlier, I would hope the opposition would see that there has been considerable movement in relation to this matter. But this has not—as the shadow minister in her comments in a press statement has put it—been an abandonment of the government’s positions, or that we have ‘now accepted Labor’s position’, or that I have conceded that our bill ‘went too far’. None of this is the case. These were reasonable compromises to get cooperation from the opposition to obtain a bill now rather than put it off, when we would get the bill in its entirety. I think you ought to take the opportunity while it is there rather than jeopardise it.

Mr KELVIN THOMSON (Wills) (5.09 p.m.)—In the interests of time, there is only one of the matters the Attorney-General has raised to which I will respond, and that is his idea that it is for the opposition to put forward evidence that Administrative Appeals Tribunal members are experiencing difficulties in relation to their present appointments. It is not for the opposition to bring forward such evidence; it is for the government to bring forward such evidence because it is the government which is proposing to take away the protection of the statutory minimum term. What clearly applies here is the maxim: if it ain’t broke don’t fix it.

Mr Ruddock interjecting—

Mr KELVIN THOMSON—I repeat: we believe that the government should provide for statutory minimum terms of appointment. What the government can do under this bill is make rolling short-term appointments. As I indicated before, that is an unsatisfactory provision. That is exactly what the Senate Legal and Constitutional Affairs Legislation Committee suggested should not happen, saying there should be terms of no less than three years. Our amendments in the Senate indicate there ought to be a minimum term of appointment of five years. We have had a situation where there have been fixed-term appointments largely replacing the idea of tenure. We are saying that situation ought not to be watered down, and our amendment ought to be supported.

Mr RUDDOCK (Berowra—Attorney-General) (5.10 p.m.)—The provisions are quite clear now. There is no requirement to appoint any member of the AAT for a fixed term. There is none. And the status quo remains if this bill is not passed. We are not seeking to change it; the opposition do seek to change it, but they adduce no evidence to justify that change. That is the only point I am making. We can appoint people on the basis of rolling tenure now to influence appointments—if that is what you were suggesting can be done. We can do it, but we do not do it. There is no evidence to suggest that it is being done, and we have been in office for nine years. If the evidence were there, it would be there to be found. That is the only point I am making.

Your amendment changes the status quo, and I understand why you are seeking to do it. I have given you reasons why we do not
think it should be done. We think at times there are particular circumstances—so somebody who does not want a longer term appointment is able to continue for a short term to complete a matter, or because they have particular experience in a number of issues that have to be dealt with in a fairly short period of time—where it might be appropriate for an appointment to be a short-term appointment. The president of the tribunal believes there are circumstances where he might want to make those recommendations—and he is involved in the process of seeking out people suitable for selection to the AAT. I do not think it is unreasonable that the status quo remain. That is why I have argued strongly for it.

Question put:
That the amendments (Mr Ruddock’s) be agreed to.

The House divided. [5.17 p.m.]
(The Deputy Speaker—Mr Quick)

Ayes………… 81
Noes………… 46
 Majority……… 35

AYES
Abbott, A.J.
Andren, P.J.
Bailey, F.E.
Baker, M.
Barresi, P.A.
Billson, B.F.
Bishop, J.I.
Brough, M.T.
Causley, I.R.
Downer, A.J.G.
Dutton, P.C.
Entsch, W.G.
Fawcett, D.
Forrest, J.A.*
Gash, J.
Haase, B.W.
Hartsuyker, L.
Hockey, J.B.
Hunt, G.A.
Johnson, M.A.
Keenan, M.
Laming, A.
Lindsay, P.J.
Markus, L.
McArthur, S.*
Moylan, J.E.
Nelson, B.J.
Panopoulos, S.
Prosser, G.D.
Randall, D.J.
Robb, A.
Schultz, A.
Seeker, P.D.
Smith, A.D.H.
Stone, S.N.
Ticehurst, K.V.
Truss, W.E.
Vaile, M.A.J.
Vasta, R.
Washer, M.J.
Wood, J.

NOES
Adams, D.G.H.
Bevis, A.R.
Bowen, C.
Byrne, A.M.
Elliot, J.
Ellis, K.
Ferguson, L.D.T.
Garrett, P.
George, J.
Gillard, J.E.
Griffin, A.P.
Hatton, M.J.
Irwin, J.
Kerr, D.J.C.
Lawrence, C.M.
McMullan, R.F.
Murphy, J. P.
O’Connor, G.M.
Price, L.R.S.*
Rudd, K.M.
Sercombe, R.C.G.
Tanner, L.
Vasmakinou, M.

* denotes teller

Question agreed to.

The DEPUTY SPEAKER (Mr Quick)—I remind honourable members that the use of
mobile phones in the chamber is forbidden. If I see the honourable member for Lindsay next time I will confiscate her mobile phone.

Bill, as amended, agreed to.

Third Reading

Mr RUDDOCK (Berowra—Attorney-General) (5.25 p.m.)—by leave—I move:

That the bill be now read a third time.

Question agreed to.

Bill read a third time.

TAX LAWS AMENDMENT (2004 MEASURES No. 7) BILL 2005

TELECOMMUNICATIONS (CARRIER LICENCE CHARGES) AMENDMENT BILL 2004

TELECOMMUNICATIONS (NUMBERING CHARGES) AMENDMENT BILL 2004

TELEVISION LICENCE FEES AMENDMENT BILL 2004

DATACASTING CHARGE (IMPOSITION) AMENDMENT BILL 2004

RADIOCOMMUNICATIONS (RECEIVER LICENCE TAX) AMENDMENT BILL 2004

RADIOCOMMUNICATIONS (SPECTRUM LICENCE TAX) AMENDMENT BILL 2004

RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 2004

RADIO LICENCE FEES AMENDMENT BILL 2004

Returned from the Senate

Message received from the Senate returning the bills without amendment or request.

PARLIAMENTARY SERVICE AMENDMENT BILL 2005

Second Reading

Debate resumed.

Mr ADAMS (Lyons) (5.26 p.m.)—In continuation from when I was rudely interrupted by question time: Labor supports the Parliamentary Service Amendment Bill 2005, which establishes the position of the Parliamentary Librarian and clarifies the operation of this position, although there is concern about the government’s failure to show a clear commitment to both the independence and the funding of the Parliamentary Library. When you look at the speakers’ list for this debate, Mr Speaker, you can see that no government backbencher has spoken on this bill. That is a big shame, and I think it shows the lack of support that I just mentioned.

I believe it is vital that the Library and its research service be seen as completely independent of government of either persuasion. It has to be seen to be independent. No-one should be in a position to criticise a researcher should that researcher be critical of aspects of government policy. I know there has been pressure in the past, and this means that staff are frightened to offer a proper unbiased opinion. Like all professional academics, if they cannot offer an informed opinion then they can no longer be seen by their peers in the field as qualified to give one, and this will see them walking out the door. If that occurs, we are going to be left with library aides with no research skills, because the professionals will not be compromised. I suppose that will suit some of the bureaucrats, but both government and opposition ought to be incensed by this and should ensure that intimidation does not occur.

I have been fortunate enough to retain my position on the Library Committee and I will
continue to monitor how things go. Suffice to say, I believe that we should respect this highly professional service for what it is. I hope that it can be part of our parliament for another hundred years and be retained without fear or favour to do the job for which it has been established.

While I am comfortable with the outcome of this bill’s passage, providing some assurance can be given as to independence, there are a number of other issues relating to parliamentary services that I am very concerned about. These are to do with staffing and the staffing arrangements in the House, and I brought these issues up with a number of people as they occurred. But when I started thinking about what was happening, I got extremely worried, and I am not sure whether people quite realise the consequences of some of the actions taken or indeed whether those in authority are aware of how some of the budget effects are playing out in the operations of this building.

Where to start is quite a challenge. Perhaps I should start with the service guarantee or service charter pamphlet put out by the Serjeant-at-Arms Office. Most of the charter relates to the chamber and a few incidentals outside, but it does not cope with the ability to provide a complete service. Firstly, I would like to point out that all the staff that I have ever had dealings with in any of these jobs have been more than helpful, pleasant and efficient. But the staff are not the problem. It seems to be that the management is falling down because of the need to constantly cut costs because of the demands of the department. Security has been used as an excuse, but when you see some of the nonsensical things occurring one wonders about that.

The issue that concerns me most is the way cleaning has been cut back. It seems that there is so little time allocated to office cleaning that much of it cannot be done. Even in the breaks, when one would expect a room to be checked for maintenance type cleaning, it does not happen. This is a big mistake. When cleaning standards fall, the building starts to become run down and it is then that much more expensive to bring it back up to a proper standard at a later date. The kitchen in my unit had not been properly cleaned for months: someone had painted a wall but the rest of it was filthy. There should not be a demarcation between maintenance crews and cleaners. They should both be trained to do a multitude of jobs. I had a situation where a cleaner was prevented from applying some polish to a desk because the maintenance crew was supposed to do that. So who is supposed to supervise the whole job? I blame the practice now of outsourcing everything. There is no way that things can be checked overall as each contractor only has one focus on their particular task and everything else can go hang. Things just get forgotten in the rush.

I attended a dinner recently in the Great Hall and when I sought to leave through a door marked by a lit-up ‘Exit’ sign, I was told it was locked. When I tried it, I found that it was. In fact, all the side doors of that hall were locked, so if there had been an emergency or a fire it would have been a highly dangerous situation. Who authorised that these doors be locked? Once upon a time, attendants were available during sitting times of the House to distribute messages and take the mail. Now they are told to disappear at 4 pm on a Thursday, one of the biggest days to get mail out before the six o’clock deadline. As well as that, the doors to access the post office areas are locked so that anybody who has mail has to do a grand tour of the building to post a letter before 5 pm on many days, such as the Mondays when parliament is not in session but members are in their offices. Members and their
staff end up doing the work of the attendants, which adds to the burden of their work unnecessarily, especially when parliament sits until 9.30 pm on Monday and Tuesday and 8 pm on Wednesday. It may seem trivial but it adds to the discomfort of this building.

Publishing has been abandoned too. I hear that we are no longer getting the Parliament House Communications Directory and that it will only be available on the net—another amount of time spent searching for the right document or file. Not everyone in this building has time to spend hours hunting for stuff on the computer. Then there is the canteen, which is supposed to be there for staff and members alike for quick meals. One night I attended the canteen at 6.30. The tables were covered with dirty dishes. It appeared there were people attending Senate estimates and there was a line going back out the door as people attempted to get food, cutlery and coffee while also trying to pay for their meal. No-one was ready, there was insufficient staff, the menu was the same as for lunch and the food was probably reheated. That was due to bad management, a lack of training and a cutting of costs, which gave everybody a bad name.

I could go on as the whole place needs a more service orientated hand. Good management can achieve savings without letting standards fall—and everyone can see how they have fallen. I do not think I would have anyone in this building disputing these stories. So while the library is the important part of the bill and needs to be carefully considered, much of this material that I have mentioned is tied up with the overall direction in which this government is taking us, not necessarily intentionally. I admit that we are letting down the people of Australia by letting standards drop in relation to our working conditions and workplace. Parliament House is now an icon for our democracy and we are ignoring its worth and meaning. Running it down means it will take a lot of time to bring it back. I support the bill but beg members on both sides of the House to consider the implications of what I have said.

Mr JENKINS (Scullin) (5.35 p.m.)—In rising to support the Parliamentary Service Amendment Bill 2005, I think I should explain the context in which I do that. The honourable member for Lalor, as the Manager of Opposition Business in the House, has put the position in general of the federal parliamentary Labor Party on this matter. The Chief Opposition Whip, the member for Chifley, in his contribution has continued his interest in matters to do with parliamentary administration and has also indicated the concerns he has about the way in which the resourcing of the Parliamentary Library has declined. In what I hope you saw as a very thoughtful contribution by the member for Lyons, Mr Speaker, the member for Lyons spoke of his experience as a member of the Library Committee, and certainly that is absolutely germane to the amendment that confronts us, which seeks to create the office of Parliamentary Librarian, and the advice that the Library Committee gave to the Presiding Officers post the Podger report.

My contribution will basically be a personal reflection on the position in which we see ourselves in 2005 with the evolution of the parliamentary departments—a matter that I have expressed views upon over a number of years. The Chief Government Whip has challenged me to explain whether I am ‘one of them’ or ‘one of us’. It is a little difficult because he has not really explained to me what the ‘us’ and ‘them’ are. But that is why I mention that these are, in a way, personal reflections. Partly they are a response to the clear sense of frustration in the remarks that the member for Lyons made, not only as a continuing member of the Library Committee but in his capacity as the member for Lyons, about his perception of the way this
place operates and the support that is given to the functions of this place.

I can hardly decry the creation of the Department of Parliamentary Services, because it is something that I saw as being necessary for quite some time. I reflect upon a speech that I made in bygone years in this place in a debate about a proposition by the member for Chifley for a staffing and appropriations committee for the House of Representatives. During that speech I indicated that the system we had then of five parliamentary departments was inherited from the time of Federation and that, in fact, by 1910 the then Prime Minister had said that this seemed a strange set-up and that there was perhaps some potential to look at the way this arrangement should continue. I indicated that I thought that made a lot of sense to the extent that there was duplication of support services for those five departments, and I felt there could be great savings.

I also think that the creation of the Department of Parliamentary Services was an opportunity for us to really look upon how this place operates in the 21st century. It is another subject that I have touched upon often. The problem is that we are very much perceived as the beast that we inherited—not from the 20th century but perhaps even from the 19th century—and that we really need to be more contemporary. I met some students who were here for the Constitutional Convention and they observed question time. Sometimes it is a bit difficult to relate with people of that age when they observe what happens here and do not see it in the context of this actually being a modern institution that has moved with the times and is relevant. But perhaps that is digressing a little from what is before us.

We have a great opportunity in that we have put in place a structure that is satisfactory both for members and for senators, but we must ensure that that does not then become an excuse for the parliament itself to just bend to the wishes of an executive that is motivated more by the saving of money and resources than trying to find creative ways that we can go about our business.

The creation of the office of Parliamentary Librarian, as has been said by others in this debate, is seen to be very important. Sometimes we are influenced by which side of the chamber represents the prism through which we are looking at the problems with the place that confront us. Unashamedly, the opposition have indicated that we well and truly understand the importance of the Parliamentary Library because of the imbalance of resources that exists—we do not have the resources of government. I think we should all be pleased that, in fact, the Parliamentary Library is so well respected by members for the role that it carries out. For, as you said, Mr Speaker, in your contribution to the second reading debate, the Parliamentary Library is very important to the fabric of our parliamentary democracy, and the comments made by members on this side of the chamber in this debate are in that regard. We very much see that the steps being proposed by this bill are very important. We see the filling of the position of Parliamentary Librarian as very important as this legislation becomes law.

At any time when we see the need for the appointment of an acting librarian, I hope that that occurs on every occasion, because I think it is very symbolic to members that there be somebody there championing the cause of the Parliamentary Library so that it may continue to develop as a great resource for members in their private capacities.

I touched upon a previous debate about a proposed staffing and appropriations committee for the House of Representatives. I note that, yet again, the member for Chifley
has placed on the Notice Paper a proposal that he has unsuccessfully tried to progress in previous parliaments. I simply believe that the number of questions that you, Mr Speaker, receive after question time in your capacity as an administrator of the Department of the House of Representatives and as co-administrator, with the President of the Senate, of the Department of Parliamentary Services is an indication of the interest that members have in the management and day-to-day activity of this place. The clear examples that the member for Lyons gave are further evidence. And it is not just the member for Lyons who would express the types of concerns that he mentioned.

I understand full well some of the measures that had to be taken. Some I do not agree with; some I absolutely disagree with. But the point is that I think it would be helpful if there were an environment that gave members the feeling that there was as much consultation as possible in coming to decisions. That is why in the past I have championed the notion of a standing committee on appropriations and staffing for this House—because I believe that provides an avenue for that consultation.

I would be very protective of any Presiding Officer who was then subjected to cross-examination in this chamber, because members would have an appropriate place in which to raise these issues. Members could go through their representatives on the appropriations and staffing committee and get a discussion and an explanation for the decisions that are made. On other occasions I have also talked about going beyond that and looking at other models, especially the commission model of the British parliament. But that is not the subject of this debate. I indicate to you, Mr Speaker, that this is not a criticism of any particular decisions; it is an attempt to get a mechanism that would assist members in understanding decisions on the way we go forward.

One of the areas that has perplexed members—and it is understandable that this is a difficult area in which to give a full explanation—is the changed security scenario for this place, along with other public institutions around Australia. Security has impinged upon the way that we carry out our duties as members of the parliament. I hope you would understand, Mr Speaker, that if a mechanism were created whereby members, or a representative body of members, could have those issues explained to them it would be of great advantage. Therefore, I hope that you would be able to assist me in the establishment of a security management board which would be an appropriate avenue—I understand that, because of the subject matter, that might not always be the case—to provide some mechanism of feedback to assist members in having a better understanding of the decisions that have to be taken. Again, I think this would be a process of relieving the frustration that breaks out from time to time.

I am pleased that this legislation has come forward and that it will be progressed. I look forward to administrative action being taken as soon as possible after the bill becomes law for the creation of the office of Parliamentary Librarian. I look forward to a continuing commitment from this place to the activities of the Parliamentary Library. I also look forward to the honourable member for Chifley being satisfied at some stage in his desire for a mechanism such as the Senate Appropriations and Staffing Committee being made available to the House of Representatives.

As I said, I hope that these personal observations are seen in the context of my belief that we have an opportunity to look at the way in which we carry out the role of the
parliament. There are many things about this parliament that we can be proud of. One of the things, of course, is the Parliamentary Library. The Parliamentary Education Office is seen throughout the world as an example of best practice. It is mimicked in a number of parliaments. I think that we should take that as a badge of honour. The committee system should be further developed in the House of Representatives and should be seen as having an integral role in the way in which the Australian national parliament operates. Mr Speaker, from your past performance of duties as chair of the House finance committee, I know that you have assisted in making sure that that is the case.

Mr Price interjecting—

Mr JENKINS—Flattery will get the Chief Opposition Whip nowhere, I understand, Mr Speaker, but I am sure that he is sincere in those comments. I am making the point that these committees should have the status that they deserve and should be seen as an absolutely important part of the parliament. They ensure that the parliament goes out and communicates with the electorate, not only through the debates in this chamber but also through the activities of the committees. I have pleasure in supporting the Parliamentary Service Amendment Bill 2005.

The SPEAKER (5.50 p.m.)—in reply—In making some concluding remarks on the Parliamentary Service Amendment Bill 2005, I would firstly like to thank honourable members who have made very thoughtful contributions to the debate, in particular, the Chief Opposition Whip, the member for Chifley; the member for Lyons; the member for Scullin, who has put a lot of thought into it; and, of course, the Manager of Opposition Business in the House.

If the House should pass this bill today, it will complete the legislative reforms to the structure of the parliamentary departments, which have been in prospect for the last year. It will also provide for the office of Parliamentary Librarian, after a period of 15 years in which that position has not been permanently filled. The President and I, in consultation with the library committees, will move to ensure that arrangements are put in place for the recruitment of the Parliamentary Librarian.

Governments of both political persuasions have tried over many years, starting with an earlier attempt by former Prime Minister Andrew Fisher in 1910, to reform the structure of parliamentary administration. Current members and senators can be proud that they have contributed to this outcome. There are of course a number of administrative reforms still to take place, but the President and I are confident that these will be achieved because of the professionalism and goodwill of all the staff of the three departments which support the operation of this parliament.

Again I would like to thank all members who have contributed to this debate. I think a lot of very useful and constructive points have been made—some of which I will respond to, but others will be taken up with the various committees relevant to the points that were raised. The Manager of Opposition Business asked about the strengthening of the Library Committee. The library committees of both houses of parliament are meeting tomorrow, and I think that would be the appropriate place to raise the issue again, and I am sure it will be.

The other point that has been raised by several members is the resources available to the library. This will be a matter for an agreement between the new appointed Parliamentary Librarian and the Secretary of the Department of Parliamentary Services—and that agreement, I hasten to add, will be considered by the library committees and will have to be approved by the presiding offi-
So that is certainly something that is going to be discussed further.

The member for Scullin also raised the question of the Security Management Board. Security management is a matter that the Joint House Committee is looking at repeatedly. The presiding officers seem to have a security matter on the agenda every week, and I suspect they will continue to have for some time. I can assure the honourable member for Scullin that we are very conscious of the points he has raised. We are continually looking at the whole question and we are trying to get the right balance. I think all honourable members are very proud that our parliament has always had very good access for the public. We are not keen to see that restricted, but we have to take advice from the experts on security matters. We are continually trying to balance that whole issue.

I again thank everyone who has been involved in reaching this point with the Parliamentary Service Amendment Bill 2005. I think this matter has been handled very constructively by members of government and opposition both in the other place and in here, and I believe that through this legislation we will achieve what members are hoping for, particularly with the library and with other related matters of this bill. I commend the bill to the House.

Question agreed to.

Third Reading

The SPEAKER (5.54 p.m.)—by leave—I move:

That the bill be now read a third time.

Question agreed to.

Bill read a third time.

ANZAC COVE

Mr ALBANESE (Grayndler) (5.55 p.m.)—I move:

That so much of the standing orders be suspended as would prevent the Member for Grayndler from moving the following motion forthwith: That the Government

1. immediately table all documents in its possession related to excavation work at Anzac Cove, including any archaeological reports done since 2002, all heritage assessments of Anzac Cove done since 2002, and all correspondence with the Turkish Government since 2002 relating to the current road works and associated constructions at Anzac Cove;

2. outline in detail what measures the Government has taken to monitor the current road works and associated constructions at Anzac Cove;

3. provide details of any plans for road widening elsewhere on Gallipoli peninsula, such as the road running between the Australian Memorial at Lone Pine and the New Zealand Memorial at Chunuk Bair; and

4. immediately table all Australian Heritage Commission, Australian Heritage Council and Department of Veterans' Affairs documents relating to the proposed listing of Anzac Cove on the National Heritage List or the proposed World Heritage Listing of any sites on the Gallipoli Peninsula.

You do not protect a heritage site by undermining the basis of it. What has occurred here is an absolute fiasco.

Mr HOCKEY (North Sydney—Minister for Human Services) (5.57 p.m.)—I move:

That the member be not further heard.

Question put.

The House divided. [6.01 p.m.]

(The Speaker—Hon. David Hawker)

Ayes............ 76

Noes............ 48

Majority........ 28

AYES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Bailey, F.E.
Baird, B.G. Baker, M.
Question agreed to.

The SPEAKER—Is the motion seconded?

Mr BEVIS (Brisbane) (6.08 p.m.)—Deceiving the Australian people about its knowledge and involvement in the earthworks at Gallipoli is without doubt one of the most despicable—

Mr HOCKEY (North Sydney—Minister for Human Services) (6.08 p.m.)—I move:

That the member be not further heard.

Question put.

The House divided. [6.10 p.m.]

(Ayes: 76)

Noes: 48

Majority: 28

AYES

Abott, A.J. Anderson, J.D.
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. Broadbent, R.
Cadman, A.G. Cauley, I.R.
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The House divided. [6.12 p.m.]
(The Speaker—Hon. David Hawker)

Ayes……….. 48
Noes………… 76
Majority…….. 28

AYES
Adams, D.G.H. Albanese, A.N.
Andre, P.J. Bevis, A.R.
Bird, S. Bowen, C.
Burke, A.E. Byrne, A.M.
Corcoran, A.K. Crean, S.F.
Elliot, J. Ellis, A.L.
Ellis, K. Emerson, C.A.
Ferguson, L.D.T. Ferguson, M.J.
Garrett, P. Georganas, S.
George, J. Gibbons, S.W.
Gillard, J.E. Grierson, S.J.
Griffin, A.P. Hall, J.G. *
Hatton, M.J. Hoare, K.J.
Irwin, J. Jenkins, H.A.
Kerr, D.J.C. King, C.F.
Lawrence, C.M. Livermore, K.F.
McMullan, R.F. O’Connor, B.P.
McMullan, R.F. Owens, J.
O’Connor, G.M. Price, L.R.S.
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Truss, W.E.  
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Vasta, R.  
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(5) Clause 11, page 12 (after line 2), after paragraph (1)(d), insert:
(da) to provide reports to and advise the Minister on policy issues in relation to the communications industry, where ACMA are of the view that current policy is inadequate to meet current or future challenges;

(6) Clause 20, page 17 (after line 21), at the end of the clause, add:
(6) At least one member must have a background in consumer advocacy and representation.

(7) Clause 30, page 24 (after line 18), at the end of the clause, add:
(5) Where an interest is disclosed in accordance with this section:
(a) the interest and the disclosure must be recorded in the minutes of the ACMA; and
(b) any public notification of the decision must also notify the disclosure of interest; and
(c) the interest and the disclosure must be reported in the annual report.

(8) Clause 57, page 41 (after line 33), after paragraph (2)(d), insert:
(da) a report on:
(i) the number and types of complaints made to ACMA concerning alleged breaches of the Broadcasting Services Act 1992 during the financial year; and
(ii) the number and types of complaints made to ACMA concerning any alleged breaches of codes of practice or standards; and
(iii) the investigations either initiated by ACMA or commenced in response to a complaint referred to in subparagraph (i) or (ii) and conducted during the financial year; and
(iv) the results of those investigations and any enforcement action taken.

Question negatived.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

Senate’s amendments—

(1) Clause 8, page 7 (after line 10), after paragraph (1)(b), insert:
(ba) to promote competition as a legitimate means to advance objectives of consumer protection;

(2) Clause 8, page 7 (after line 10), after paragraph (1)(b), insert:
(bb) to develop, promote and enforce adequate consumer protection;

(3) Clause 10, page 10 (line 4), after “monitor”, insert “and enforce”.

(4) Clause 10, page 10 (line 7), after “monitor”, insert “and enforce”.

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by ACMA as a result of those investigations; and

(9) Page 50 (after line 28), at the end of the bill, add:

69 Review of operation of communications legislation

(1) Before 31 December 2006, the Minister must cause to be conducted a review of the adequacy of Australian communications legislation and subordinate instruments in accommodating the changes resulting from the process of convergence while still achieving their regulatory objectives.

(2) In conducting this review, consideration must be given to:

(a) the question of whether any or all of the provisions of the legislation referred to in subsection (1) should be amended in accordance with the principle of technology neutrality in order to promote the achievement of their regulatory objectives; and

(b) the appropriateness of the objectives of the legislation referred to in subsection (1) in light of changes resulting from the process of convergence; and

(c) the question of whether the scope of the Telecommunications Industry Ombudsman regime should be expanded to encompass other communications services.

(3) The Minister must cause to be prepared a report of the review.

(4) The Minister must cause copies of the report of the review to be laid before each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.

(5) For the purposes of this section, communications legislation includes the Australian Broadcasting Corporation Act 1983, the Australian Communications and Media Authority Act 2005, the Broadcasting Services Act 1992, the Interactive Gambling Act 2001, the Radiocommunications Act 1992, the SPAM Act 2003, the Special Broadcasting Services Act 1992, the Telecommunications Act 1991, the Telecommunications (Interception) Act 1979, the Telecommunications (Consumer Protection and Service Standards) Act 1999, the Telstra Corporation Act 1991, the Trade Practices Act 1974, and any legislation under which ACMA exercises a statutory power.

Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (6.17 p.m.)—I move:

That the amendments be disagreed to.

The reasons the government opposes Senate amendment (1) to the Australian Communications and Media Authority Bill 2004 are as follows. Promoting competition in telecommunications is a clear objective of government policy. In the context of telecommunications, the current objects clauses of the Telecommunications Act 1997 and Part XIC of the Trade Practices Act 1974 adequately incorporate objects relating to the promotion of competition and the protection of consumer interests. Such an amendment is therefore not needed, given existing provisions in legislation.

Senate amendment (2): as noted for the previous amendment, the current objects clauses of the Telecommunications Act 1997 and Part XIC of the Trade Practices Act 1974 adequately incorporate objects relating to the promotion of competition and the protection of consumer interests. In any case, development of adequate consumer protection standards should ultimately be a matter for government and parliament and not the regulator.

Senate amendment (3) is unnecessary, as enforcement is already a function of the ACMA Bill, in paragraph 10(1)(c). Codes of practice established under the Broadcasting
Services Act are voluntary arrangements. It would therefore be inappropriate to include references to enforcing broadcasting codes of practice in paragraph 10(1)(k) of the ACMA Bill. The ACMA will have the role of monitoring compliance with codes and it can impose mandatory standards and licence conditions if required.

Senate amendment (4): as with the previous amendment, this amendment is unnecessary as enforcement is already a function of the ACMA Bill, in paragraph 10(1)(c). The ACMA will have the role of monitoring compliance with codes and can impose mandatory standards and licence conditions if required.

Senate amendment (5) is unnecessary, as paragraphs 8(1)(k), 9(1)(i) and 10(1)(r) already give the ACMA the function of monitoring and reporting on the operation of the acts they administer.

Senate amendment (6): members of the ACMA will be appointed from diverse backgrounds to provide an appropriate spread of expertise across the authority’s regulatory responsibilities. Experience in consumer issues will be considered in this process, although ultimately appointments to the ACMA will be based on merit.

Senate amendment (7): the opposition’s amendment is unnecessary to the extent that it requires disclosure of conflicts of interest in the ACMA minutes. This would normally occur when a conflict is declared at a meeting. The requirement for public disclosure of all conflicts of interest is unsound in principle. The current requirement of disclosure to the minister of the day is sufficient for accountability purposes.

Senate amendment (8): the proposed requirement to report on investigations, the results of investigations and enforcement actions is inconsistent with current provisions in the Broadcasting Services Act 1992. Section 179 of the Broadcasting Services Act provides the Australian Broadcasting Authority with discretion over the publication of a complaint. The ABA is not required to disclose the report of an investigation if the disclosure discloses a confidential matter or prejudices the fair trial of a person. Due to the nature of many phone and email complaints, there will be significant practical problems for the ACMA if they are required to report on actions taken on complaints raised in response to codes of practice.

Senate amendment (9): the proposed review is enormous in scope and includes all the relevant subordinate instruments. It is simply impractical for such a review to be conducted within 18 months. The government is conducting extensive reviews into broadcasting regulation, including through the series of digital television regulatory reviews currently under way. The government is also undertaking a range of activities and considerations in the first half of 2005 to progress telecommunications service and regulatory improvements, and the government is currently examining current telecommunications competition regulatory settings. To initiate yet another series of reviews into these same issues may create an unacceptable degree of uncertainty in the industry and for consumers. With regard to complaints handling, the government does not consider that arguments for a one-stop shop for the handling of complaints in the communications sector are supported by the available evidence at this time.

Mr RIPOLL (Oxley) (6.22 p.m.)—The Australian Communications and Media Authority Bill 2004 bill proposes to merge the functions of the Australian Broadcasting Authority, the ABA, and the Australian Communications Authority, the ACA, to form the new Australian Communications and Media Authority, the ACMA. The Labor Party support the bill. However, we consider that there
are a number of small amendments which would significantly improve the legislative package. We have already heard from the parliamentary secretary that the government do not accept the amendments, but I ask them to go back and have another look. These are very sensible amendments which will only improve the bill.

Our first amendment, which Labor moved jointly with the Democrats, is designed to address the concerns heard by the Senate committee formed to consider this bill—that is, that further to the administrative merger of regulators provided for in this bill there needs to be reform to the underlying legislative regime. The amendment requires the minister to undertake a review of the adequacy of the underlying legislative framework in accommodating the challenges posed by convergence, within 18 months of the formation of the ACMA. The amendment is the bare minimum that the government should commit to in order to respond to convergence.

This bill is typical of the government doing barely enough on regulatory issues and service provision in a whole range of good bills designed to improve the service levels and quality of government services, and doing way too much in terms of their ideologically driven agendas for other bills involving industrial relations, voluntary student unionism, education and health.

Labor has moved two amendments designed to increase the transparency of the ACMA. Labor’s first amendment addresses the process that the ACMA must follow in dealing with a conflict of interest on the part of an ACMA board member and requires the ACMA to publicly disclose such a conflict. Labor’s second amendment increases the transparency of the ACMA’s operation by requiring the ACMA to include, in its annual report, details of the number and types of complaints received by it concerning alleged breaches of either the Broadcasting Services Act or the related codes of practice. These amendments are relatively minor and would not significantly impact on the ACMA’s day-to-day operations, however Labor believes that they would significantly improve public confidence in the ACMA.

Labor urge the government to accept these amendments. We have already heard that they are not willing to do so, but I encourage the government to seriously consider them. These two amendments are sensible. They are about transparency, better public disclosure and making this organisation more accountable to the parliament and to the people. There is no logical reason why the government would not accept such sensible and logical amendments unless it was an ideological bent of the government to reject Labor’s amendments because the government have the numbers. That would be incomprehensible in the light of these sensible, good, simple measures that the Labor Party are putting forward.

Question agreed to.

Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (6.26 p.m.)—I present the reasons for the House disagreeing to the Senate amendments and I move:

That the reasons be adopted.

Question agreed to.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) 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 5 (after line 21), before item 6, insert:

5A at the end of subsection 4(2)

Add:

; and (d) ensures fair and effective resolution of customer complaints.

(2) Schedule 1, page 21 (after line 24), before item 127, insert:

126A Paragraphs 4(a) and (b)

Repeal the paragraphs, substitute:

(a) promotes the use of industry self-regulation where this will not impede the long term interests of end users; and

(b) enables the objects mentioned in section 3 to be met in a way that does not impose unnecessary financial and administrative burdens on participants in the Australian telecommunications industry;

Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (6.27 p.m.)—I move:

That the amendments be disagreed to.

In relation to Senate amendment (1), the proposed amendment to section 4 of the Broadcasting Services Act 1992 is unnecessary. Regulation of broadcasting already includes strong complaints based processes to which the ACMA will be obliged to respond. In relation to Senate amendment (2), there is no need for the proposed amendment. Under subsection 3(1) of the Telecommunications Act 1997 the main object of the act is to ‘provide a regulatory framework that promotes the long-term interests of end-users of carriage services’.

Section 4 of the act provides that parliament intends that telecommunications be regulated in a manner that promotes the greatest practicable use of industry self-regulation, without compromising the effectiveness of regulation in achieving the objectives mentioned in section 3. The government adheres to the view that self-regulation provides an efficient and effective means of achieving the objects of communications legislation, not only in telecommunications but also in radiocommunications and broadcasting. That is a view to which I strongly adhere and, if I may be so bold, Madam Deputy Speaker Bishop, to which I am sure you would also adhere.

Question agreed to.

Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (6.29 p.m.)—I present the reasons for the House disagreeing to the Senate amendments and I move:

That the reasons be adopted.

Question agreed to.

TELECOMMUNICATIONS LEGISLATION AMENDMENT (REGULAR REVIEWS AND OTHER MEASURES) BILL 2005

Second Reading

Debate resumed from 10 March, on motion by Mr Pearce:

That this bill be now read a second time.

Mr RIPOLL (Oxley) (6.30 p.m.)—I rise tonight to speak on the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005. This bill is touted by the government as the means by which rural and regional telecommunications services will be future-proofed after the sale of Telstra. No-one in regional or rural Australia will be surprised to discover that this bill does nothing of the sort. The bill before the House is just the latest in a long line of public relations exercises undertaken by the government and intended to convince rural and regional Australians that when the government does sell Telstra it will not sell out consumers.
As we have been seeing exposed by Senator Coonan’s listening tour of the bush with respect to the sale of Telstra, it is a lot less about listening and a lot more about minimising the political impact—just like the government does on so many matters. The government does not have a plan for a nation; it has a plan for an election. People in the bush, just like those in the cities, are pretty astute and they know a snow job when they see one, particularly from the National Party who pretend they will oppose the sale of Telstra ‘until services are up to scratch’—whatever that might mean to them. What they are really about is flogging the farm as long as the price is right and the money is flowing back to their constituencies. It is good, old-fashioned National Party pork-barrelling at its best. This will be the greatest regional rorts program in Australian political history.

Of course, just as the majority of Australians have seen through each of the government’s previous sale pitches and remained steadfastly opposed to the government’s plan to force through the sale of Telstra, they will ultimately see through this ruse also. However, despite this Labor will not oppose the passage of this bill in the House. While it is a wholly inadequate measure, it will not be a retrograde step for rural and regional telecommunications users.

The bill purports to respond to recommendations of the 2002 Estens inquiry which recommended that Telstra be required to maintain a local presence in regional, rural and remote Australia and that there be regular reviews of the adequacy of telecommunications services. The concept behind the measures contained in this bill with respect to that matter are not new. The House may wonder why the government is only introducing this bill now, in 2005, when it was recommended that similar measures be introduced as far back as 2002. The answer is that, while the Minister for Communications, Information Technology and the Arts likes to claim that this legislation is unrelated to the privatisation of Telstra and that it needs to be implemented regardless of the sale, the government’s real motivation for introducing the bill is as a carrot to gain support for the big stick when it finally sells off Telstra.

Members may also recall that the parliament considered similar provisions when the Telstra sale legislation was defeated in the Senate in the last parliament. The Labor Party believed then that these provisions were insufficient to future proof the bush and we maintain now that they are insufficient to future proof telecommunications. Still the government maintains that this bill is the answer to regional and rural telecommunications users’ prayers.

What divine intervention does this bill offer exactly? The government intends to impose a new condition in Telstra’s carrier licence requiring it to maintain a local presence in regional Australia. The bill provides a framework for this by making a minor amendment to the Telecommunication Act allowing the minister or the Australian Communications Authority to approve access plans that are developed to comply with that licence condition.

Mr Bruce Scott—Hear! Hear!

Mr RIPOLL—I hear the member for Maranoa’s support for this bill’s provision of the much needed, so-called future-proofing and legislating of services. But, as he and people in the bush, in the cities and everywhere around Australia know, it has nothing to do with that and everything to do with the politics of the sale of Telstra. The Labor Party of course support Telstra maintaining a local presence in rural and regional Australia. However, this bill comprehensively fails to deliver on that objective. At this stage neither the parliament nor the broader Australian
public has any idea of the details of this local presence plan. I challenge the member for Maranoa when he speaks on this bill to detail the plan and how it will be enforced.

It is important to note that the bill does not guarantee any particular level of local presence. There is not a single legislative commitment in the bill obliging Telstra to have a local presence in any area of Australia, contrary to the view that will be put by government members and the minister in relation to this. The minister has stated that the requirements of the local presence plan are currently being negotiated with Telstra. One could be forgiven for thinking that the level of service required by consumers in rural and regional Australia would be an objective measure and that the government would have already had a look at just exactly what it intends to do.

It is not as though debating this bill today comes as any surprise. It is not something that has just been needed or required; the concept of the full sale of Telstra is something that the government has been toying with for many, many years. But we are yet to see any real plan on the table. The only plan we see is about the sale of Telstra—not about service provision, doing something for the bush, improving service levels and delivering the sort of communications technology change that people need. This is a political fix; it is not a technology fix or a service level fix. It is just about the politics of the sale because the government, the National Party, the minister and everyone involved understand the political pain that the government should be feeling in relation to the sale of Telstra.

As a layman, you would think the level of telecommunications services needed by Australians would not vary according to Telstra’s view of what it would like to offer rather than what it should be required to offer. It is unclear why the government needs to negotiate a new licence condition with Telstra at all. Labor, like the Australian public, suspect that, post privatisation, Telstra will leave town quicker than the banks. It is simply not possible to regulate a business to maintain a presence in every single town across every single region in all of Australia. The government’s feeble attempt in this bill to imply that it can magically direct Telstra to maintain local presence at current levels—let alone imply that it can actually improve on this—is really an insult to people’s intelligence, and people do see through it.

The difficult balance between service obligations and shareholder returns is much better achieved with Telstra in its current ownership structure than it would be under a privatised and further deregulated market. Why the government would want to seek Telstra’s advice on local presence matters—that it should be obliged to at least maintain—is beyond us. This is another example of a disturbing trend where the government seems to be keen on allowing Telstra to determine the shape of the regulatory regime post privatisation. Advice, both public and private, has been increasingly vociferous from Telstra to ensure it maintains the pressure on the government regarding the regulatory impact of any future changes.

If the government were genuinely interested in protecting service levels to rural and regional Australia, it would consult with consumers in those areas, determine the service levels required and legislate for the provision of these services in a transparent manner. If the government were really serious about doing that, it would also look closer at an improved regulation under the current model of ownership and progress the scope of service provision. Regrettably, however, it seems the government’s priority is not about ensuring a high standard of services for these areas but, rather, maximising the Telstra
share price—not something on which the government has a good record. Consulting with regional Australia about the level of services they require and then legislating to provide it might, however, produce an outcome that hurts the government’s bottom line from the sell-out and, as such, is beyond the realms of consideration for this government.

The other key measure in the bill is the establishment of the Regional Telecommunications Independent Review Committee, the RTIRC. The RTIRC will be charged with conducting reviews of the adequacy of telecommunications services in regional, rural and remote parts of Australia at least every five years. Members of the RTIRC will be appointed by the minister for communications. Copies of the RTIRC reviews must be tabled in parliament within 15 sitting days after the minister has received them. The minister must table a response to the report within six months of the report being tabled. Labor believes that the RTIRC process is an attempt to deceive rural and regional Australia. This is 21st century snake oil that the bush will smell a mile away. They will see through the rest of the government’s ruses on service level provisions.

Mr Bruce Scott interjecting—

Mr RIPOLL—I know the member for Maranoa has concerns in this area, and he ought to be concerned. There is that painful little grin when you just know that what is about to happen really is not going to change anything or do anything. The member ought to be concerned, to be really worried, because his own electors know what this government is about to do to them. No matter how many listening tours you get from Senator Helen Coonan, no matter how many bills the government introduce into this place, none of that will replace the fear and angst of people out in the community—in the bush and in the cities, where they also do not get the service levels they deserve. There are plenty of urban areas, including in my electorate of Oxley, and not to mention in Western Australia and South Australia, where people in suburbs not too far away from the cities, just on the outskirts, are very much missing out on the service levels they expect from their national provider, Telstra. It is just not good enough for government members to come in here and think that people will not see that this is a bit of snake oil—they will have smelt it coming for a mile. I can assure the member for Maranoa they will see it when you are coming, there is no doubt about that.

Contrary to the government’s private press briefings and press release hype, this review does not guarantee anything for rural and regional telecommunications consumers. I challenge the member for Maranoa to point out exactly where its does guarantee anything at all. Labor does not believe that the mechanisms contained within this bill will ensure the review panel will be genuinely independent. The government does not have a good track record on these issues either. Members of the House would be aware that the regional telecommunications inquiry was conducted by one Dick Estens, a personal friend of the Deputy Prime Minister and, in fact, a member of Mr Anderson’s own National Party branch. I do not want to labour this point too much, but I think questions need to be asked, certainly in the light of recent events. There seems to be just too cosy a relationship where the left and right hands, in terms of what is going on in government and business and in terms of Telstra, are just a little bit too close for comfort. It does not give many people the sort of confidence they should have in independent inquiries and confidence that there will be some independence in looking at what is being done with Telstra. I think the reason is quite obvious to most people: the govern-
ment do not want independence. The government are not about getting real outcomes, real independence. This is just about giving the appearance that they are doing something about this issue.

We expect that the review panel provided for in this legislation will be similarly stacked by the government. In the tradition of *Yes, Minister* the outcomes of these reviews will already be known to the government before the panels have even been constituted, something I am sure government members are more than familiar with. Even if someone in the government did drop the ball just once, and somehow an independently minded person was appointed to the panel, the legislation includes no obligation—none at all—on the government to act or do anything on the recommendations of a review. All the minister is obliged to do is table the report in parliament, where it can join a long line of reports into the state of rural and regional telecommunications and begin gathering dust—a concept not too foreign to this place.

On top of this, even the legislative framework surrounding the review process is inadequate. The five-year period between reviews has been criticised by a number of observers for being too long a gap. The National Farmers Federation, good friends of the National Party and the government, argue that service adequacy reviews should be held every three years, not five years, because they do not trust the government on this issue. Five years is way too long. Why would anyone trust the government on this issue? The National Farmers Federation, like most Australians, understand what the underlying principle is for government in this matter. It is not about the service levels; it is not about anything except the sale of Telstra. The National Farmers Federation have commented:

> The within-five-year timeframe fails to reflect the dynamic nature and telecommunications requirements of farmers and rural communities.

Of course, it does not just end there. Mr Corish, the President of the National Farmers Federation, further stated last Friday:

> We reject the suggestion that five-year timeframes are necessary due to long lead times in the rollout of new telecommunications infrastructure or that more frequent reviews could see the next review starting before the response to the previous review is rolled out.

He went on to say:

> These arguments for a within-five-year timeframe show a lack of understanding of new services and technology opportunities that can be offered in a competitive telecommunications marketplace.

The Labor Party thoroughly endorses these comments. Why wouldn’t you? They make perfect sense. How can we be talking about future proofing an organisation such as Telstra but at the same time only putting in place a regulatory requirement for five-year review time frames? That does not add up. If we need to future proof, surely we should be reviewing more regularly. If the government and the National Party were actually committed to doing something about this, surely there should be a mechanism that would look at the trends of future technology change and that would be implemented through legislation. There should be something real, something on paper, something that people can read, something that is in law, so that we would then believe the so-called commitment of the government on these issues. But we do not get that.

The pace of technology change in the telecommunications sector is measured in months and weeks not in years. I think that is the key point here. We should not be looking down the barrel of ‘within five years’ as the mechanism for review; it should be much sooner than that. The government is fond of
pointing out the significant rise in the number of ADSL broadband subscribers in the last six months. But does the government expect consumers in rural and regional Australia to have to wait five years for a review to acknowledge that they need access to similar services? The only government member in here is the member for Maranoa, so I am going to have to pick on him and I apologise for that. But does he believe his constituents would find that acceptable? If there is technology change, the only point at which there is something in the regulation from the government which compels Telstra to actually do something is five years. Does the member believe that that is an acceptable time frame? His own thoughts on this, I suppose, are irrelevant, but many Australians would think that it simply is not good enough.

It is worth remembering that, in the last parliament, the government agreed to a recommendation by the coalition members of a Senate committee that reviews of this nature should be conducted every three years. On 30 October 2003 Senator Minchin told the Senate:

In the bill we said that these Estens style reviews will occur at least every five years. The majority report of the committee that looked at the bill recommended that they be held every three years. That is a recommendation that we are very happy to accept ...

Senator Minchin must be very unhappy that this recommendation has now been abandoned by the government. Perhaps the government can explain why it has now backed off from its three-year review policy. There will be opportunities for government members speaking in this debate to maybe explain to the House and to consumers why this has changed. In our view it is just another example of the government letting Telstra dictate what Telstra believes should be the regulatory regime. Perhaps Telstra was able to negotiate with the minister the retraction of the government’s three-year review policy. I do not know, but perhaps that was the case. It seems to be the case, in terms of the expectations under this legislation and regulatory regime, that the government will somehow in the future negotiate what the terms should be. I think this is just another case of the tail wagging the dog.

We hope that this decision to offer rural and regional consumers even less than they did the last time this legislation came before the House is not an early sign of arrogance on the part of the government in light of its impending control of the Senate on 1 July. Labor is not alone in its belief that this bill fails to live up to the government’s hype. Following the introduction of this bill last week the National Farmers Federation stated that the bill:

... was not sufficient to meet future proofing requirements.

Mr Corish, the President of the National Farmers Federation, said that it did not address the essence of Estens. So here we have a government that appoints a mate to do an inquiry into Telstra service levels, an inquiry on which they have predetermined outcomes, then they get the recommendations and what do they do with those recommendations? Absolutely nothing. And what do they do when their own people, the National Farmers Federation, tell them: ‘There’s something wrong with this. There’s something not right. Why aren’t you doing more?’ The government ignores them. Who is the government listening to? Who is the government taking its advice from? I think it is becoming increasingly obvious that the advice is coming directly from Telstra. It certainly cannot be coming from the constituents that the government members represent, because if it were coming from their constituents they would have a different policy and a different view.
Ms George—Just ask Alby Schultz.

Mr RIPOLL—Exactly. At least he is a government member who has got the courage to actually listen to the voice of his constituents. Not only do you have the constituents, the Australian community—people in the bush, rural Australians, city folk, people in urban areas—all singing the same tune, all concerned, all worried—but you have the president of the National Farmers Federation who says, ‘This bill simply just does not address the essence of Estens.’

The National Party also knows that this bill does not future proof telecommunications services for rural and regional Australians. Last November, John Anderson told ABC radio that the government needed to go beyond its future proofing strategy. There really is no future proofing strategy. Just because you have written the words does not mean that anything else will necessarily follow as a matter of course. People who read the words in this bill will find it is hugely lacking: there is no obligation, no commitment, no real path, plan or strategy to actually do anything on this. It is all about: ‘We’ll have a look at it and we’ll negotiate.’

Mr Anderson on ABC radio stated:

... I have some concerns, in the light of what I’ve seen over the last few months, that we probably need to tighten our ... future proofing arrangements ...

... I really want to ... send a ... clear signal to rural and regional Australians that what matters ... is getting those standards right and then not letting them go soggy again.

What has actually changed since that statement? Nothing has changed at all. You have the Deputy Prime Minister, the Leader of the National Party, voicing his concerns about his own government, about his own legislation. He is concerned about it. But nothing has changed. So if the Deputy Prime Minister is concerned, shouldn’t the rest of us be concerned as well? I think that is the case. If the Deputy Prime Minister is concerned, I can tell you that people in my electorate are very concerned. I can tell you that in a whole range of electorates right across the country people are very concerned.

Despite these comments about the need for tighter future proofing arrangements, what has the government dished up? What have the National Party been able to extract from their coalition partner? Very little. It is hard to say—there just is not anything. The National Party talk the rhetoric of service levels and improvements for the bush but they deliver very little from their Liberal Party masters. John Anderson has already sold off Telstra—there is no doubt of that. John Anderson has already signed away Telstra.

The DEPUTY SPEAKER (Hon. IR Causley)—Order! The member will refer to members by their title or by their seat.

Mr RIPOLL—Absolutely, Mr Deputy Speaker. What the Deputy Prime Minister, John Anderson, is doing now is just negotiating on price. He has already sold Telstra off—do not be misled on this. All he is doing now is haggling over price. That is the commitment. It is not about service levels; it is just about haggling over price—how much dough we can get so we can pour it back into our own constituencies. There is this well-known slush fund slapstick routine that we get day in and day out in this place from the Deputy Prime Minister over and over again—something about ethical standards and morals. We get browbeaten with all the God-fearing stuff from the National Party and the government on all these issues when, really, all it boils down to is just another slush fund slapstick routine.
The DEPUTY SPEAKER—Order! I ask the member to withdraw the words ‘slush fund’. My definition of ‘slush fund’ is a fund to bribe someone. I believe that it is unparliamentary and I ask the member to withdraw it.

Mr RIPOLL—Mr Deputy Speaker, I did not say ‘bribe’ about anyone.

The DEPUTY SPEAKER—if the member does not want to withdraw it, I will name him.

Mr RIPOLL—Mr Deputy Speaker, I am happy to withdraw the words that are commonly used by everyone—‘slush fund’.

The DEPUTY SPEAKER—I invite him to look at the dictionary.

Mr RIPOLL—Fine. It does not change the facts, but thank you anyway for pointing that out; I will refer to that in future and I will look that up. You just cannot get away from the well-known rorts fund slapstick routine—it does not matter what you call it, what name you give to it, everyone understands what it is. It is just another regional rorts program. We get this day in and day out in this place and it really does get to you after a while. But we will move on from there.

This piece of legislation really demonstrates that the National Party are up to their old tricks of crying poor for the bush and crying poor for their constituents when all they are really about is cashing in on diminished services—and there will be a lot of cash. I do not hear anybody on the government side arguing about the cash. They will talk the quick rhetoric of rorts but at the end of the day they are saying, ‘How much money can we get and how quickly can we spend it?’ That is the bottom line. We know where they are going to spend the money. It is going to be spent in National Party electorates. Have a look at any regional rorts program. Have a look at road funding, black spots or any other program. You only have to have three columns to determine where funding goes. You need one for the government, you need one for the National Party and then you need one for everybody else. I can tell you which column will be the biggest—there are no prizes for guessing in this place.

Telstra is, in a sense, the last issue of relevance for the National Party and it has slipped from their grasp. The only task left to them now is to convince the bush that it will actually hurt the National Party more than it is going to hurt the bush. That is what the listening tour is about. No-one really cares about the fortunes of the National Party, but what most other people in this place and outside care about are regional services and rural people. They actually want to make sure that there are good services. I can tell you that plenty of people in my electorate are very concerned about what is happening with Telstra and are not convinced for one moment about service levels today under the current ownership structure or regulatory framework. How do you convince those people that privatising and unleashing this 800-pound gorilla on an open market is somehow going to deliver more services for them?

This bill is simply a cut and paste job, and a shabby one at that, from a failed Telstra (Transition to Full Private Ownership) Bill 2003. It is not a solution; it is an insult. Anybody who goes back to that bill and then sees the cut and paste job here would say that it is a grade 10 level cut and paste. This is not the work of a government that is concerned about the future of Telstra. I hope that the National Party still have a seat at the negotiating table, that this was not their best effort and that they still have some influence. I hope and pray that when the member for Maranoa gets up he will be able to shed some light on the National Party still having some influence within the coalition to actually make some changes, because we will support
them. We want to see a better framework. We want to see some things that will improve service levels in the bush and do a better job on Telstra.

The bill before the House does not just represent a failure to meet the standards set by the National Party. It also does not deliver on the recommendations of the Estens inquiry. I always believe that you cannot walk both sides of the road. We hear the Prime Minister in this place always talking about not walking on both sides of the road. So the National Party cannot complain when it is criticised for the outcomes that are now being delivered—and there are none—when it was the National Party that set up the inquiry, put its own mate in charge, determined the outcomes before the inquiry was even finished, handed over the recommendations and then saw the government ignore them. I am sorry but the National Party cannot complain. You put your own mate in charge; you set up your own inquiry; you made sure it was all according to your own rules and criteria, because you thought that was the best way to deal with this issue at the time; and now that it is all said and done you cannot complain that it is not good enough. It is not good enough, but what are you actually going to do about it? That is my question and I think that is the question being asked by many people out in the community as well.

It has been nearly two years since the government accepted all 39 recommendations of Estens, and yet they have still done nothing to implement them. There is great irony and great hypocrisy in all of this. The government set it up, got their mates in and did everything according to what they wanted. They got the recommendations and said they accepted everything, but of course nothing has actually happened. I think this is just another example of exposing their great hypocrisy on this issue.

This bill represents yet another delay in the implementation of these recommendations. In recommendation 9.1 Estens made clear that the review process should be:

... underpinned by ongoing arrangements that provide a high degree of certainty that Government funds will be made available to support service improvements in regional, rural and remote Australia.

The review process outlined by this bill is not underpinned by a commitment, let alone any certainty of ongoing funding. A review could recommend a need, for example, for $5 worth of investment or for $5 billion worth of investment. There is just no point of commitment in this bill that actually recommends that something take place. Regional and rural Australians should consider what the government’s motivation will be to allocate money for rural infrastructure investments once the government has forced through the sale of Telstra. There will not be any front page headline pressuring the government to act. There will not be any need to woo the National Party senators to ensure they put their hands up for the sale. Rural and regional consumers should consider whether they can trust the current government to deliver on the recommendations of these reviews in the future. If it cannot guarantee that now, what is it going to do in the future? More importantly, they should consider by what mechanisms the government is willing to deliver infrastructure, given the recent announcement and comments by Senator Minchin, who is more interested in investing in the share market than in the bush. National Party members know that they cannot future proof rural telecommunications. Nobody can be sure what changes will take place. 

(Time expired)

Mr BRUCE SCOTT (Maranoa) (7.00 p.m.)—The measures contained in the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill
2005 are, firstly, to reflect the need for Telstra to maintain a local presence in regional, rural and remote parts of Australia and, secondly, to see that there are regular independent reviews into the adequacy of telecommunications in regional, rural and remote parts of Australia. Before I talk a little bit about those measures, I remind the Labor Party member for Oxley, who has just spoken and who has left this chamber, that I just happened to be in this parliament for six years when the Labor government were on this side of the House and had control of the treasury bench, so I know what they did to communications services in rural and regional Australia—in fact, services for the whole of Australia—and I know what we have been able to do since coming into government in 1996. If you contrast the two, there is no comparison, and it is no wonder that the member for Oxley disappeared, slunk out of the House, with his tail between his legs because he did not want to be reminded of the appalling legacy that we inherited in 1996 from the Labor government.

I remind the House tonight that it was the Labor Party that actually abolished by legislation, by law of this parliament, a perfectly good adequate mobile telephone communications service—the analog service, which was extremely effective out in the rural and remote parts of Australia where the service was operating. It was extremely useful in hilly country, as you, Mr Deputy Speaker Causley, would be aware from your own electorate, but what did the Labor Party do with that analog service, a perfectly good and powerful service? They abolished it by an act of this parliament. But, worse than that: having abolished that service by legislation so it could no longer operate, they did not provide for an alternative service. They did not require any of the service providers in Australia to replace the analog service where it was operating with an effective mobile technology. So the Labor Party come to this debate with no feathers. Let me assure you that they have no feathers and no credibility when it comes to communications, because their track record says it all.

On coming to government in 1996, the coalition understood that more had to be done in guarantees to rural and regional Australia and that we had to repair the long years of inaction by the Labor Party in communications. Since coming to government we have conducted two reviews, and it is important that we talk about those reviews tonight, because those reviews, the Besley and Estens reviews, have led to substantial improvements in communications across rural and regional Australia—in fact, right across Australia. Since coming to power the government has implemented the recommendations of those two reviews—each had different recommendations because the Estens recommendations built on the original recommendations of the Besley inquiry—and my electorate has now acquired some 103 new mobile phone towers. In a couple of weeks time I have got another three to officially launch. These are new mobile telecommunications towers in very small rural communities.

Labor Party members may come in here and say that the National Party has done nothing and does not have a plan, but the problem with that for Labor members is that they have never been out there; they do not know what it is like out in rural, regional and remote Australia. I invite them to come out into the back of Maranoa at any time and have a look at what we have achieved since coming to government. Another element of the Besley recommendations that have brought substantial improvements to remote communities is the contract that we let following the review of the extended zone services. That contract was won by Telstra. (Quorum formed) I thank my colleagues for
coming into the House to increase the numbers on this vital bill. I notice that no-one from the other side of the House has come in, because they do not like to hear the truth of their failings in communications whilst they were in government for 13 years.

As I was saying, following the recommendations of the Besley inquiry the government let a contract to ensure that those 40,000 subscribers in remote parts of Australia, who had been neglected by the Labor Party for 13 years in government, no longer had to pay for timed local calls. They did not have the same access as 99.9 per cent of Australians to untimed local calls. In towns like Birdsville, Bedourie, Wyandra and many communities in the remote parts of Australia, there was actually a timed local call cost. For 13 years the Labor Party neglected those people, but the Nationals were insistent that all Australians should have access to untimed local calls. We have been able to deliver that as a result of the recommendations of the Besley inquiry. Not only were we able to deliver untimed local calls, because Telstra won that contract and put more infrastructure in place to enable the increase in traffic resulting from that measure, but we were also able to provide two-way satellite internet access to those subscribers as part of that contract.

Two and a half weeks ago, the Minister for Communications, Information Technology and the Arts was with me in my electorate. We were at Longreach and we saw at first-hand the benefits of that two-way satellite internet access being used by young children in the School of Distance Education. They were 80 kilometres out of Longreach on their parents’ property. We went to their little schoolroom—a separate building outside the house. What we saw were these young children who, 80 kilometres away from their school, were using that two-way satellite to communicate with their teacher at the Longreach School of Distance Education in an internet lesson. The other students in the class were up to 200 kilometres away.

This demonstrated to me that communications have been improved in rural Australia through actions of the government and a capital fund. These young children are now able to access their education on the internet and a clear voice signal through the telephone because they are now receiving untimed local calls and have the speed of two-way broadband internet into their classroom. That replaced an HF radio that was in use until about three years ago. Anyone can see that moving from an HF radio—which on some days would not work due to atmospheric conditions, and the children could not participate in the school program for the day—to a clear voice signal and broadband internet is a leap into the new generation of communications for people living in remote parts of Australia. It happened as a direct result of this government being elected. For the benefit of the member for Oxley, who is no longer in the chamber, it was the Nationals who brought that about. If I recall correctly, in my maiden speech I mentioned that as an issue we needed to address. Those people who live in rural and remote parts of Australia deserve equity between city and country of access to modern communications.

The other benefit that we have been able to deliver in those very remote parts of Australia is provide a subsidy for satellite mobile telephone as a result of these reviews. Many people in those very remote communities, particularly on the large pastoral cattle properties, now have access to satellite mobile telephone. I think the handset costs them something like $500 with the help of a subsidy of approximately $1,500. This was not provided by the Labor Party. People in remote areas were the forgotten people during
the 13 years the Labor Party was in government.

It is now possible and an essential step forward for many of those remote pastoral cattle properties to use mobile satellite telephones. That has come as a result of the Besley inquiry and the subsidies that this government now provide. People are able to use a computer to transmit information on cattle they are tracking from a remote cattle yard on a large pastoral holding. The cattle now require electronic tags when they leave the properties so that they can be traced through the food chain. The information being transmitted via a mobile satellite phone from these very remote communities and cattle yards is being read by a computer. It is an extraordinary sight to see that happening, but the technology is available. The technology has been subsidised by this government. I assure the chamber that the National Party played a very big hand in ensuring that those sorts of services were affordable to communities in very remote parts of Australia. They are among the benefits that have flowed from two previous reviews conducted by this government.

I would like to touch on Telstra Countrywide. Since those reviews, Telstra have in many ways identified the need to have a local presence in rural and regional Australia. Telstra Countrywide, from my point of view as a local member, is undoubtedly one of the best things Telstra have done in many years. It has given Telstra a local face in those country communities. Telstra do a magnificent job. When there are faults—and faults will inevitably occur—on the communications network, there is someone in the community who understands where that fault may have occurred.

When Labor were in government, if a fault was identified, you would often have to go through a call centre that could be anywhere in Australia. For someone in western Queensland to try and describe a fault there to someone on the other side of Australia was quite difficult. I could always understand how difficult that must have been for the poor person at the call centre on the other side of Australia, who might not understand the geography of where the fault had occurred. Telstra Countrywide are doing a magnificent job in delivering face-to-face, and across-the-counter in many instances, services to rural and remote parts of Australia. Telstra Countrywide have about 39 offices in regional areas.

I want to commend the Roma office of Telstra Countrywide for what they have achieved. Recently, they were awarded a couple of very important national awards for service delivery and customer satisfaction. Today Jeff Little from the Roma Telstra Countrywide office and Laurie Blake, who is a recent recipient of an Indigenous Employment Award, were in Parliament House. I congratulate Laurie Blake. I know him personally. He was a young boy when I first met him. He grew up with my children and went to school with them in Roma. As a young Indigenous person he is doing a magnificent job. He is a great credit to himself and to his parents.

I think great credit also has to go to Telstra Countrywide for giving people like Laurie Blake an opportunity. To see him here today, being recognised for his achievements with an Indigenous Employment Award, gave me a great deal of satisfaction. To Laurie Blake, Jeff Little and Telstra Countrywide: well done, not only for what you have achieved for Indigenous employment but also for being a point of presence in rural communities. The service that you are providing now compared with the services provided when the Labor Party were in power have improved. The service delivery that Telstra Country-
wide give now to our rural and remote communities is very much appreciated.

The two measures—the need for Telstra to maintain a local presence in regional, rural and remote parts of Australia and for regular independent reviews to be conducted into the adequacy of telecommunications in regional, rural and remote parts of Australia—are essential. They are recommendations that we as a government are implementing, following the Estens inquiry.

I think the bill speaks for itself in terms of the impact that it will have. I also think an important point is that the regulation that Telstra will now have to deal with and comply with as a condition of licence is further evidence that this government is committed to ensuring that communications in rural and remote parts of Australia are continually improved. We have done a great deal about service delivery and we will continue to do so. The National Party, as part of the coalition government, understand the people of rural and regional Australia when it comes to communications.

(Time expired).

Ms KING (Ballarat) (7.20 p.m.)—I want to contribute to the debate on the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005 as a member of parliament who represents regional and rural Victoria in particular. Regional and rural Australia has lost its voice in this parliament with the National Party completely caving in on Telstra. The National Party may once have been the voice of rural and regional Australia in this place, but on this issue it has sold out regional and rural Australia. The government claims that this bill will ‘future proof’ regional telecommunications services after the sale of Telstra.

Mr Katter interjecting—

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Kennedy has been warned today. I will use 94(a).

Ms KING—The services that are available to regional and rural Australians are woefully inadequate. The future sale of Telstra, no matter what is in this legislation, is inevitable and it is going to mean poorer services for regional and rural Australians. Regional Australians do not believe the coalition when they say that they will protect their services. We are told that measures contained within this bill will ensure future proofing of regional telecommunications so that service quality is maintained into the future and rural Australians keep pace with technological change.

This is of little solace to those Australians living in areas such as mine who are already surviving with second-rate telecommunications services. The problems are not just isolated to regional areas; outer metropolitan areas are not averse to telecommunications problems either. I am contacted regularly by constituents grappling with poor telecommunications services, including not being able to access ADSL and poor mobile phone coverage. But when they cannot even get a reliable telephone service in their home or business in a timely manner things are really crook.
Members may remember seeing in the fifties and sixties telephone wires strung along improvised posts on farm fences, providing much needed telephone services to those in rural areas. In my own electorate, in the 21st century, this is still happening. I have an example shown in photographs of a telephone cable—not 100 kilometres outside a regional centre but five kilometres outside of Ballarat in Cardigan Village—being strewn over farm fences in order to get a cable into a person’s property. It is absolutely woeful that we have examples such as this. I seek leave to table these photographs that prove that telecommunications services are not up to scratch in rural areas.

Leave not granted.

Ms King—Obviously the National Party seeks to hide the reality of what is happening in rural and regional areas by refusing to allow those photographs to be tabled. The issues with poor service in regional communities include poor mobile phone coverage. My own mobile phone does not work inside my house. It is absolutely ridiculous. I live in a beautiful electorate, but it gets pretty cold in winter and it is not fantastic to have to go outside my house, stand on the back porch and lean sideways to be able to answer my mobile telephone. I do not live hundreds of kilometres from the nearest exchange; I live right in the middle of Ballarat, a city of over 90,000 people.

ADSL coverage for the people of many of the outlying towns in my electorate is nonexistent and Telstra’s expression of interest register is just not working. By the time local communities realise it exists and navigate their way through to expressing that they want ADSL—and mind you this is all operating on the presumption that they have the internet in the first place—it can be years before enough people are registered. There is no feedback from Telstra as to what is happening and the bar is set artificially high in relation to the number of expressions of interest that have to be registered before Telstra will do anything.

Gordon, in my electorate, is a classic example. Despite a community initiated petition with over 60 signatures sent to Telstra and local campaigner Steve Price digging around and finding out about the register and encouraging people to sign up, Telstra has set the bar way too high for this local community. I quote from an email he sent me recently:

Hi Catherine, I just thought I would let you know how little progress we have made re broadband for Gordon - Telstra have finally set the number of registers of interest before they will do broadband here. They have set the figure at 150!! Can’t help but wonder if this is payback for the lobbying. We have I think about 600-650 registered phone lines in Gordon. That trigger therefore represents 25% of the population!!! This is far higher than comparable country towns similar distances from major centres. (I’ve done some checking and some comparable places only need 50-70 registers of interest. So … as you can guess, I’m not very impressed ... At present Gordon has 46? registers of interest, so we have a long way to go to get broadband this century if we have to play Telstra ridiculous games.

Another area in my electorate is Darley, where a new housing estate has been established without the ability to connect new residents of this estate to broadband, because Telstra has used old technology and is now having to do a patch-up job to try and get broadband in. These are just a few examples of the type of second-rate service that we are already experiencing in regional Australia. One can only imagine what will happen after the government’s remaining share in Telstra is sold. But this bill is meant to safeguard services in regional Australia and ensure that we are not left behind in the technology revolution after the government’s remaining share in Telstra is sold off.
The Estens inquiry recommended that Telstra should be required to maintain a local presence in regional, rural and remote Australia and that there should be regular reviews of the adequacy of telecommunications services. The government introduced a bill in 2002 when it was recommended that similar measures be taken to future proof telecommunications services. We on this side believe the bill was flawed then, and we maintain that provisions contained within this resurrected bill continue to be insufficient. The government intends to impose a licence condition on Telstra to maintain a local presence in regional Australia, but the bill does not clearly define what a local presence is. Could a local presence be a Telstra kiosk in the local store with a telephone and computer screen to access Telstra services? Could it be a 1300 number to call to speak to an offshore call centre operator?

The Australian Labor Party supports the need for Telstra to have a regional presence but, without strong safeguards, Telstra could leave the country quicker than the banks did. The banks maintain that they are providing a better service to rural people through an expansion of the ATM networks, EFTPOS and internet banking—all without having a counter or a real person to talk to. Is this new, improved service from the banks providing a regional presence? Of course it is not. The bill needs to clearly define what a regional presence means and what a local presence means. The bill also needs to provide safeguards to ensure that any regional presence requirements do not lead to a lesser service than currently exists through the Telstra Country Wide network.

But none of us in this place or in the community knows what the government means by a regional presence. Once sold, a fully privatised Telstra will be responsible to its shareholders. The shareholders will not want to be wasting money on maintaining a presence in anything but a major regional centre. So the profit potential, not the need to provide a regional presence and a better service to rural Australians, could mean the difference between having a Telstra office or not. This bill does not guarantee any particular level of local presence. Is it a man and a dog in a Telstra truck in the bush somewhere, is it an office in Melbourne with ‘country’ somewhere in the title or is it a fully staffed office with maintenance and repair workers? The reality is that, under this legislation, the notion of local presence is a total furphy—and anyone who thinks that the provisions of the bill would compel Telstra to put the people of Ballarat, Daylesford or Bacchus Marsh ahead of maximum profits has misplaced confidence in the government and a naive understanding of commercial reality.

Real and clearly defined safeguards need to be put in place to ensure that a regional presence is maintained by Telstra and that regional Australia is not left behind. The bill also provides for the establishment of the Regional Telecommunications Independent Review Committee, to review regional communications at least every five years. Members of this committee will be appointed by the Minister for Communications, Information Technology and the Arts. Copies of the committee’s reviews should be tabled in parliament, and the minister needs to table a response. It all sounds very nice: a review, a report, a response from the minister—a bit of a show, a lot of window-dressing but nothing to guarantee any particular level of regional telecommunications services. The committee reviews do not guarantee anything for rural Australians; the reviews do not guarantee improved telecommunications services.

Debate interrupted.
ADJOURNMENT

The DEPUTY SPEAKER (Hon. IR Causley)—Order! It being 7.30 p.m., I propose the question:

That the House do now adjourn.

Regional Services: Program Funding

Mr WINDSOR (New England) (7.30 p.m.)—The House would be aware that, in the last week, evidence was given to the Senate inquiry into the Regional Partnerships program and also some questions were asked in the House of the Deputy Prime Minister. I would like to make some comment in the brief time given to me on these events. The House may not be aware that Greg Maguire gave evidence to the Senate inquiry last week and agreed with essentially all of the allegations that had been made, except for the link with the Deputy Prime Minister. I think it was made pretty clear yesterday that an inducement offer was made by Greg Maguire. He admitted to that—that there was the possibility of jobs for the boys, an overseas posting—and said specifically in his evidence that he gave me the advice that I should ‘go and talk to John Anderson’. That conversation took place a few days after Mr Maguire admitted to having an hour-and-a-half conversation with Mr Anderson, Senator Sandy Macdonald—

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

Mr WINDSOR—and also a staffer from the Deputy Prime Minister’s office, Wendy Armstrong. The Deputy Prime Minister told us that Wendy Armstrong left the room at one particular stage before the inducement offer was actually made.

There were a number of contradictions within the evidence that Greg Maguire gave, and I would like to just briefly go through them. Mr Maguire gave evidence that there were helicopters over his house on 20 September. He was not named in the parliament until 17 November, some time after the election. He gave evidence that the funding for the equine centre in Tamworth could be jeopardised. He could only have known that if he in fact knew that he was implicated in the inducement offer. Greg Maguire also said that he had made substantial donations to my election campaigns, both state and federal—although he said he was not involved in the 2004 election campaign, which is quite correct. He was involved in the 2001 campaign through some advice about television advertising, but records show that there have been no financial contributions from one Greg Maguire or any of his 37 companies in any of those election campaigns. I would urge the Senate inquiry to look very closely at that particular issue.

In one part of his evidence, he called Helen Tickle, a witness before the inquiry—a well-respected woman in the Tamworth area—a liar. He said that she had lied under oath. A little time later in his evidence, he said there was not a bad bone in her body. Mr Maguire said that I always wanted to be the Deputy Prime Minister. When asked had I ever said to him that I wanted to be the Deputy Prime Minister, he said, ‘No, Tony Windsor has never mentioned that to me.’ Senator Brandis said something along the lines of, ‘You know Tony Windsor pretty well, don’t you?’ trying to establish some sort of character impression of me from a favourable witness, and Greg Maguire said, ‘Not closely, personally, no.’

So there is a whole range of contradictions here. Greg Maguire made a statement that I had this unbridled hatred for the National Party. As you would know better than anybody in this room, Mr Deputy Speaker Causley, I was the member of parliament in 1991 in a hung parliament that put the Na-
tional Party into government in New South Wales. This was after I had supposedly developed this hatred of John Anderson and the National Party back in 1988. Why would I put the National Party into government? It was my vote that determined that the National Party be part of the state coalition government in 1991, and I worked well with that government.

In 2000, when I was a state member, it was the Deputy Prime Minister—he was not the Deputy Prime Minister then—who, in conjunction with the minister for agriculture at the state level, jointly proposed that I chair the Namoi groundwater committee. (Time expired)

Hasluck Electorate: Commonwealth Land

Mr HENRY (Hasluck) (7.35 p.m.)—Earlier this month I brought to the attention of this House my concerns and the concerns of many people within my electorate of Hasluck in Western Australia about proposals to build a brickworks on Commonwealth land that is currently controlled by the Westralia Airports Corporation adjacent to Perth airport. The land in question is currently occupied by the West Aviat Golf Club on Kalamunda Road in South Guildford. Just three or so weeks ago the Westralia Airports Corporation gave the club only 30 days—just one month—notice to vacate the property, with all that that entails. I expressed to the House my amazement that a group of people who were members of a highly regarded community based organisation such as the West Aviat Golf Club should be treated so harshly by any organisation. These constituents and residents have lived in the area for a long time and have leased the golf course area since 1984 for golfing purposes. They have put their own blood, sweat and tears into creating this golf course at their own expense and through their own efforts. They have created an excellent facility and a superb recreational area for use by residents.

I have received many representations from residents, community groups and local councillors from the City of Swan and the Shire of Kalamunda who are all appalled at the cavalier treatment that the West Aviat Golf Club has received. They also expressed their concerns about the potential environmental impact of a brickworks that will be adjacent to residential areas, as well as adjacent to an area of great natural beauty that includes lakes and wetlands. I gave my constituents an undertaking to represent their views in this House and express their real concerns over this issue. The apparent lack of a consultative process has raised the suspicion within neighbouring communities, including High Wycombe, Hazelmere and Rose Hill, that a federal location for the brickworks is being considered as a way of circumventing the need for community consultation. They view this as an assault on the local democratic process.

In the nearby Swan Valley there are already a number of brickworks operating. Their environmental impact has been well documented. This has raised real community concerns about the health issues associated with their operations. The ill-effects documented in people living up to four kilometres from these locations have reportedly included breathing problems and eye irritation.

I have today received a petition with approximately 3,000 signatures from my electorate concerning the closure of the West Aviat Golf Club. The petition asks for the support of the House in making representations to the Westralia Airports Corporation and asks that organisation to reconsider its decision to offer the land for commercial use and declare the land as being set aside for recreational purposes. This would allow the West Aviat Golf Club to continue in its pre-
sent location. I intend to present the petition to the House at the earliest opportunity, and I will be asking for the support of the House.

The site adjacent to Perth airport is not the only one available for a new brickworks. Indeed, the Mayor of Armadale City Council has put on record and confirmed to me his in-principle support for the brickworks to be located on a suitable 40-hectare site within his city, where it would be welcomed for the much-needed jobs that it would create.

I reaffirm to this House my commitment to continue working as hard as possible on behalf of the residents and constituents of Hasluck to achieve the best possible outcome in this matter. I have made and will continue to make representations to the appropriate minister and intend to continue vigorously pursuing this matter on behalf of the residents and constituents of Hasluck.

HR Nicholls Society

Mr BOWEN (Prospect) (7.39 p.m.)—On 18 and 19 March the HR Nicholls Society will be holding its 26th conference.

Government members—Hear, hear!

Mr BOWEN—I am glad the honourable members opposite are so happy. The theme of the conference is ‘Carpe diem’—or ‘Seize the day’. This perhaps represents the society’s joy in at last being able to seize the industrial relations agenda of this country. This has, of course, been the society’s aim since it was founded by Peter Costello, Charles Copeman and John Stone. The agenda for the conference is a predictable diet of ideologically driven polemics which argue against the things the society opposes—things such as awards, antidiscrimination laws and, of course, minimum wages. The agenda appears to be silent on executive salaries and pay-outs.

The society this year has a very special guest speaker, Professor Charles Baird, who has been flown in from the United States. Professor Baird is one of the most ideologically pure neoconservative academics in the world. He will present two papers to the conference. The first paper is entitled The folly of minimum wages. I hope it is a fair and balanced review of the arguments for and against minimum wages for our most vulnerable workers, but its title suggests it will not be. His second paper is called Reflections on the US labour market. Many people think that the US labour market is an example of how low-paid workers are mistreated when you have weak safeguards, but Professor Baird disagrees. In fact, he believes there is too much regulation in the US labour market. He says that minimum wages are a bad idea, that living wages are a nonsense and that there should be no such thing as minimum employee holidays—employees should just ask their employer how many weeks leave they can get annually. He criticised the New Zealand Employment Contracts Act, which is usually held up by conservatives as the holy grail of good legislation, for not going far enough because it guaranteed employees a minimum period of leave each year.

Honourable members opposite will be disappointed to know that Professor Baird does not stop there. He is likely to criticise the government at this conference because he believes that not only should small businesses be exempt from unfair dismissal but all businesses should be exempt.

Government members interjecting—

Mr BOWEN—Apparently, honourable members opposite do agree.

Mr Slipper—We do, we do.

Mr BOWEN—Professor Baird made this very clear in a paper called Deregulation of the New Zealand labour market: things left undone. Professor Baird apparently believes it would be okay for an employer to dismiss a woman because she has become pregnant,
because she is about to qualify for long service leave or because of her religion.

Government members interjecting—

Mr BOWEN—Again, honourable members opposite apparently agree. Don’t get me wrong, Mr Deputy Speaker: Professor Baird is entitled to his views. In a democracy like ours, everybody is entitled to be wrong. But what is interesting about this conference is that Professor Baird will be followed by none other than the federal Minister for Employment and Workplace Relations. And not only will the minister follow Professor Baird but he is moving the vote of thanks! He will be thanking Professor Baird for sharing his views that there should be no minimum wage, that there should be no unfair dismissal protection for anyone and that there should be no minimum leave for employees.

We all know that the Prime Minister appointed the honourable member for Menzies as Minister for Employment and Workplace Relations because he is a friendly face. He does not fill out a balaclava quite like his predecessors Peter Reith or Tony Abbott, the present Minister for Health and Ageing. He is softly spoken and he is a friendly face in the government. But, to use a term favoured by the Treasurer, one of the fathers of the HR Nicholls Society, this conference ‘bells the cat’ on the minister’s true agenda. His ideological obsession with getting rid of the minimum wage makes Peter Reith look like Little Red Riding Hood.

It is not the role of the Minister for Employment and Workplace Relations to pursue the ideological agenda of a small rump of Australian society at the expense of millions of workers. A succession of Labor ministers took hard decisions which were not always popular with trade unions but which improved productivity and helped our economy while keeping fundamental protections for workers in place.

The government see that the only way out of their self-made economic mess is to strip the pay packets of ordinary Australians, making them work longer hours for less money and less security—less money to pay rising mortgage bills that are being hit hard by higher interest rates. The government and their ideological comrades in the HR Nicholls Society are driving an agenda which ignores the facts. They say the answer to every problem is to embrace their ideology in a more pure form. They say the answer to the skills shortage is to reduce minimum wages. They say the answer to this country’s current account deficit is to reduce minimum wages. I have yet to hear a problem for which they do not say the answer is to reduce minimum wages. They say that if only employers could sack people unfairly the economy would all of a sudden miraculously improve.

I am sure the government will continue with their ideological agenda. The Labor Party will continue to bell the cat on the government’s ideologically driven agenda, which is out of touch with all Australians. (Time expired)

Stirling Electorate

Mr KEENAN (Stirling) (7.44 p.m.)—Recently I had the pleasure of attending the Scarborough Beach Surf Life Saving Club in my electorate of Stirling. The current summer season is its 77th year of service to the community. Scarborough Beach Surf Life Saving Club, alongside the Trigg Island Surf Club, have saved countless lives in the electorate of Stirling. Today I would like to salute them for their service to our community. I will also take the opportunity to thank their presidents and club captains. Mark Irwin and Glenn Ross are the president and captain respectively of Scarborough Surf Life Saving Club and Mr David Motteram and Mr Paul Attenborough are the president and captain.
of Trigg Island Surf Club. Mr Irwin and Mr Ross kindly hosted me at their recent club breakfast, which I thoroughly enjoyed.

Last year, over 9,000 people were rescued nationally on Australia’s beaches. When you combine this figure with over 171,000 preventative actions taken, the importance of the Surf Life Saving Association to the entire Australian community becomes clear. The SLSA provides world’s best practice lifesaving services through a strong commitment to juniors and through the adoption of uniform standards and systems. They have a broad range of members, from people who, like Mr Bob Phelps, have been members for over four decades through to a vibrant group of nippers. Because of Australian surf lifesavers and the wonderful commitment that all the volunteers make, Australian beachgoers are the best protected in the world. Last year there were no fatalities at any patrolled beach during normal patrolling hours. This simple fact is testament to the skill, expertise and professionalism that is espoused not only by the organisation as a whole but also by the individual members who give up their time to serve the community.

I would also like to take this opportunity to recognise the efforts made by a promising young man from my electorate, Mr Adam Gyi is the 2004 recipient of the Sir Adrian Currewis scholarship. This scholarship is provided to seven young life savers who have been selected by their state centre as future potential leaders. The scholarship provides self-awareness activities as well as a 12-month mentoring program which targets personal areas of improvement. Adam Gyi and another 10,000 Western Australian members volunteered more than 57,000 personal hours on surf patrol last year, again testament to their professionalism and dedication.

Between 2007 and 2009, the National Surf Lifesaving Championships will be held in Stirling. The event is being run by the City of Stirling and Surf Life Saving Australia. I would like to particularly congratulate the city, ably led by Mayor Tony Vallelonga and Deputy Mayor Troy Pickard, for the proactive way the city campaigned to secure the event. Preliminary estimates suggest that over $25 million will be injected into the local economy during those three years. It is a professional event that will showcase not only the City of Stirling, which has the best beaches in the world, but also all of Western Australia. The event is bigger than the Commonwealth Games—12,000 people will visit Perth for the event and it is expected that they will use it as an opportunity to holiday in our beautiful state. The event will also be beamed live into Asia, and up to 40,000 people will attend the events on any given day. Local talent will be utilised as much as possible. I note that 2006 is the year of surf lifesaving, which makes the event extra special.

I would like to encourage more people not only into surf life saving but also into volunteering throughout the community. The year 2001 was the International Year of the Volunteer, but I believe that as Australians we should recognise the efforts and time given by volunteers every year. Giving up your time to build social capital is invaluable to the development of our community. I encourage more people to do so, and I am honoured to have been able to bring to the House’s attention the efforts of not only the surf life saving clubs in my electorate but also the organisation as a whole.

Skills Shortage

Ms KING (Ballarat) (7.49 p.m.)—We are facing a skills crisis in this country, and that skills crisis is being felt by workers, families and businesses across Australia. Over the course of the past few days the debate about
Australia’s skills crisis has focused on MaxiTRANS, a respected supplier of road transport trailing solutions within my electorate. The Prime Minister’s answer to my question today only highlights how bad the skills shortage situation has become and indeed how long it has been a problem. Australia’s skills shortage is chronic and is preventing the economy from growing. The situation is also stopping ordinary Australians like Chris, who I mentioned yesterday in my MPI, from reaching their full potential.

The point of this story is that MaxiTRANS is a company in desperate need of skilled workers today. In order to fill its contracts, it has had to go overseas to source labour because the government has not trained enough Australians to fill those positions. MaxiTRANS has done the right thing. It has tried to meet its skills needs by finding workers locally. It has not been able to do that, because it cannot find boilermakers, welders and other metal fabricators locally, so it has sourced them overseas. Knowing that this crisis will continue, it has also tried to recruit apprentices but, as of just recently, it has put eight of those apprenticeships on hold.

The Prime Minister did not seem particularly concerned by this in question time today. He missed the point by arguing that these Chinese workers are not necessarily replacing the trade apprentices, because they are already trained. The reason why MaxiTRANS went overseas in the first place was that, despite three rounds of advertising and an open day, it could not find suitably skilled trades people not only in Ballarat but in Australia. The Howard government has not invested sufficient funds or thought into training people in the traditional trades. There are serious flaws in the government’s approach. The figures show that 40 per cent of those who enter into apprenticeships will drop out and join an increasing pool of long-term unemployed.

I would like members on the other side of the House to consider this: what do teenagers do who do not go to university or who are one of the 270,000 students that this government has turned away from TAFE? Let us not forget that the Prime Minister has been encouraging year 10 students to leave school and look for a job. Chris, in my electorate, offers a glance into what awaits people like him. In his own words, in the paper today, he said:

I’ve been searching for full-time work since I got back from overseas nearly two year ago. It is just so hard to find a job. Full-time work gives you security. Without it you cannot apply for a loan for a house or a car.

The Howard government’s new apprenticeship program is not offering a pathway to traditional trades to the unemployed. The only path many Australian companies can take is to look overseas for skilled labour.

The effect of this policy failure is that we now have around 200,000 teenagers not in full-time education or full-time work. Government members may well point to the number of new apprenticeships in the retail or hospitality industry. Despite the government’s rhetoric, we on this side of the House value skills and experience gained in these industry sectors. Many of us on this side of the House have worked pretty extensively in those sectors. However, these industries are characterised by part-time and casual work, and predominantly employ kids after school. That is an important thing to do, but they are not trade apprenticeships.

The debate about skills shortages has primarily focused on the economic impact. This is, of course, fundamental, but the way the government has dropped the ball on this issue is just another example of the Howard government’s growing complacency. OECD
studies consistently indicate that failure to make an early transition to permanent work or full-time study is associated with long-term risks of marginalisation, helping to trap people in a cycle of unemployment, part-time work and government schemes.

Teenage unemployment in regional Victoria has been increasing for the last 12 months. In December, teenage unemployment increased in four out of the five regional districts in Victoria. In my own district, teenage unemployment stands at 35.4 per cent. That statistic is the same in the electorates of Mallee and Wannon as well. In my electorate, many teenagers face an uphill battle and are often left with no option but to leave their homes to go to the city to seek employment. The Prime Minister asked year 10 students to solve his skills crisis by leaving school and finding a trade. This is policy on the run; he clearly did not think this through or did not know what the situation was on the ground. (Time expired)

Rt Reverend Ross Davies SSC

Mr SECKER (Barker) (7.54 p.m.)—As the member for Barker, which is an electorate largely included within the Anglican Diocese of the Murray, I rise in the House tonight to express my concern at the somewhat bizarre public comments made by the outgoing Anglican Primate of Australia, Peter Carnley. Honourable members may be aware that the Bishop of the Murray, the Rt Reverend Ross Davies, participated in the consecration on 16 February 2005 at the Church of the Good Shepherd, Rosemont, Philadelphia, USA, of Bishops David Chislett of Australia and David Moyer of the United States.

Given the departure from Catholic order by Australian Anglican bishops through the purported ordination of women priests, orthodox Anglicans in Australia needed a bishop who had not departed from the Catholic faith to minister to them. Forward in Faith Australia, representing orthodox Anglicans, elected Father David Chislett, Rector of All Saints Church, Wickham Terrace in Brisbane, to be consecrated to the episcopate as a ‘flying bishop’ for Australia. He would also assist the Primate of the Traditional Anglican Communion, Archbishop John Hepworth of Adelaide.

Mr Pyne—Good man!

Mr SECKER—He is a good man. Bishop Davies, a man of great integrity and high principle, advocates that the Church of England and her daughter churches in the Anglican Communion are a valid and true expression of the One, Holy, Catholic and Apostolic Church. He points out that the great historical claim of the Anglican Church of being both Catholic and reformed was rooted in a truly sacramental ministry carried on as part of the apostolic succession. In a statement to the clergy and laity of the Murray on 2 March 2005, Bishop Davies emphasised that the Church of England in 1992, and the Anglican Church here in the same year, when legislating for the ordination of women, seriously breached the Catholic tradition without having a universal Anglican consensus on the issue.

The bishop goes on to tell us that in England, the act of synod catered for conscientiously Catholic and traditionally-minded Anglicans with legislation providing for ‘flying bishops’. These are orthodox bishops who have not purported to ordain women. Sadly, a similar provision for the maintenance of the Catholic faith was not made in Australia. While I am not an expert on the theological arguments concerning the ordination of priestesses, I greatly respect the courage of Bishop Davies in taking action to guarantee the maintenance of the Catholic faith in its Anglican expression. As a bishop in the Church of God, Bishop Davies is a bishop for the whole church and not just for
his own diocese. As Ross Davies has stated, he is free to exercise his episcopate for the good of the holy church.

This brings me to express concern that religious persecution appears to be alive and well in the Anglican Church of Australia in 2005. In a remarkable demonstration of primatial thuggery, Peter Carnley raised the prospect of suspending Bishop Davies for his actions in ensuring the continuity of Catholic order in Australian Anglicanism through his participation in the consecration of Bishop Chislett. Not to be outdone in the thuggery stakes, Brisbane Archbishop Phillip Aspinall has sought to suspend Bishop Chislett as Rector of All Saints because he submitted himself to consecration.

Bishop David Chislett remains a member of the Anglican Church of Australia and has been licensed as a bishop in the Anglican Diocese of the Murray. While neither Ross Davies nor David Chislett has breached the canons of the church or done anything illegal, we should remember that Peter Carnley first purported to ordain women, contrary to the canons of the Anglican Church of Australia. Talk about breathtaking hypocrisy on Archbishop Carnley’s part! I find his statement against Ross Davies both disgusting and unacceptable. As the member for Barker, I know all about the wonderful work being carried out by Bishop Ross as Bishop of the Murray. For example, the Cathedral Parish of the Murraylands is beginning a new Anglican primary school in Murray Bridge in 2006. It is to be a low-fee independent Christian school. In the national parliament I salute Bishop Ross Davies for his leadership, courage and values. Peter Carnley would do well to emulate his example.

Fisher Electorate: University of the Sunshine Coast

Mr SLIPPER (Fisher) (7.59 p.m.)—The University of the Sunshine Coast in the electorate of Fisher opened in 1996 and is committed to the internationalisation and economic and cultural development of the region. As one of the fastest growing regions in Australia, with a population of 305,000, it serves both the needs of education and as a catalyst for regional engagement. The short-term programs of the International Relations department established in 1998 have been positively contributing to this growth through hosting groups of international students, teachers and professionals both on campus and with families within the local community. Short-term programs contribute to the sustainable economic, cultural and educational advancement of the region.

Anthony Craig, the manager of the short-term programs in the International Relations department, credits the collaboration within, and commitment to, the region as a major drawcard for the increasing number of international students living, learning and developing the community and the economy of the region. Short-term and study tour programs both build and promote internationalisation at a local and regional level. This growth is expected to further increase over the coming years with the reputation of the university being progressively recognised by institutions internationally. In addition to receiving international students, the GO Abroad program places local students with partner institutions to study abroad, giving students valuable international experience, which further benefits the electorate of Fisher by building employment, knowledge based industries as well as the traditional tourism industry.

The DEPUTY SPEAKER (Hon. IR Causley)—Order! It being 8 pm, the debate is interrupted.

House adjourned at 8.00 p.m.

NOTICES

The following notices were given:
Mr Ruddock to present a bill for an act to amend the Copyright Act 1968, and for related purposes. (Copyright Amendment (Film Directors’ Rights) Bill 2005)

Mr Hardgrave to present a bill for an act to amend the law relating to social security, and for other purposes. (Social Security Amendment (Extension of Youth Allowance and Austudy Eligibility to New Apprentices) Bill 2005)

Dr Stone to move:
That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Fitout of new leased premises for the Department of Industry, Tourism and Resources in Civic, ACT.

Mr Abbott to move:
That standing orders 31 (automatic adjournment of the House) and 33 (limit on business after 9.30 pm) be suspended for the sitting on Thursday, 17 March 2005.

Mr Abbott to move:
That standing order 47 be suspended for the remainder of this period of sittings, except when a motion is moved pursuant to the standing order by a Minister.

Mr Abbott to move:
That unless otherwise ordered, for the remainder of the session:
(1) Standing order 77 be amended to read:

77 Anticipating discussion
During a debate, a Member may not anticipate the discussion of a subject listed on the Notice Paper and expected to be debated on the same or next sitting day. In determining whether a discussion is out of order the Speaker should not prevent incidental reference to a subject.

(2) Standing order 100(f) be suspended.
Mr ADAMS (Lyons) (9.40 a.m.)—I want to put on record that I completely support the Tasmanian Symphony Orchestra retaining its status as a symphony orchestra. It is quite ridiculous for the federal government to use scare tactics to try and cut costs in the arts. The government are looking at ways of moving away from the responsibility of subsidising the performing arts, because they believe that there should be no financial support needed. I believe that is a nonsense. In a country the size of Australia, with such a small population, subsidies can ensure that our musicians can rate with the best in the world, for really very minimal costs now.

I believe there is something more sinister than an attack on subsidies for the performing arts going on here. I believe this is an attack on the wages and conditions of orchestras. Just look at the editorial comment in the Australian on Tuesday this week, which identified the bottom line in James Strong’s report: that workplace reform, which has affected the lives of most Australian workers but not orchestra musicians, is urgently needed to make orchestras more efficient and effective. That is a threat, and it is one that our musicians can do without. In their highly professional and talented orchestras, their wages are barely that of office workers working from nine to five. There are a few exceptions, as soloists and conductors can reap a little more for their skills but, as a Queensland letter writer in the Australian on the same day said:

Most musicians start their training in primary school, continue on to university and often do postgraduate studies overseas. That is all done on a pittance, unless they become well known. When they return they work full time, and they work very irregular and demanding hours, as well as practising for many hours at home. It is ludicrous for the Tasmanian federal Liberals to say that they support the retention of our orchestra. Implement those so-called reforms and I would not blame the orchestra for migrating in force to another country which reveres their wonderful talents and skills. We can only lose from this ridiculous pressure.

Go and take your clippers somewhere else, Mr Strong. How about starting with the huge costs of this Liberal government’s self-advertising? Also, let us look at the New South Wales symphony orchestra, which is not mentioned in the report. Mr Strong, of course, lives in Sydney. That orchestra loses millions of dollars, but there are no cuts to the Sydney orchestra proposed in the report by Mr Strong. Those who propose certain cuts should start in their own backyard and sharpen up their own ideas.

Flinders Electorate: Black Spot Funding

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (9.43 a.m.)—I am delighted to announce in the House today that there will be an additional $1½ million of federal black spot funding for roads within the electorate of Flinders. This comes on the back of a series of initiatives and calls from people within the elector-
They have identified priority road projects, they have worked with local councils and they have been successful in obtaining funding for four key road initiatives.

The first of those is Pearcedale Road in Cranbourne South, where $449,000 will be made available for sealing the shoulders between Browns Road and North Road along Pearcedale Road. This is an important road with high-speed traffic. It is quite dangerous, with blind hills. These shoulders will make a difference. This is about safety. It is a growing area. The population is moving south and there has been some infill. This assistance to residents of Cranbourne South, Pearcedale and Cranbourne more generally is very much needed. This first initiative is a very important one. I would also note, however, that work still has to be done on sealing Finsbury Road in nearby Devon Meadows. We need to surface that road—a very important step forward.

The next thing is that there will be $44,000 made available for the intersection of Morris Street and John Street in Tootgarook. A splitter island will be installed, line marking will be done and signage will be improved. Taken together, these are very important steps for residents in Tootgarook. There are lots of young families there. They need to have safe intersections and need to be able to cross safely.

The third initiative is in Moorooduc. There will be $750,000 made available for Eramosa Road West between Moorooduc Highway and Coolart Road. All local residents in Moorooduc and Somerville will know that Eramosa Road West is one of the primary east-west arteries on the Mornington Peninsula. It is a road which has lots of traffic. It acts as a primary means of crossing from the east to the west or the west to the east on the Mornington Peninsula. It connects Somerville with Mount Martha, Mornington, Mount Eliza and Frankston. As such it is an extremely important road. On Eramosa Road West the shoulders will be sealed, edge lines will be put in place and reflectors will be installed. The last of the changes is in Rye where $280,000 will be spent on Point Nepean Road between Napier Street and Lyons Street. That money will be used to install signals—a very important development—and to relocate pedestrian signals and associated roadworks. All up this is a great set of results for the Mornington Peninsula.

### Telstra: Privatisation

Mr BEVIS (Brisbane) (9.46 a.m.)—Sometime after 1 July, when the Liberal government will have control of the Senate, we all expect to see a bill to enable the full sale of Telstra. Members of the government, particularly National Party members, will, like lemmings, jump off the cliff as they eagerly proceed down the road of sale. They have been told, and they tell us, that the sale will ensure services are available fairly and properly across the country, from the centre of the city to rural parts, and that the system will be future proofed so that new technologies will be available. I want to shed some reality on that claim.

In my electorate of Brisbane—which is the core seat in the state of Queensland; the GPO is in my electorate—12 kilometres from the GPO they have only just received ADSL in the last week. They have just in the last week got broadband. That followed a year of campaigning by me and my office to force, encourage and cajole Telstra to do this. I should not put too much emphasis on that: to be fair to Telstra they were in fact cooperative, although it has taken 12 months for those people 12 kilometres from the GPO to get the outcome—access to ADSL, which happened only in the last week. We should contrast Telstra’s response with that of the private ISPs. When Telstra put the infrastructure in, the private ISPs were telling their cus-
tomers in that area that it could not be done and that it was not their problem—it was Telstra’s. When we got onto the ISPs, unlike Telstra—which was cooperative and willing to talk to us—the ISPs clammed up. Two large private ISPs did not want to know about the delivery of services to people in that part of the electorate of Brisbane barely 12 kilometres from the GPO.

Contemplate what that means for people not 12 kilometres from a capital city but 1,200 kilometres from a capital city. Is there genuinely a person in this parliament who believes that those people are going to have access to these essential services? These are essential services. Access to the Internet is essential to daily life in the same way that access to water, electricity, rail and road is. Essential services are not things that should be bought and sold on the basis of stock markets; they are essential items for all the community and should be held by the community in trust.

Behind us in the gallery we have people from North Queensland. I have not spoken to them about this, but I guarantee that most of them do not have access to broadband today. As new technologies come online, they will not have access to them under a privatised Telstra—and Telstra will respond to members of parliament in the future in the way that the private ISPs responded to me and my office over the course of the last few weeks. They will not give a damn. Their shareholders and their share price will be the consideration, not the delivery of services. The Liberals in government should wake up and do something in the party room—

Health and Ageing: Mental Health Services

Mr RICHARDSON (Kingston) (9.49 a.m.)—I spoke in the House on Monday in support of the motion by Mrs Gash which related to mental health and encouraged governments to take various steps to avoid the continuance of the rapid decline we have seen in mental health services in every state in Australia. I was motivated by that motion to rise again and bring to the attention of this Committee the appalling state of mental health services in South Australia.

In December 2004, the South Australian Labor Minister for Health, Lea Stevens, stated that mental health was the most significance health issue facing South Australia. I, like many South Australians, was filled with the confidence that something might be done about the embarrassing and shameful lack of services available to mentally ill South Australians. Unfortunately, four months have passed and Ms Stevens has returned to form, doing little if anything to address the issue of mental health, and that is why I bring this issue to the attention of this Committee.

High-profile individuals from a variety of sectors, including the head of the South Australian Parole Board and a Port Adelaide magistrate, have made a direct and public link between the decline in mental health services and a rise in crime, yet the South Australian Labor government refuses to address the issue. Is it really the case that the mental health sector is screaming about the problem, those associated with the justice system are screaming about the problem and well-meaning and good intentioned citizens and carers are screaming about the problem, but the state Labor government cannot see there is a problem?

I do not know if the Labor state government feels there is no political gain in this issue, no votes to be won, or if it is simply putting mental health in the ‘too hard’ basket. But what has become apparent is that, right now, this counts as a priority. South Australians simply cannot
afford to have their Labor government stick its head in the sand and ignore the desperate plight of so many of its constituents any longer. It is widely accepted that around $100 million must be put into the mental health system in South Australia to bring it up to scratch. Given the amount of money the South Australian Labor government—and all state governments—has received in GST revenue and land tax, I implore it to give back to South Australians and finally do something about this tragic issue, which is costing lives and putting so many South Australians through so much torment.

Adelaide Symphony Orchestra

Ms KATE ELLIS (Adelaide) (9.51 a.m.)—I rise to speak on the recently launched review entitled A new era: orchestras review report 2005, referred to in media reports as the Strong report, after the chair of the review panel. I would assert, however, that it is not a strong report at all, for the plan would weaken rather than strengthen our orchestras. It advocates a fundamental shift in the way our orchestras are run which would inevitably stifle the creativity, vigour and talent currently displayed by these cultural institutions.

Situated in my electorate is the Adelaide Symphony Orchestra. Currently, it has 75 full-time performers, and last year it distinguished itself with a critically acclaimed production of Wagner’s epic Ring Cycle. Such a performance would be almost impossible to pull off if the recommendations of this review were implemented. Of particular concern is recommendation 14, which states that the ASO should reduce its full-time equivalent musicians from its current 75 to a mere 56 members. Such a cut would endanger the strength of the ensemble, a strength which is drawn from a permanent orchestra of that size.

My office has been inundated with pleas from across the electorate of Adelaide. There is a large amount of community support for the Adelaide Symphony Orchestra, which undertakes over 100 performances every year across a very diverse spectrum of music. Apart from its own performances, it provides orchestral support for all State Opera of South Australia productions and for Adelaide performances of the ballet and of Opera Australia. It has consistently been the most prolific contributor to the Adelaide Festival. Of great importance also is the ASO’s strong community focus. It performs many children’s concerts and undertakes many educational events. Such events provide children with a wonderful introduction to the world of music. These events would all be under threat if these recommendations were implemented. Also under threat would be such Adelaide community events as Symphony under the Stars. This annual event is a public, free, open-air concert which is enjoyed and embraced by many members of the community from all walks of life. Indeed, it is the only way many South Australians experience live orchestral music. The proposed cuts would leave the orchestra with a much smaller repertoire and leave it unable to perform many popular works.

One of the claims of the review is that it is attempting to ‘address the issue of sustainability of Australia’s symphony and pit orchestras.’ This review falls far short of that. The CEO of the Adelaide Symphony Orchestra, Mr Rainer Joseps, has highlighted the fact that, if the orchestra were less effective, it would not be able to attract the kind of sponsorship and income that it currently does. How does reducing the abilities of an institution address its long-term sustainability? The review recommends slashing 19 full-time positions in the ASO. This begs the question: does the government support a high quality, world-renowned symphony orchestra for the people of South Australia? It becomes difficult to see how it can if the only substantial finding of the report is to recommend a raft of sackings. (Time expired)
Sport: Rowing

Dr JENSEN (Tangney) (9.54 a.m.)—Competing at the Sydney Olympic stadium against the best that Australia can offer is a dream that most young athletes in Perth can only imagine. But for three rowers from the Freedom on the River rowing club at Canning Bridge in my electorate of Tangney who competed at the Australian national rowing championships last week the dream became a reality. The three rowers took home two silver medals and three bronze medals and were as proud as any Olympian to wear the uniform of the Western Australian state rowing team and to hear their names called out as winners.

There is a difference when comparing these athletes to those who rowed for Australia at the Penrith Olympic rowing course in Sydney 2000. In a way, their achievements are even more remarkable than those of their Olympic counterparts. It takes strength, stamina, mental discipline and self-belief to succeed in the tough sport of rowing, and it is even tougher if you happen to be mentally or physically disabled, or both. This is what makes the rowers from the Freedom on the River rowing club special—but special in a remarkably admirable way. Ray Walters’s son Glenn, 31, competed in the adaptive conventional scull and conventional double scull at the championships and brought home a medal. His dad says that it has given him a great boost.

The newly elected president of the Freedom on the River rowing club, Jane Ratten, a former rower, has volunteered at the club for more than five years. She agrees with Ray’s sentiments on the Freedom on the River rowing club. She states:

We have all sorts of disabilities; mental and physical and all ages. Our youngest member is nine and we have some lots older. Whatever the disability and whatever the age, it’s about giving the rowers an opportunity to achieve.

It’s amazing to see what kids can achieve out there in the water and the fears they have to overcome to first get in the boat and then row in a national competition.

I was there during one of their training days, and it really is remarkable to see them getting into boats with these physical disabilities. I am very proud of their achievements. Every Wednesday between 4 p.m. and 6 p.m. and on Sunday mornings between seven and nine, you can catch the rowers gliding across the Swan in their adaptive boats, which are fitted especially for disabled rowers. The club is in desperate need of volunteers. If anyone is able to help the club, they can contact my office and I will put them in touch with the Freedom on the River rowing club. (Time expired)

The DEPUTY SPEAKER (Hon. IR Causley)—Order! In accordance with standing order 193 the time for members’ statements has concluded.

AUSTRALIAN SPORTS COMMISSION AMENDMENT BILL 2004

Mr FARMER (Macarthur—Parliamentary Secretary to the Minister for Education, Science and Training) (9.58 a.m.)—I move:

That the bill be now read a second time.

The purpose of the Australian Sports Commission Amendment Bill 2004 is to facilitate the more effective use of customs information in the fight against drugs in sport. This information will normally concern importation or attempted importation by an athlete or by a member of
an athlete’s support personnel, such as a coach, of a prohibited sports substance uncovered through measures such as postal intercepts or discovery on a person at Australia’s borders.

In 1999 the Australian Sports Commission Act was amended to enable Customs to pass this information to the executive director of the Australian Sports Commission (ASC). The provisions were thought at the time to be adequate. However, legal opinion obtained in 2004 in the context of doping allegations against a number of cyclists now indicates that the practical use of these provisions is more restrictive than first thought.

If the executive director is satisfied that the antidoping policy of the sporting organisation to which the athlete belongs is ‘likely’ to have been breached and the customs information is ‘likely’ to assist the organisation in determining whether to take action in accordance with its antidoping policy, the executive director can then pass the information to the organisation. This limits the ASC’s ability to pass relevant information to sporting organisations. For example, some customs information, such as the fact that a postal article addressed to a particular person was intercepted, may not by itself be sufficient to enable the executive director to be so satisfied.

In addition, the current legislative provisions impose significant limits on the use that can be made of the information by the recipient organisation. For example, even if the customs information is able to be disclosed by the executive director to the sporting organisation, the organisation is precluded from using that information in any investigation, inquiry or prosecution under its antidoping policy or rules.

Finally, the current provisions are silent on fundamental ‘natural justice’ protections for athletes, such as the right to be notified that the executive director proposes to disclose customs information to the athlete’s sporting organisation, and the athlete being given the opportunity to make a submission to the executive director before the information is passed to the sporting organisation.

It is also important to note that in the period since 1999 Australia has affirmed its commitment to the World Anti-Doping Code, which was released in March 2003 and is now being implemented by sporting organisations worldwide. Australia, along with 157 other countries, supports the code through the Copenhagen Declaration on Anti-Doping in Sport.

Australia’s support for the code and the Copenhagen declaration includes our commitment to a comprehensive antidoping framework. The ready availability of customs information for use in antidoping investigations and hearings is an essential element of such a framework.

Moving to the proposed amendments, they will address the restrictions in the current provisions by enabling the executive director of the ASC to authorise the disclosure of customs information where the executive director is satisfied that it should be used or disclosed for permitted antidoping purposes of the relevant sporting organisation. Permitted antidoping purposes means any of:

(a) investigating whether an antidoping policy of the ASC or a sporting organisation has been breached;
(b) determining whether to take action under an antidoping policy of the ASC or a sporting organisation;
(c) determining what action to take under an antidoping policy of the ASC or a sporting organisation;

MAIN COMMITTEE
The amendments provide that the ASC executive director, before disclosing information, must give written notification of the proposed disclosure to the person to whom the information relates and give that person the opportunity to make a written submission about the proposed disclosure.

The amendments also contain some specific provisions about the disclosure of customs information for the Australian Sports Commission’s own internal antidoping purposes.

In conclusion, the Australian Sports Commission Amendment Bill will advance Australia’s existing antidoping framework and affirm Australia’s commitment to achieving a sporting environment free from prohibited substances. I present the explanatory memorandum to the bill.

Mr Griffin (Bruce) (10.05 a.m.)—Let me start by making it clear that Labor support the Australian Sports Commission Amendment Bill 2004. We do so because it assists government agencies to continue the fight against drugs in sport. The bill does not represent any new policy direction by the government; it merely facilitates the exchange of information between government agencies and national sporting associations to assist in identifying and investigating drug cheats.

Like much of the action taken by this government to stamp out drug cheats in sport, it is, again, too little, too late. The fact that the provisions of this bill are to be applied retrospectively is evidence in itself that the government is playing catch-up, not setting new directions. Playing catch-up in the fight to eradicate the use of performance-enhancing drugs in sport is simply not good enough. The recent BALCO case in the USA is evidence of this. Drug cheats are becoming more sophisticated. New drugs and new techniques to enhance biophysical performance are being developed just about daily. At the same time they are becoming harder to detect.

Australia has prided itself on being a world leader in the battle against the use of performance-enhancing drugs in sport. As a nation, we find the whole concept of individuals, teams and, in the past, even governments using drugs to enhance the performance of elite athletes totally abhorrent. We are a fair-minded people, proud of the achievements of our elite sports men and women. We have no tolerance for drug cheats and look to the government to provide leadership on this important matter.

Much to the embarrassment of this government, it is Labor that has led the way in the fight against drugs in sport. It was a Labor government that took action to stamp out the use of performance-enhancing drugs in sport by establishing the Australian Sports Drug Agency in 1990; it is Labor that has consistently put forward policies to eradicate drugs from sport; it is Labor that has consistently argued for the appointment of a sports drug ombudsman; and it is Labor that has consistently argued that the current system of detecting, investigating and dealing with drug cheats is unworkable, with too many players, too many different rules and too many different standards. Australia needs a consistent, uniform approach to dealing with drug cheats—a system that applies to everyone involved, from Customs and drug testers to sports...
bureaucrats and sports associations; and a system which athletes, athlete support staff, sports associations, government agencies and the general public can easily understand.

The confusion that surrounds drug testing and dealing with drug cheats is typified by recent press reports that AFL commissioners and executive staff are to be subject to voluntary random drug testing. According to the press reports, this decision was made to assuage young footballers concerned that random off-season drug testing could be an invasion of their privacy. The concern was not with testing for performance-enhancing drugs, but for recreational drugs. The motivation behind this gesture by the AFL commissioners and executive may be of the highest intent, but what message does it send to the broader community? Do we really expect sports administrators to adhere to the same antidoping standards as elite athletes?

I raise this not to be disparaging of the AFL. The AFL, like many sports, is trying to deal positively with the problem of drugs in sport, and I am supportive of its efforts in this regard. Unlike the government, the AFL has been open and consultative in developing its antidoping policy. But the fact the commissioners believe they have to apply elite athlete antidoping standards to the governance activities of the AFL in order to gain the support of elite athletes is symptomatic of the confusion that surrounds the intent of antidoping policies in this country.

What this highlights is the lack of leadership on this matter by the government. Sports organisations are crying out for help, but the government is not listening. We only need to look at the background to this bill to see just how slow the government has been to act, even when faced with allegations of widespread drug use in a government owned facility.

It was only after Senators Faulkner and Lundy raised in the other place concerns about doping practices at the AIS Del Monte facility for cycling, and followed up their concerns in Senate estimates hearings on 27 May 2004, that the government reluctantly decided to take action. The concerns raised by Senators Lundy and Faulkner related to allegations of the use of the banned substances equine growth hormone and Testicomp by members of Australia’s cycling team. As all of Australia is now aware, cleaners found evidence that a room at the AIS Del Monte facility was being used by one or more elite athletes as an injecting room for performance-enhancing substances. Instead of fully investigating these allegations as soon as the ‘sharps bucket’ was found at Del Monte, the government fumbled the ball.

What was the government’s reaction? It tried to cover it all up until after the Athens Olympic Games. The Australian public were not informed. Instead the government instigated a series of amateur and secretive investigations by coaches, ASC bureaucrats and a lawyer contracted to the ASC. So ineffective were these investigations that the government was forced to initiate a more formal inquiry by the Hon. Robert Anderson QC. In his report Mr. Anderson identified a raft of inadequacies and incompetence that beggars the imagination.

There is no doubt that it was only after persistent questioning by Senators Lundy and Faulkner that the minister was forced into engaging Mr Anderson. If Labor had not pursued the matter, nothing would have happened. What made this situation worse was that the government had been warned of problems with some sporting organisations submitting timely drug-testing information. Senator Lundy, in May 2003 during Senate estimates hearings, highlighted problems between the ASC and the ASDA on the importance of sporting organisations submitting timely drug-testing information. How did the minister react to this? Did he publicly reinforce the importance of maintaining a consistent drug-testing regime for sports?
he instruct the ASC to withdraw funding from the sports that failed to comply? No. All the minister did was issue a written statement indicating that differences between the ASC and ASDA on the importance of sports associations complying with drug-testing requirements had been settled.

We can only speculate that, if the minister had responded to the problems raised by Labor in 2003, the Del Monte affair would have been handled in a far more competent manner. In his report into the doping allegations at Del Monte, Mr Anderson made wide-ranging recommendations which showed just how underdone this government’s approach to drugs in sport really is. Mr Anderson’s recommendations included: the introduction into all AIS athlete agreements of a provision allowing for random room searches at residential facilities; the implementation of a system of random room searches; the task of conducting room searches to be allocated to staff other than coaches and support staff who have regular interaction with athletes; involving agencies such as the Australian Federal Police and the Australian Sports Drug Agency in the process of designing random search procedures and training designated AIS staff; initiating regular consultation between the designated searchers and the ASDA to share intelligence on the latest trends in sports doping practices; establishing clear policies for AIS athletes in relation to the practice of self-injecting; and building an education program into the existing drugs in sport education and counselling programs with the specific aim of installing the idea, especially in young athletes, that they should not only refrain personally from drug taking but also be intolerant of it in their sport and be prepared to join in the efforts to eradicate it.

What has happened since? Consistent with the government’s previous actions, not much. It is true that the power to search athlete’s rooms has been written into AIS scholarship agreements. This was confirmed by the Australian Sports Commission Chief Executive Officer, Mark Peters, in response to questions from Senator Lundy at the February 2005 Senate estimate hearings. Mr. Peters also indicated that processes and procedures to initiate random room searches had not been finalised, so no room searches had actually been conducted. He indicated that discussions with the agencies suggested by Mr. Anderson to finalise the development of these processes and procedures ‘are still in progress’.

Interestingly, an ASC spokesperson was reported in the Courier-Mail of 18 February 2005 as indicating there were ‘legal and privacy issues’ that could make the ASC baulk at introducing the searches. It is significant that I can find no statement from the minister in relation to these matters. Given the circumstances that led to these recommendations being made by Mr. Anderson, I would have thought it crucial for the minister to take the lead and reassure Australians that action has been taken, and not just leave it to an ASC official. The government’s position with regard to the investigation of sports drug allegations is also unclear.

Late last year the minister released a paper prepared by the Department of Communications, Information Technology and the Arts titled ‘Discussion paper about proposed legislation affecting Australian arrangements for the investigations and hearing of sports doping allegations’. The discussion paper looks at legislating to establish an independent board called the Sports Doping Investigations Board, with members appointed by the Commonwealth minister for sport and recreation.

Establishing a board is not the answer. The 1990 Senate drugs in sport inquiry came to this conclusion 15 years ago after working its way through two years of hearings, at least one con-
firmed sports death and 15,000 pages of evidence and documents. But the minister is not interested. He is only interested in protecting the interests of the sports bureaucrats and some sporting associations. This is evidenced by the minister’s announcement in March 2003, well before the Anderson inquiry, that a ‘working group comprised of portfolio agencies will be consulting with the Australian Olympic Committee, the Australian Commonwealth Games Association and national sporting organisations on the possible establishment of an independent tribunal’. Nearly two years later, we have still to learn of the outcomes of the deliberations of this working group.

In July 2004, following pressure from the Australian Olympic Committee for the government to establish a sports drug ombudsman, a spokesperson for the minister is quoted in the *Age* as saying that the minister was close to announcing the establishment of an independent agency to investigate all sports drug agencies but needed to consider ‘fairly weighty legal issues’. Did the working group ever meet? If it did meet, what were the recommendations? What were the ‘fairly weighty legal issues’ the minister was considering in July of last year? Have these matters been resolved?

Only the minister knows the answer to these questions, and he is saying nothing. Given the level of inaction by the minister, it is easy to speculate that these are the statements of a minister anxious to look as though the government is doing something when it is really just marking time. Will we need to wait for another sports drugs scandal before the minister finally acts? Will it be necessary for Australia to be embarrassed before the international sports world in the lead-up to the 2006 Commonwealth Games before the minister finally acts? It really is an extraordinary situation.

We have a government willing to take the highest possible moral ground on eradicating drugs from international sport, but unwilling to address the situation in their own backyard. As journalist Liam Bartlett said in an article published in the *Sunday Times* on 18 July 2004 when commenting on the failure of the ASC to act quickly on the cycling allegations:

That it took eight months for the Federal Government to launch an official inquiry says a lot about the attitude of our sports officials to drugs issues.

Does the minister seem concerned about this situation? It appears not.

Labor believes the answer is to establish a sports drug investigation capacity as part of the Office of the Commonwealth Ombudsman. Expansion of the Office of the Commonwealth Ombudsman would reduce the need for new legislation, avoid the need to duplicate administrative structures and make use of the extensive experience in undertaking reviews and investigations that is already present in the Ombudsman’s office. There will be a need for legislation to achieve this, and Labor calls on the government to act on this suggestion as a matter of urgency. The legislation should empower the Commonwealth Ombudsman to work with state and federal police departments and the ASDA to investigate, search and prosecute alleged incidents of doping in sport. All incidents of doping in sport within Australia’s borders should be referred to the expanded Office of the Ombudsman, including the importation of banned substances. In this expanded role, the Office of the Commonwealth Ombudsman would also work closely with the AOC and Commonwealth Games committees. Under Labor’s proposal, the Ombudsman would also represent federal government agencies at any hearings within the Court of Arbitration for Sport.
Labor recognises that many NSOs have developed their own antidoping policies based upon World Anti Drug Agency guidelines but believes the community wants a consistent approach to sports drug incidents. The community cannot understand why there is variation in antidoping procedures and penalties between sports. Australians do not want drug cheats in any sport, and the government has a responsibility to ensure this happens. Establishing a new board as proposed by the government, irrespective of how prominent its members may be, will not address this problem. As I indicated earlier, Australians want certainty and consistency about how drug cheats are dealt with.

Let me now turn to the bill before the House. The amendments proposed are clearly designed to close a gap in current legislation. Given the retrospective application of the amendments, it is also reasonable to assume that prescribed information has been informally disclosed to the ASC in the past. If this did occur, at least this legislation seeks to regularise the situation and put in place some measures to protect the privacy of athletes accused of being drug cheats.

The unauthorised release of test results that occurred during the 2005 Australian Open is a good example of the damage that can occur if there is no regulatory structure around drug testing, drug investigations and drug allegations. Despite this, the need for retrospective legislation is indicative of the government’s approach to many of the contemporary issues it faces. There is no strategic plan; its only mode of operation is to be reactive to events that occur. Rather than formulate policy and legislation in a logical and thoughtful manner, this government waits until there is a crisis and then acts. As always, it acts without thinking through the full implications of its actions. In the case of this legislation, what thought has the government given to what happens when it finally decides to act on Mr Anderson’s recommendations to establish an independent drug investigation body? What will the role of the ASC be in this new environment? Will there be a need to further amend this act once the new body has been established?

The amendment will allow the executive director of the ASC to release prescribed information received from the CEO of Customs to ASC officials and to sporting organisations for the purpose of investigating and implementing antidoping policies. The bill provides for such information to be released only if the executive director of the ASC is satisfied that the information should be disclosed to another person in the course of taking action under an antidoping policy of the ASC. Specifically, the executive director must be satisfied that the disclosure of the information will not contravene any terms of the authorisation as disclosed to the ASC by Customs.

Specific conditions under which the executive director can release prescribed information are set out in the bill. These specific conditions require the executive director of the ASC to: be satisfied that the information to be disclosed is for permitted antidoping purposes of the organisation to which it is to be released and that the organisation has given a written undertaking, (i), that the information will be used or disclosed only for permitted antidoping purposes of the organisation and, (ii), that the organisation will take reasonable steps to satisfy itself that the information will not be used or disclosed by a person to whom the organisation has disclosed the information in a way that is unfairly prejudicial to the interests of the person to whom the information relates; be satisfied that the disclosure of the information would not contravene any terms of the authorisation under which the protected information was dis-
closed to the ASC by Customs; and be satisfied that the person to whom the information relates is accorded natural justice.

Labor understands the need for information to be passed to other ASC officials and to relevant NSOs but is concerned to ensure the protocols and procedures associated with this are clearly spelt out and subject to public scrutiny. To this end, I call on the minister to give an undertaking that the procedures developed by the executive director of the ASC to govern the release of prescribed information to ASC officials and to other sporting organisations will be made publicly available. This will ensure all athletes, and all Australians, understand the procedures and will be assured the privacy of individuals is appropriately protected.

The bill includes a provision requiring that the executive director of the ASC advise an affected athlete of his or her intent to release prescribed information and that a written submission be made on the matter. The executive director of the ASC must advise on the manner in which, and the conditions under which, the disclosure of prescribed information is to be made. This includes specifying the form in which the information is to be presented and the mode of transmitting the information. The submission period will normally be 14 days after the day on which the person receives the notice, or, if the executive director of the ASC considers it appropriate, a shorter period. The bill identifies that a shorter period may be appropriate when, for example, a competition is imminent. The executive director of the ASC is prohibited from disclosing the information to others until the submission period has ended and any submission received considered. Written notice of any proposed disclosure to an athlete or their nominee must advise the person that receipt of a submission before the end of the specified submission period has the effect of shortening the submission period.

At the 2004 federal election Labor put forward a plan that would tackle the problem of drugs in sport—a plan for action, ready to go. By contrast, the government continues to set such a slow pace that no drug cheat need fear being discovered, unless they leave drug paraphernalia for the cleaners to find. Labor support this bill because we have to. What other option do we have in the face of a policy vacuum? The lack of any leadership or policy direction to rid sport of drug cheats by this government is an insult to all those athletes who train hard to perform their best for this country, without the aid of performance-enhancing drugs. This bill addresses only one very small part of the actions required to rid sport of drug cheats. Labor will keep the pressure on the government to respond to all of the recommendations of the Anderson report and to establish an independent tribunal to investigate and deal with sports drug allegations. In the meantime, I commend the bill to the House.

Mr SLIPPER (Fisher) (10.24 a.m.)—While I understand that the opposition is formally supporting the Australian Sports Commission Amendment Bill 2004, when one dissects the contribution made by my friend the member for Bruce—

Mr Griffin—You weren’t here for most of it. How would you know?

Mr SLIPPER—I was here for much of it.

Mr Griffin—No you weren’t; you were outside!

Mr SLIPPER—The proportion of the speech by the member for Bruce for which I was here indicated that while technically he is supporting the bill, the nonsense he uttered made it pretty clear that he was well removed from the particular provisions of the bill. Having said that, we do welcome the support of the opposition. Even though they will vote with us on this
bill, they spend all of their time criticising the Minister for the Arts and Sport and the government. Given their current situation, that criticism is really quite unfair because it is very important to the minister for this legislation to be passed so that Australia’s role as a leader in honesty in sport and in the antidoping battle can continue.

The government has a very proud track record in making sure that there is fairness in sport and in the fight against doping in sport. Australians enjoy sport. However, when we do play sport in Australia it is important that it is fair and that some competitors do not have an advantage which they are able to exploit through the misuse of drugs and other inappropriate substances. All of us believe in a sense of fair play, and that is why the Australian Sports Commission Amendment Bill 2004 is particularly important.

When one looks at the explanatory memorandum for this legislation it is clear that the objective of the bill is to continue to position Australia as a world leader in the fight against drugs in sport by allowing the Australian Sports Commission to use and disclose protected information for certain purposes, enabling the Executive Director of the Australian Sports Commission to authorise the disclosure of protected information to a sporting organisation under certain specified circumstances and providing for the protected information given to a sporting organisation to be used or disclosed for committed antidoping purposes.

When one looks at the history of legislation concerning this area, arrangements were made a number of years ago to enable certain information to be provided. However, legal advice now indicates that the legislation which in 1999 was thought to be adequate has in fact proven not to be adequate. The legislation to enable the Australian Customs Service to pass information to the Australian Sports Commission in relation to possible importation of prohibited substances was enacted in 1999 and at that time it was thought that it would be adequate for the ASC executive director to pass the information on to the relevant sporting organisation to pursue action under that organisation’s antidoping policy if the executive director was satisfied that the antidoping policy of the relevant sporting organisation was likely to have been breached.

The difficulty was that under the legal advice which was received the executive director proved to be unable to pass on any information about postal intercepts of prohibited substances. This is because, on the basis of this information alone, it would not be possible for the executive director to conclude that the antidoping policy of the relevant sporting organisation was likely to have been breached.

Unforeseen limitations in these arrangements clearly present a risk to Australia’s reputation as a world leader in antidoping and that is why this legislation is before the chamber. Many people would say that that is just a technicality, but it is a technicality which seriously threatens our reputation as a world leader in the fight against illicit drugs in sport. That is why this legislation is important and I am pleased, although the rhetoric uttered opposite does not appear to be entirely supportive of the government, that the opposition in the other place will support this bill so that the Australian Sports Commission Amendment Bill can become law.

The changes in the bill will facilitate the more effective use of customs information, usually concerning the importation of a prohibited sports substance, in the fight against drugs in sport. The ready availability of customs information for use in antidoping investigations and hearings is an essential element of a comprehensive antidoping framework. Some people might express a concern about privacy, but I think this is a case where it really is vital that this legislation pass. Australia’s reputation as a leader in the fight against drugs in sport—and,
indeed, Australia’s reputation for fair sporting practices—dictates that this legislation should become part of the law of this country.

Australia’s domestic antidoping program—and I made a speech last night in the adjournment debate about the fact that, for some reason, Hansard has adopted American spellings in the printed *Hansard*; and I hope that the word ‘program’ is spelt not in the American way but as ‘programme’ in this speech—has a reputation as a world leader. Any limitation of the capacity to fully utilise customs material presents a risk to Australia’s reputation and its significant investment in the antidoping program. The ASC amendment bill changes have been undertaken with a view to advancing Australia’s antidoping framework and affirming Australia’s long-term commitment to achieving a sporting environment free from performance enhancing drugs and doping.

The Parliamentary Secretary to the Minister for Education, Science and Training, Mr Farmer, to my right, is one of Australia’s sporting icons, and I know that he very strongly supports the legislation contained in this bill. I was going to say a lot more about the member for Macarthur, but the member for Cook has arrived and he will now be able to make a speech. What I really want to say is that I think it is great that Australia has role models in sport. The member for Macarthur is clearly one of those. During his sporting career he personally fought very strongly against doping in sport. I do not know whether it means that he used to run across Australia; I know that he has a similar level of fitness to that exhibited by the member for Macarthur. I suspect the point that the member for Casey is actually making is that he also opposes doping in sport and he also very strongly supports fair practice in sport. The Australian Sports Commission Amendment Bill 2004 is an important piece of legislation which gives the government additional weapons to fight doping in sport and goes a long way towards making sure that sport in this country is fair. I am particularly pleased to be able to commend this bill to the chamber.

Mr BAIRD (Cook) (10.32 a.m.)—I thank my colleague the member for Fisher for his excellent advocacy for the Australian Sports Commission Amendment Bill 2004. Obviously I am joined here by two legends in sport, my colleagues the member for Macarthur and the member for Casey. What we are about here is improving the integrity of sport in this country and ensuring that we continue the fight against drugs within the community to facilitate the resolution of some of the problems that came to bear at the last Olympics. You may remember the issue that arose in relation to drug usage by some of the Olympic cyclists. I remember speaking on a previous bill that we had in this particular chamber of the House. It was seen as being able to solve the problem; now it is seen as being too restrictive. Basically the problem is that we need to enable a greater transfer of information to the sporting bodies. Instead of being tied up with the legalese of the previous legislation, this bill enables greater freedom of movement for information obtained by customs people at the front line in apprehending people who are caught at border gates with drugs or simply those who import drugs for various reasons—some may be normal for performance enhancement, but for Olympic athletes obviously fall into the banned substances group. That information is passed on to the appropriate sporting groups.

Since the release of the World Anti-Doping Code in March 2003, otherwise known simply as ‘the code’, the Australian government has been working to ensure that our standards comply with those of the rest of the world. Of course, the International Olympic Committee,
through its drugs commission, has been working hard in this area. Undoubtedly we have seen some major problems over the last few Olympics, but the regime has improved significantly because of the standards that the IOC has set.

The Australian Sports Commission is a signatory to the code and, as such, is at the forefront of any changes that are being made. The Australian Sports Commission Act was amended in 1989 to enable Customs to pass any information received regarding drugs or drug related issues to the Executive Director of the Australian Sports Commission. At that time, it was thought that that was sufficient in the fight against drugs and doping. However, after consultations between legal teams and the Minister for Justice and Customs, as well as instances regarding cyclists prior to the 2004 games early last year, it has been decided that the practical use of these provisions is more restricted than was first planned.

The way it currently stands—and this is where the problem lies—if the Executive Director of the Australian Sports Commission is satisfied that the antidoping policy of a sporting organisation to which an individual belongs is likely to have been breached and customs information provided to him is likely to assist that organisation in deciding whether to take action under its antidoping policy, he can then pass the information on to the organisation. But, of course, there are issues about the definition of ‘likely’ and whether they meet the hurdle or bar that has been established in terms of passing things on. This has restricted the commission’s ability to pass on this kind of information.

The current legislative provisions impose significant limits on the use of customs information. For example, even if the customs information is able to be disclosed to the sporting organisation by the executive director, the organisation is not able to use that information in any investigations, inquiry or prosecution under its antidoping policy. This is clearly not in line with the overall objectives of our antidoping policy.

Unfortunately, the current provisions do not make mention of natural justice protection for athletes, such as the right to be notified that the executive director wants to disclose customs information to an athlete’s sports organisation. Therefore, athletes are not able to take effective action and are not given the opportunity to make submissions about their involvement to the executive director. We saw things unfolding in the last Olympics, when there was a debate about the responsibility of individual athletes. Provisions of the Privacy Act are available to provide extra protection to an athlete or individual. Proposed section 51G of the act specifically provides that the Privacy Act 1988 is not to be affected by this new legislation. Australia’s support for the code and the Copenhagen declaration is all part of the government’s antidoping approach.

This bill specifically provides for customs information to be given to a sporting organisation or the Australian Sports Commission and for it to be used and/or disclosed under further provisions of this act. The amendments in the bill will also enable the Australian Sports Commission to implement their antidoping policy to the fullest extent, in line with the code. The amendments also look at the restrictions in the current provisions, by enabling the executive director of the ASC to authorise the disclosure of customs information where the executive director is satisfied that it should be used or disclosed for authorised antidoping purposes. These authorised antidoping purposes include: firstly, investigating whether an antidoping policy of a body has been breached; secondly, determining whether to take action under an antidoping policy of a body or organisation; thirdly, determining what action to take under the
antidoping policy of a body or organisation; and, fourthly, taking action under the antidoping policy of a body or organisation. All of these aspects, as well as taking action or participating in any proceedings relating to action, are significant.

These are the key provisions of the bill. It is not making a major change; it is just making it easier to pass on this information as well as protecting the privacy of the individual. There is no doubt that all of us would want to protect the privacy of the individual. But, if it erodes Australia’s standing in terms of its elite athletes—all of those many thousands of young Australian athletes who do absolutely the right thing, who keep the highest standards of an antidoping position and their own sporting regime—we need to protect them.

We need to ensure that Australia’s image of professionalism is maintained. We need to ensure that our anti-doping position is preserved and that it is known that our athletes perform absolutely on their own ability, rather than being drug enhanced. We want that regime to operate internationally and we want our athletes to compete with the best elite athletes around the world. We have shown that we can produce the best athletes, particularly in certain sports such as swimming, athletics, rowing and sailing, and this enhances Australia’s position at the forefront of the changes. Enabling Customs to pass on information is only appropriate.

I certainly commend the Australian Sports Commission for the changes they have recommended to the minister. The minister, as is normal, is reactive to the needs of sporting organisations and sees this as facilitating the whole program against anti-doping. It is a wise measure, and we are certainly hopeful that it will enable us to avoid some of the complications that we saw at the last Olympics and will provide an environment of integrity in our sporting organisations. I commend the bill to the House.

Mr FARMER (Macarthur—Parliamentary Secretary to the Minister for Education, Science and Training) (10.41 a.m.)—in reply—In summing up I would first of all like to thank the member for Cook for supporting the Australian Sports Commission Amendment Bill 2004. He is a great advocate for sport in Australia and a great member of this House in supporting worthwhile bills that make a difference to the way this country runs. I would also like to thank the member for Fisher for doing exactly the same. Both the member for Fisher and the member for Cook are very aware and supportive of the legislation that the government is putting forward in this case.

I would like to also comment on the words spoken by the member for Bruce. First of all, I would like to thank the member for Bruce for speaking on this bill, and for supporting it. However, I would like to correct him on a couple of small points. For instance, the member for Bruce stated that the federal government is following Labor’s lead on this bill. That is certainly not the case. It is in fact completely wrong. I mention to the House that, before any comment was raised by the Labor Party, a preliminary investigation was conducted and completed, within around two weeks of the discovery of illicit drugs being used in sport. An independent investigation was undertaken and completed within about a six-week period, which included the Christmas period. Infraction notices were prepared the day after the report of the independent investigation was handed down, and the athlete was exercising his rights to appeal through the mechanisms available to him when Labor ‘blundered’ onto the scene.

I do not use that term lightly, because that is exactly what the Labor Party did in this instance. In his report Mr Anderson said:
I am aware of a misconception in some quarters that nothing would have been done after the award in
Mark French’s case was handed on 8 June 2004 if the matter had not been raised in Parliament in the
way that it was on 7 and 18 June 2004. This is certainly a misconception. It is clear from the contempo-
raneous records of the Australian Sports Commission that, well before those statements and accusations
were made in Parliament, the Australian Sports Commission had commenced the process of appointing
an independent investigator specifically to investigate the French allegations against other cyclists.
I bring those comments to the notice of this House because I think it is also important to men-
tion that Senator Faulkner was the one who introduced the term ‘shooting gallery’ into this
place. This cavalier accusation by Senator Faulkner has caused untold damage to cyclists, to
the sport of cycling, to the AIS and to Australian sport generally. The attitude of Senator
Faulkner in relation to particular situations in trying to grandstand for political gain is one that
has earned him a reputation second to none as far as trying to destroy the fabric of this nation
in terms of sport.
In his inquiry, Mr Anderson said that he was concerned that the untested allegations made
by the athlete had been ‘stated in the parliament and reported in the media to the great per-
sonal prejudice of the athletes concerned.’ The only one convicted by the Anderson report was
Senator Faulkner. He should apologise to the people whose reputations he caused so much
damage to with his false allegations of a shooting gallery. This is a typical example of how
some people in this place from time to time can use their powers to destroy the reputations of
many good and worthwhile people in this country—in this particular case, sports men and
women who participate in the sport of cycling.

Mr Danby—Mr Deputy Speaker, I seek to intervene.

The DEPUTY SPEAKER (Hon. BC Scott)—Is the parliamentary secretary willing to
give way?

Mr FARMER—Yes.

Mr Danby—The parliamentary secretary talks about blundering, false allegations and dis-
honesty. What would he have done if a person from a sport had come to him with these very
great allegations? Parliamentary Secretary, wouldn’t you feel it incumbent on you to raise it
in parliament if that is what the situation demanded and if that person had asked you to do
that?

Mr FARMER—No, I certainly would not. I would make private investigations through the
appropriate bodies and not use it as an opportunity to grandstand for my own political gain.
After those investigations were concluded, I might mention in parliament the accusations that
were made if they were proved to be true. But, by doing that, I would not tarnish anybody’s
reputation or the great reputation of the AIS or the reputations of the cyclists involved prior to
that information coming out.

To continue summing up on this bill, Australia is a world leader in the fight against drugs in
sport. We are leading the charge to gain full international adherence to the World Anti-Doping
Code. Our own antidoping framework is regarded as an example of best practice. It is impor-
tant that we note this. A key element of our framework is the effective use of information
from Customs. Under the current legislation, Customs is able to pass this information on to
the executive director of the Australian Sports Commission, but it is ultimately the sporting
organisations that are responsible for the investigation into whether a doping violation has
occurred and taking appropriate action.
It was discovered during the cycling issue of 2004 that the current legislation contains unforeseen procedural impediments to the executive director being able to pass Customs information on to sporting organisations to allow them to undertake a subsequent investigation and action. This bill corrects those procedural impediments. The Customs information passed on by the executive director of the Australian Sports Commission to the sporting organisation can only be used by the sporting organisation for the purpose of its antidoping policy.

There are protections for individuals as well. Before the executive director passes on any Customs information about individuals, that person must be notified and given an opportunity to make a submission to the executive director. The bill specifically states that the Privacy Act will operate. The bill will ensure that Customs information continues to be an effective component of our world-class armoury in the fight against drugs in sport. This is a very good bill. It is a substantial step towards Australia leading the world in the purity of its sports performance. I commend this bill to the House.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

COMMITTEES
Health and Ageing Committee
Report

Debate resumed from 7 March, on motion by Mr Somlyay:

That the House take note of the document.

Ms HALL (Shortland) (10.51 a.m.)—When the report entitled Future ageing: report on a draft report of the 40th Parliament: inquiry into long-term strategies to address the ageing of the Australian population over the next 40 years was tabled in the House of Representatives, I expressed my disappointment and sadness that we were tabling a draft report. I reiterate that this inquiry ran the full term of the last parliament. As the member for Canberra reminded me when I was speaking to her just a little while ago, this was a new committee established in the last parliament. It followed the Intergenerational report, because the government believed our ageing population was one of the most important issues facing government. And here we are today discussing a draft report. The inquiry received 192 submissions from all around Australia and held 18 public hearings—from Alice Springs to Perth to Sydney, just to name a few of the places—and there were 100 witnesses representing 88 organisations, yet we are discussing a draft report.

During the hearings there were two changes in the committee chair and changes in staff, and finally the report was written by a person who had absolutely nothing to do with the inquiry—a person who visited the web site, relied upon information that she had gained when she was involved in the Hogan committee and recreated history by putting together the report that is before us today. I am so embarrassed about it, because I know a lot of the people who made contributions to this inquiry—people who work in universities, people who work in the aged care sector and people who are involved in community groups. These people will feel cheated that the government did not consider our ageing population to be such a significant issue so as to come up with a better answer than this draft report that is before us today.
I would like to emphasise that nothing at all in this report has been considered. The body of the report has not been considered, and the full stops and the grammar have not been looked at. But, more importantly, the content has not been examined. The first attempt by the person who put together this report was thrown out by the committee because it was just so contrary to the evidence that we had been given, so I think we have to be very careful about what we do and do not accept from the report. There is some good information in this report, and once again I thank those people who made contributions to the inquiry.

Overwhelmingly the issue that we received the most evidence on was frail aged people and the services available to them. There was an enormous amount of evidence given on residential care, high care, low care, funding and issues surrounding capital and capital injection. Of course the residential classification system received a lot of attention. I do not think there was a person that appeared before the committee that did not identify that residential classification system as being a major problem. We heard about an industry that was reeling under red tape; it was being weighed down by red tape. Residential care facilities had staff that were unable to do their work because they were required to concentrate on paperwork. There is absolutely no way that this report reflects the evidence that I received as a committee member. It is a betrayal by us in this parliament to those people who took their time to write really significant submissions and appear before the committee, who have not had their concerns fully addressed.

The approval process for the granting of residential care beds was identified as a problem. There was no transparency and no accountability, and we end up with thousands and thousands of phantom beds around Australia. There is nothing in this report that will do anything to change that. We on this side of the House can stand up and say, ‘The government is creating phantom beds, but it does nothing to address the issue.’ The issue is that there are frail aged people in all of our communities waiting to get beds in residential care facilities. We had a unique opportunity to make substantial, significant recommendations that would change this approval process, but instead things will still go along the same way.

The report does look at workforce issues, which are very important within the aged care sector. There is a critical shortage of nurses, assistants in nursing and all allied health professionals that provide services to aged Australians. But all this report does is refer us to the National Health Workforce Action Plan principles. It does, in the summing up, note that some broad themes emerged, but the recommendations do absolutely nothing to help those people. I should refer to ‘conclusions’ rather than ‘recommendations’ as this report cannot make recommendations because it is only a draft report. The conclusions relate to dementia care, medium care and level supplements. This is a report on the government’s policy; this report outlines the direction of the government’s aged care. This report has not been approved or supported by those of us on this side of the House.

When looking at waiting times for beds in residential care and the relationship or interface between aged care facilities and hospitals, this committee received very disturbing information—I think it was from the New South Wales government—about the number of people who are in acute care facilities in hospitals, using acute hospital beds, when they should be in aged care facilities. This can be linked back to all the other things I spoke on moment ago about how the approval process, the red tape and the whole issue surrounding aged care funding have not been addressed.
The inquiry learnt about the impact that isolation has on the provision of aged care, about the need for aged care to be person centred and about the lack of psychogeriatric beds—and I do not see anything in this report about that. I mentioned the need for communication between acute and residential care. The inquiry also learned about issues surrounding doctors, which to some extent have been detailed.

The other side of supporting our frail aged people in the community is the fact that we have a significant shortage of community care packages. The committee learnt of the duplication that occurs within the system between the community care packages, HACC, and veterans home care packages, and of the impact that competitive tendering has had on that sector. We learnt of the waiting time that people face to access aged care packages. The problem of getting suitably trained care workers was also raised, as was the absolute stress that people involved in the industry are under and the problems and anxieties that creates for the people who need those packages.

We looked at issues of equity, the ACATs, respite care—and I note that there is a conclusion relating to respite—day care, transport and palliative care. These were all issues that were deemed to be very important by the people who made submissions and gave evidence to the committee. Income security was also an issue that came up before the committee. People who gave evidence to the committee had a fear of the government’s agenda in that area. They looked at cost factors, superannuation access, taxation and income streams. We received evidence that people were really concerned about the government’s philosophy of ‘work till you drop’. We looked at intergenerational equity and gender and reverse mortgages. We had a number of financial institutions and organisations come and talk to us in Sydney. Poverty was an issue that was identified.

We received quite a bit of evidence on mature age employment, looking at barriers and stereotypes. We heard of one very good example, and that was Westpac, who I think are leaders in this field. They have adopted a policy of actually employing people who are older. It was reiterated time and time again that unemployment, disability and mature age are linked and that people believe that the government is only providing lip service. The committee also looked at the positive contributions that older people make to the community. We looked at things like unpaid child care, aged care, volunteerism, community contribution, economic advantage, active ageing, the grey nomads, the University of the Third Age, social isolation and inclusion, healthy ageing and mentoring.

We had a very good contribution from somebody in the Hunter who was talking about the older men’s wellbeing program. That identified a strong need for research and looked at issues of user-pays, poverty, connectiveness, inclusiveness, intergenerational equity, and access and equity. Research identified medical, active ageing, equity, elder abuse, financial modelling and social inclusion issues.

In conclusion, I reiterate what I said in the beginning: this report is a great disappointment to me. In retrospect, maybe I should have fought harder to see that it was not tabled in this House. I think maybe we should have gone down that line. This report is not a true report because it has not been subjected to proper parliamentary scrutiny, and I do accept some responsibility for that. It is with great disappointment that I speak to this report. (Time expired)

Mr Turnbull (Wentworth) (11.06 a.m.)—I am sorry that the member for Shortland is so disappointed with the report of the House of Representatives Standing Committee on
Health and Ageing entitled *Future ageing*. She contributed to the inquiry and to the decision to table this report, so it may be a little late for these regrets. Any examination of this vital issue is a valuable one. It is better that this report be tabled as it has been and discussed widely, as it doubtless will be, in the community than left on a shelf or tortured for years and years until it represents the level of perfection that the member for Shortland aspires to.

This report presents important conclusions. It makes valuable recommendations and highlights critical issues associated with the ageing of our population. Ageing is something of a slippery euphemism. We talk about an ageing society. Of course, ageing is something that happens to all of us. We get a little more grey every year. Ageing is always preferable to the alternative which, of course, is to die. The reality is that societies with below replacement birthrates are not ageing so much as dying. The cause of the phenomenon is fairly straightforward: Australia has gone from having a birthrate of, on average, 3½ children per woman in the fifties and sixties to one of around 1.7 today. Any birthrate less than a replacement level of 2.1 means that each generation will be smaller than the one which precedes it.

Countries with particularly low birthrates, such as most of Europe, Japan, Korea and many others, will see very rapid ageing and population decline. A birthrate of 1.3, which is actually higher than the birthrates in Italy, Spain and Greece, for example, results in a population declining by 75 per cent over a century, which is not a very long time—certainly not in the history of Europe. It is probably not really a long time in the history of Australia. If the population of Italy and Spain is the same in a century as it is today, not much more than 20 per cent of the future population of those countries will be the descendants of today’s Spaniards and Italians. So these are very momentous changes. A decline in fertility causes an ageing population. I should add in parenthesis that the other factor that contributes to ageing is an increase in life expectancy. But that is a minor contributor, a much lesser contributor to this phenomenon.

All forecasts, including demographic ones, are captive to the assumptions employed. Demographers are not immune from getting things wrong. The great Professor Borrie, whom many of us would recall as being probably the most well-known Australian demographer, in his great report on forecasts of the Australian population at the end of the Second World War, failed to predict both the baby boom and the post-war immigration boom. So it is possible to get some big factors wrong and to miss them out. However, it would be a rash demographer that would forecast, for example, an increase in the Italian birthrate from 1.2 to 2.2. It is hard to imagine that. It is probably hard to imagine it going a great deal lower, although in northern Italy it is in fact below 1, which is an extraordinary phenomenon.

There is probably a lot less chance of the demographic forecasts today being as dramatically wrong as Professor Borrie’s were in a short period. Having said that, with a long-term forecast extending over decades or centuries, relatively small differences in the assumptions can make very significant differences in the forecast. If one assumes that fertility rates, net migration rates and mortality rates stay where they are today, then the age dependency rate—which is the ratio of the population aged 65 years or more to the population aged between 15 and 65, which, I should note, is what demographers refer to as the working age population even though it is a little unrealistic because there are not a lot of 15-year-olds in the work force nowadays; it is probably unrealistic at the top end too, so maybe that figure just needs to be moved up by a couple of years—will increase from 18.9 per cent today to about 46 per
cent by 2050. In 2050, there will be roughly two people of working age to every person over 65; of course, that is two people of working age—it is not two people in work, by any means.

If, on the one hand, one were to assume that the fertility rate dropped to 1.45 per cent, which is higher than it is overall in Europe; that net migration was at 70,000, which is not an unreasonable assumption; and that life expectancy increased to 92 for men and 98 for women—I am sure we would all agree that that is a very admirable assumption which we would like and hope to come to pass—then the dependency ratio would rise to 61 per cent. There would then be 1.5 people of working age for every person over the age of 65. On the other hand, if the fertility rate rose to 2.05—if the Treasurer’s injunction that Australians should have one for the father, one for the mother and one for the nation were to take hold—life expectancy ticked up to only 83 and 86 for men and women respectively; and net migration rose to 125,000, then the dependency ratio would be 37 per cent or nearly three people of working age to every person over the age of 65. You can see that what our future is going to look like and what the demands on our society from our aged population are going to be are very much dependent on these trends. Those trends, of course, do change, and that is one of the reasons they need to be constantly monitored. It is also one of the reasons I am sure that this parliament’s health and ageing committee will be looking at this issue, in one form or another, very regularly over the decades to come.

There is one thing which is certain: there is no reasonable view of the future which does not comprehend a very substantial increase in the aged population. In my opinion, the best view is that the percentage of the population over 65—this is basically the view expressed in the Intergenerational report—will double from about 12 to 25 per cent and the share of the population over 85 will rise to about six per cent. If you take as given the rather gloomier views of fertility that I have described above that could be as high as 11 or 12 per cent. That is a very sobering thought and one worth reflecting on because it underlines the scale of the problems we have to meet. It is quite reasonable to forecast that we could have a share of our population over 85 in 2050 which is as high as the share of our population over 65 today. About 12 per cent of our population or thereabouts is over 65 today. We could have nearly as many people over 85 in 2050.

The implications for aged care and for carers in those circumstances are massive. While I have nothing but good things to say about this report, it is a report which was focused really on caring for aged people and on work force participation by aged people. I will come to the specifics of this report in a moment. I want to place on the record that the single most important part of dealing with the ageing phenomenon, the ageing problem, is fertility. Ultimately, we need to ensure that our birthrate does not continue to decline. If it does, you get into an inescapable black hole. If you get to the point where you have as many people over 65 as you have in the work force—and there are a number of countries that are heading in that direction very quickly—then no amount of goodwill, no amount of compassion and no amount of calling for more government spending is going to be able to find the dollars to pay for the services that you need. We have to have a society which can support itself, and that requires there to be an appropriate relationship between the working age population—the ones going out, doing the work, paying taxes and so forth—and the population which is, in one form or another, dependent upon it.
You will find some people will say, ‘That’s not such a big deal because, as the population ages, certainly we’ve got more aged dependants but we have fewer young people who are dependent.’ There is a big difference, an obvious difference, because the young people have got a future and, as I have said in many places, the children are our future. We all have an interest in each other’s children and none more so than the childless, but the big difference is that parents pick up the bulk of the cost of looking after their children. Rightly or wrongly, children in our society are not prepared to pick up the bulk of the cost of looking after their parents. One of the factors that contributes to this—and which is outlined in this report and in the Productivity Commission’s very valuable report on the implications of ageing, which I commend to honourable members—is the decline in carers.

Without getting into the statistics, the bottom line is fairly simple: the bulk of carers for aged people have been women—generally the daughters or female relatives of the people that are aged. Today, greater work force participation by women means that there is less availability of women to do work which was largely recognised and often unrewarded other than in emotional terms. More importantly, people getting married a lot later has enormous implications for caring for the aged and, indeed, for children as well. If you have your first child at 35 and your daughter has her first child at 35, you will be 70 when you are a grandmother. Equally, if you have your child at 35, when you are 70, your daughter will be 35—possibly with children of her own and in the middle of a career. She will not be as she would have been a generation ago: in her 50s with her children grown up but still full of energy and able to help. These demographic changes, these changes to the family, have enormous consequences for our society.

In the time remaining to me, I want to touch on a number of the important issues that are referred to in this report. The member for Shortland talked about the shortage of aged care accommodation. That is an issue; it is one that has been addressed vigorously, indeed aggressively, by the government. It will continue to be addressed in that way—and by future governments no doubt, because the growth in people entitled to support continues.

However, there is a very real issue which is close to my heart and to my electorate and indeed, I suspect, to the electorate of the member for Kingsford Smith, who is opposite me. In areas where real estate values are relatively high, very often the highest and best use is for property to be developed for apartments or some other form of development. It is becoming increasingly difficult to maintain aged care places in areas such as Wentworth and, I suspect, Kingsford Smith. That means that, increasingly, older people are in homes or in aged care facilities at a considerable distance from their children. If you add to that the busy lives that people lead nowadays, the difficulty of traffic and getting around big cities, it means that a lot of these old people are becoming increasingly neglected.

It is vital that we examine ways in which we can maintain aged care facilities as close as possible to the families of the residents, because their health and happiness are very dependent on remaining in touch with their children. Of course, the programs of maintaining people in their own homes are equally important. To make a final observation about workplace flexibility: it is vital that we promote it, by encouraging more older people to stay in and participate in the work force. It is equally vital for ensuring that mothers are able to participate in the work force as well.
Ms CORCORAN (Isaacs) (11.21 a.m.)—The ageing inquiry was set up to look into long-term strategies to address the ageing population. By that, it can be taken that we were asked to identify emerging issues to do with the ageing population and to make recommendations to address them. I use the word ‘we’ here because I was on the committee in the last parliament but I am not on it in this parliament.

The inquiry was very wide ranging. We were supposed to go out and look at long-term issues but, time and time again, as we went out we were brought back to the present by very many people giving evidence and making submissions. They spoke about problems in aged care right here and right now. We heard about these problems in every state that we visited, in cities and in regional areas, and these problems were depressingly similar wherever we went. I could not work out whether I was pleased because we were not making up the problems, or depressed by just how widespread those problems were. I think I have decided that I am depressed about the whole thing. The problems were all about the lack of places, the lack of adequate funding, the lack of places for Indigenous frail aged and for those from non English-speaking backgrounds.

The inquiry was asked to investigate a broad range of issues including the current and future adequacy of retirement incomes, work force participation, aged care, education, housing and health. The document addresses many of these areas, but I want to talk about just a few. The first is aged care. Aged care, of course, is not just about residents in nursing homes. It is about providing for frail aged people in many different ways in our communities. There is the traditional nursing home, but more and more people are now staying in their own homes longer and demand and deserve adequate and appropriate aged care in their homes. They are staying with their families and these families, too, require financial and emotional support and the resources to do this. There is no doubt in my mind that the aged care sector is in crisis, and the crisis comes from a number of causes: underfunding, a lack of places, overadministration, a lack of culturally appropriate services and the crisis in staffing.

This tale is common everywhere, including in my electorate of Isaacs. Operators of aged facilities in Isaacs tell me about inadequate funding for patients. People who are going into residential care now are sicker and frailer than people entering aged care a decade ago. They need more intensive care sooner in their stay, and the funding formulas simply have not kept up with this pattern. I hear about the amount of paperwork in the system that facilities need to justify the funding that they are getting. Staff tell me about being taken away from providing hands on care to sit at a desk and do paperwork. They talk about having no time for doing the extras that enhance the residents’ lives, like stopping to have a quick chat about the footy or about that person’s family. They think staff are getting bogged down in just running from one thing to the next.

Staff shortage, which actually exacerbates these problems, is a problem in itself. These problems exist for a number of reasons, one of them being the ageing of their own work force and another being the differential in pay between the aged care sector and the acute care sector. Nurses in the aged care sector earn less than those in the acute sector with the result that it is increasingly hard to attract and keep staff in the aged care sector.

One of the many organisations that took the time to give evidence to the inquiry was Kingston City Council, from my electorate. The Kingston City Council expects its over-70s population to increase by 17 per cent in the 15 years from 2001 to 2016, with the over 85-year-old
cohort increasing by 85 per cent in the same period. This is way above the Victorian state average. Representatives of the Kingston City Council talked about the problems with funding for care provided in the home and about viability issues that are faced by providers of residential aged care. I would like to quote part of what Mr Trevor McCullough, General Manager of Resident Services, Kingston City Council, had to say to the committee:

Kingston, like most Victorian councils at least, has experienced a simultaneous increase in demand alongside an increase in service costs. Both those drivers need to be understood separately. The issue of costs ... is mainly related to increases in labour costs. The other side of the equation, which is the demand increase, not only relates to the increase in aged population, which we are all experiencing to a different degree, but also relates particularly to people choosing to stay in their homes longer and wanting to be ... active for longer. The demand particularly on our community care services is growing because people are saying, ‘I am not going to take that step to go into residential care.’

Whilst acknowledging that they have received some funding increases over recent years, partly through the Department of Veterans’ Affairs, Mr McCullough went on to say:

Even with those additional funds, it is not coming close to meeting those gaps that are widening, created out of the demand and cost increases. Councils like Kingston are ... left with the choice of increasing rate funding contribution to aged care, increasing fees and charges to the clients or reducing services, or a combination of those three.

I think that none of those is particularly palatable.

Kingston City Council’s Community Services Manager, Ms McClean, told the committee of another twist to the problem, one to do with the allocation of aged care beds. Within the boundaries of Kingston City Council there are at least two residential aged care facilities that draw people from all over Melbourne. They are designed to do so. One is the state owned and inconveniently named Kingston Centre, which is no relation to Kingston City Council, and the other is a facility run by the Greek community. Although these facilities were established to service the broader Melbourne community, the beds are counted, for the purpose of allocating beds, to the area. This of course adds to the problems Kingston City Council faces when trying to establish that it does not have enough beds and when trying to do something about that.

Kingston City Council has prepared its own aged care strategy, which highlights a number of specific matters to be addressed. These include:

Older residents of Kingston have demonstrated a strong preference for ageing in the home, and are increasingly assertive in relation to the right and need for community/home based care programs.

• a strong preference for ageing in place opportunities, but these are limited by the small scale of many of the residential aged care facilities in Kingston.

• The relative frailty of the consumer profiles of both CACPs and high and low residential aged care have increased markedly in recent years.

• The excess of demand relative to supply at all levels (high care, low care and CACPs) is resulting in service users staying in their existing program for durations which involve levels of risk and the displacement of other valid service users waiting lists. This pressure works its way right down through Linkages and to general HACC programs.

This pattern tends to hide and compensate for the real levels of service needs in the City.
The pressure for places at all levels tends to be reflected in the marginalisation of clients whose needs are more challenging, e.g., people with dementia or psycho-geriatric issues, people with cultural and linguistically diverse backgrounds, concessional residents...

Service viability remains a major issue for many residential providers whose longer-term future is dependent on the allocation of additional places.

Australia is a multicultural country with an ageing population. An absolute necessity in residential care is staff who not only speak the language of residents but are sensitive, too, to their cultural needs. The Vietnamese community in my electorate has approached me with worries about their older residents being adequately cared for, as has the Indian community and the Dutch community. They all tell me the same things: people need care that is culturally appropriate; they need food that they are used to; they need people around them who speak their native language; and they need culturally appropriate rights to be observed.

None of this should surprise you once you start thinking about it. My own experience is that of my mother-in-law—a woman born in the Netherlands who came to Australia in 1956 with a young family, including my husband. She taught maths and science to secondary school students. In her 60s she studied for and gained a postgraduate degree in mathematics, so she was no slouch. As she grew older she became more frail, and in the last months of her life she lost her use of English and reverted to speaking Dutch. She struggled to make herself understood even to her son, and the frustration of this indignity on top of everything else was very apparent. It was heartbreaking to watch.

Unfortunately she was not a resident of DutchCare, which is a facility in Carrum Downs in my electorate. DutchCare provides culturally aware services to the Dutch community and is to be congratulated for ensuring the emotional security and self-respect of its residents. But it, too, is under enormous pressure as the beds it has are in high demand. DutchCare makes the point that many Dutch people came to Australia in the 1950s and 1960s as young adults and many are now in need of aged care. They need more beds and more funding to ensure their viability.

The inquiry heard about other aspects of ageing, including the need to ensure that people can enjoy old age with dignity. This means, amongst other things, access to an adequate income without superannuation or a pension. We heard about the need for people to be able to make adequate superannuation savings throughout their working lives, and I must digress slightly here to highlight an associated problem which we hear about from time to time and which appeared in my electorate recently. This is the problem of some workers not getting their hands on their superannuation and other financial entitlements when their employer goes under.

A company in my electorate, ABM Plastics, went into liquidation recently. It left 110 workers without their pay. Many lost holiday pay, long service leave et cetera. This is particularly galling because the owner is reported to have opened up a similar business over the road, while staff from his old outfit are unable to recover their money. This sorry story is relevant to this debate because of the experience of some of the workers with their superannuation. One worker told me he had been making his own contributions to his superannuation through his pay. The company had not paid any of these contributions over to the superannuation company for the last six months. My constituent has lost not only his super that his employer should have paid but also his own contributions—his own money and his own savings for his
old age. How can people confidently plan for their old age through superannuation when there is no guarantee that this sort of thing will not happen to them?

One other aspect I want to talk about is lifelong learning. The Melbourne University of the Third Age, U3A, made a submission to the committee and talked about lifelong learning. We know about the need for people to continually learn and train for work purposes, but equally important is learning for the sake of learning. Melbourne U3A notes that what distinguishes it from other educational institutions is the pursuit of knowledge for its own sake rather than as a qualification or skill acquired for gainful employment. Melbourne U3A’s submission quoted the Australian Council of Deans of Education, who said:

In an era signified by rapid change, the need to promote autonomous learning is paramount—citizens must learn, throughout and across their lives. Lifewide learning recognises the need for much greater flexibility and diversity of educational experiences; learning should occur in parks, in pool halls, and outside of traditional institutions. Lifelong learning means that education for most does not end at school or university, but that adult and community education, in particular, is of growing importance. Learning opportunities must be available to those from all backgrounds, of all ages, and at all stages of life.

I have a number of U3As in my electorate, one being Kingston. I want to read just a few of the things that the program there offers—my point being that it is a very broad program and therefore appeals to many people with a range of different interests. Kingston U3A in term 1 this year offered: social studies, book discussion, history, gardening, computers, play reading, marquetry, the modern Middle East, current affairs, lapidary, aerobics, choir, water based painting, classical yoga, painting with oils, mah-jong, Italian for beginners, intermediate Italian, astronomy, art appreciation, genealogy and family history, a dine-out group, photography, poetry appreciation, German, the how and why of geology, writing for pleasure, solo, let’s do lunch, a walking group and cryptic crosswords—that is the one I am going to go to when I have a bit of time. So lifelong learning is important and it is available. It is essential for quality of life. There is also evidence that indicates that those who engage in some sort of learning stay mentally healthy for longer. I would like to congratulate Kingston U3A on its extensive program and on its energy and enthusiasm for the work that it does.

In summary, this inquiry has heard evidence from many different people and many organisations. What I have talked about here today is only the tip of the iceberg. The message from the inquiry is twofold. The first message is that there is a crisis in aged care here and now and it needs to be addressed immediately. The second message is that we have to plan now in all sorts of areas to ensure that our ageing population enjoys quality of life in old age.

Mr ANTHONY SMITH (Casey) (11.34 a.m.)—I thank the member for Kingsford Smith for accommodating me and allowing me to make a brief intervention to speak on this report. Like the previous speaker, the member for Isaacs, I was a member of the House of Representatives Standing Committee on Ageing in the last parliament and spent a considerable amount of time travelling around the country and hearing submissions.

I want to make a few brief comments today and also, in a bipartisan way if I can, respond to some of the criticisms from the member for Shortland. You will know, Mr Acting Deputy Speaker Somlyay, that it is simply not in my nature to be critical, so I will try and do that without rancour. The member for Shortland is obviously disappointed that the election was called before the report could be tabled, and she is entitled to her view. I wanted to say, for the
sake of the record, that her overly negative attitude does not reflect the very good work the 
committee did. As the member for Wentworth pointed out, the long-term policy implications 
of ageing are quite profound. I think we have addressed that in a bipartisan way. I certainly 
found my time on the committee very valuable. The report is a valuable resource for the par-
liament.

The issues we considered—and the member for Isaacs touched on some of these—cut 
across all departments and involve all policy levers. This problem, which will be one of Aus-
tralia’s biggest challenges over the next half century, is going to involve all departments. I 
think we have got to frankly admit that our Public Service and our policy institutions were not 
purpose built for this challenge. The issues we covered in the report, including lifelong learn-
ing, attitudes to ageing, safety, housing, transport, health, work force participation and some 
of the financial issues that the member for Isaacs pointed out, are all real challenges that have 
to be dealt with.

Throughout the 2½ years of the inquiry that led to this report the committee found some 
very valuable evidence, which is contained in the report. We heard from many people right 
across Australia. The parliamentary committee staff did a good job. It is always going to be 
the case that we could do more—we all accept that—but this draft report provides a wonder-
ful resource. For the parliamentary record, I want to say that I thought the committee itself 
operated very well. That is certainly my feeling. I worked pretty closely on some of the issues 
in Victoria with the member for Isaacs. We covered some of those policy issues that I have 
spoken about in what I thought was a very bipartisan way and in a way that has meant that we 
have added to the debate. The report is certainly something that is now on the parliamentary 
record as a great resource, as I said. It is something that government ministers and depart-
ments can take up and make the most of. I found the committee’s work very valuable and the 
submissions and the hearings of great interest. That is all I wish to say.

Ms ANNETTE ELLIS (Canberra) (11.37 a.m.)—It is with mixed feelings that I stand to 
address the House this morning about the tabling of this document. I preface my words by 
saying that nothing would give me more delight than to address completely the issues of age-
ning over the next 40 years in this delivery. I feel compelled, however, in the time allotted to 
me to reflect more on the process behind the tabling of this document. I do that with these 
precursor remarks: I always have been and always will continue to be an incredibly strong 
supporter and advocate of the parliamentary committee process, something that I believe in 
with a great passion. Committees are an integral part of the parliament and an integral part of 
the parliament’s processes.

We need to remind ourselves very gently about how these committees work. House com-
mittees are chaired by the government of the day. The government of the day hold the major-
ity on the membership. They chair them. Other than the very odd exception, government gives 
references to these committees for the work they do.

In the case of this inquiry a brand-new additional committee was established by govern-
ment and by the House to look into this issue. We need to look at the chronology of this a lit-
tle. The Treasurer presented his Intergenerational report to the parliament on 14 May 2002. 
On 26 June 2002 this new committee was given the reference we are talking about this morn-
ing, which was to inquire into long-term strategies to address the ageing of the Australian
population over the next 40 years. Having received that reference, the committee then began its work.

It is fair to say—and other members have made this statement—that over the life of that inquiry we had two different chairs. That is not at all unusual, I guess. We also had quite a massive turnover of secretariat staff attached to the inquiry. I am not for one moment disagreeing with the words of the previous speaker, the member for Casey, in terms of the value of the work that was undertaken, the research that was done, the evidence that was given and the hard work that was put in by all members of the committee and, more importantly, by the variety of staff attached to the committee. There is no question about that at all. There is also no question about the value of that document and the work that went into the document and the background to it. There is no question about that at all. But I have to say that I am concerned about where we now find ourselves today.

The work of the inquiry was not completed. I was a member of that committee during the last parliament, although, as members are aware, I was unfortunately not able to participate in the last few months of the inquiry. The election was looming, and the chair’s draft of the report of the inquiry remained just that: a chair’s draft. As a member of that committee, I can say that decisions were not taken to agree to any finality for that inquiry. We could come up with questions about why that happened and we could be critical, but the reality is that no decisions were taken by the members of that committee to agree to any final product of the work undertaken.

Following the election, the committee was not re-established in the same form by the House or by the government. As a prior member of that committee, the next thing I knew was when I saw the advice that a new committee, the current parliament’s Standing Committee on Health and Ageing, had presented to this parliament a report called Future ageing: report on a draft report of the 40th Parliament: inquiry into long-term strategies to address the ageing of the Australian population over the next 40 years. When you open the document, you see that that is what it is called: ‘a report on a draft report’. Then there is the chair’s foreword, which I will refer to in a moment—I want to come back to that. We then get to the membership of the current committee, and then we get to the blue page, as I call it, which has on it ‘Untitled’ and also ‘Report on the inquiry into long-term strategies to address the ageing of the Australian population over the next 40 years’.

I am really wondering what the status of this document is. I know what it is, and I think the House understands what it is. It is an untitled report which was never a report but was a chair’s draft. It was produced in this fashion and called a report by the current committee, with a foreword by the chair of the current committee. In the chair’s tabling speech, as well as in the committee’s advice to me as a previous member of the committee, it was stated that the current committee cannot make recommendations to government without reopening the inquiry and making recommendations in its own name. The chair at some point said that ‘a government response is not anticipated.’ It cannot be, because the report does not exist in a final report form reflecting the previous work of the previous committee; it only exists as a chair’s draft.

I am concerned about the process involved here and about the precedent set by using the work of the previous committee in the fashion that it is now being used. As a member of that previous committee, I have to object very strongly to a document coming out that has my
name on it and is called a ‘report’ when it is something on which I have never deliberated as to its finality as a committee report—and in the finalisation of a committee’s work such deliberations do happen in this place.

For a moment, I want to reflect upon the foreword by the chair of the current committee, in which he very accurately and correctly sets out the history: the establishment of the previous committee, the establishment of the current committee, the work of the previous committee into this inquiry and the number of submissions, exhibits and so on—which have been mentioned by previous speakers. He then goes on to say:

Since the report was drafted last Parliament, and the election announced in August 2004, there have been a number of Government policy announcements and the new committee acknowledges these initiatives might supersede some conclusions made in the earlier drafted inquiry report.

We then have, to put it very bluntly, a bit of an advertisement for current government decisions of a budgetary nature, none of which really have anything to do with the in-privilege deliberations of the previous committee’s work. We hear about the $2.2 billion budget package for aged care. We hear about the Minister for Ageing announcing aged care work force issues—$150 million for this, $200 million for that. We hear about the Governor-General’s speech. I do not understand what any of that has to do with the deliberations of the previous committee. And I do not understand how a committee’s ‘report’ can now sit in this place as a report when it never was one.

If the current committee were serious and genuine—as I believe they may have been—about wanting to further this issue, why didn’t they seek a re-reference, as all the other committees in this place do and as a committee that I am on at the moment has done, and then correctly complete and produce the work? Why did the committee do it this way? Why did they not just seek a re-reference? Time cannot be the issue. On another committee of which I am a member, there was an inquiry conducted in the last parliament which was not completed. The new committee only has two constant members—the rest are all new. Yet we have taken a re-reference, completed a report and tabled the thing in its proper entirety and in a very useful historical fashion.

On the other hand, I am still trying to work out what this document is. We are referring to it—and members on both sides have referred to it this morning—as ‘the report’. But in fact, if we want to be legalistic about it, I think—and I would take advice on this—the report only goes for the first two or three pages. The rest is not a report. It is purely a chair’s draft of previous work by another committee.

I admit that I am labouring this to some degree, but I feel very strongly about this. The committee process in this place is probably where most of the incredibly valuable work of this parliament goes on, usually—I would say 99 per cent of the time—unanimously, across party lines. It is productive and useful. Governments of the day are seen to need to respond. There is no requirement at all for a government response to this, because there are no recommendations. There are conclusions, some of which I would have vehemently disagreed with if I had been given the opportunity. But I have not been given the opportunity.

To be provocative: in the chair’s foreword there is what I believe to be a government advertisement—I do not believe the chair intended that, but that is how one could read it—about budgetary decisions about aged care. The terms of reference for that inquiry were not about aged care; they were about the ageing of this population over the next 40 years. If it is so im-
portant to put that sort of stuff in there, where are all of the other decisions that the government is making and has made in relation to all of the other issues of huge concern to this nation, which the member for Wentworth and other members have very eloquently stated that we are facing, economically and socially, into the future? There is no reference in the foreword to any of that, only to a few budgetary announcements in relation to aged care—a very important, but fairly isolated, issue when we look at this whole thing.

I want to record my very strong protest about the way this has been done. As I said at the outset, I really believe that the government of the day conducts these committees, for want of a better way of putting it. It chairs them and it has the majority rule on them, and the references come from government. If this is how the government is intending to conduct committees of this parliament into the future, it is a matter of very serious concern. As I asked a moment ago, what sort of precedent has been set by this practice? I understand that standing orders do allow committees to make a decision to maybe refer or publish the previous exhibits or previous information that went before a committee, but I do not know that we have ever seen this done before. Because I doubt that this has been done before, I question to what extent we now have a precedent for the future use of chairs’ drafts of reports on lapsed inquiries.

As I have already said and as other members know, it is not unusual at all for an inquiry to lapse from one parliament to the next. What is unusual is what has happened here. What is unusual is that we have some form of production without any legitimacy, without any requirement for the government to respond—and there was no question to me as a member of the committee about whether I agreed with this being done. I implore the government and the processes of this place to look very carefully at just why this has been done, how it has managed to be done and whether or not we are going to see a more open view of the way committees are conducted and produce information and outcomes into the future.

I understand that the comments from the chair at the time were that this was all-important work and that they did not want it to gather dust; they wanted it to be used. If there was such a strong feeling—if that is how the new committee felt—they should have sought a re-reference. They should have gone back and looked at the work of the previous committee and produced a proper report. They should not have done it in the fashion in which it has been done. I ask the government, who, as I have said, have the most say in how these committees operate, to examine their motives very clearly. I do not wish to whistle at the conspiracy theory—I would rather whistle at the stuff-up theory—but, one way or the other, I do not believe the outcome is correct. As a member of the committee in the previous parliament, I object very strongly to my name being put on what is a draft report or a ‘report’; one cannot be sure, and we continue to describe it differently.

We all know, as experienced members of this House, that none of these committees can operate without the absolute dedication and hard work of the secretariat staff attached to them. We always acknowledge that. I find it interesting that there is not one secretariat staff member of the current committee or the previous committee acknowledged anywhere in any of this production. I cannot thank them, because I do not know who they were, and neither can anybody else. There was a change in them, I admit, but I understand that the decision was made not to include them. Why not? Why not put their names to it as well? They are, in fact, the ones who do all of the legwork, all of the drafting and all of the research, and without them we could not operate.
I conclude with a plea to the government to consider very carefully how they are going to conduct committees into the future. I do not see this as a good flag of intent for the future. As I have said—and I repeat it—I object very strongly to the way this has been done. I look forward to some comment from government at some point, where some clarity might actually be given to the intent behind the production of this ‘report’, or draft report, or chair’s draft, or whatever we are going to call it—because I am not quite sure at this point what its actual status is.

Mr CIOBO (Moncrieff) (11.52 a.m.)—I am very pleased to rise to speak on Future ageing: report on a draft report of the 40th Parliament, which flows from a House of Representatives Standing Committee on Ageing inquiry into long-term strategies to address the ageing of the Australian population over the next 40 years. In speaking to this report, I would like to make a couple of comments following on from the contribution of the member for Canberra.

I think it is a great shame that the sole contribution the member for Canberra has been able to make to this debate has been to ramble on for approximately 15 minutes about the structure of the report and whether or not secretariat staff were acknowledged in it and, in addition to that, the fact that there was a draft put forward by the chair of the new committee. Perhaps that point is well made, but as this is such a substantive and important issue to the future of our nation it is a great shame that for 15 minutes all I heard from the Australian Labor Party participant in this debate was a rallying call about the process. It seems to me that people in the opposition are so blinded by process that they completely fail to recognise the importance of an issue such as Australia’s ageing population. For 15 minutes they will talk about process issues—for 15 minutes they will talk about what is incorporated and what is not incorporated—but not once will they touch on the most substantive issue of all, which is what is happening with Australia’s demographic change and, as the old cliche goes, the fact that demography is destiny.

I rise to talk about the substance of this report. Even though the report does not make concrete recommendations to government, there are some very good points that the committee addressed and looked at. I was not a member of the Standing Committee on Ageing, but I take great interest in the issue of Australia’s ageing population. I have attended a number of seminars and conferences looking at how Australia’s government and Australians generally will need to address our ageing population and what we will need to change in government policy in order to ensure that government is able, on a sustainable basis, to provide the kinds of services and goods that Australians will be looking for as our population continues to age.

Based on current projections, the proportion of the population aged over 65 years is expected to rise from around 12 per cent today to approximately 18 per cent by the year 2021, reaching approximately 26 per cent of our population by the year 2050. The proportion of the population aged between 15 and 64 years is expected to fall from approximately 67 per cent of the population today to just over 65 per cent by the year 2020 and to under 60 per cent by the year 2050. The proportion of the population aged between zero and 14 years is expected to decline from around 20 per cent today to 16 per cent by 2020 and to 14 per cent by 2050. Finally, the median age of the population is expected to rise from 35 years currently to approximately 46 years in 2051.

Based on these projections, in 50 years time one-quarter of Australia’s population, or approximately 6.6 million people, will be aged 65 years and over. This is a change in Australia’s
demography that I notice as the member for Moncrieff, coming from Australia’s Gold Coast. The Gold Coast is perhaps at the pointy end of Australia’s ageing population. It is often recognised as such, because it is a rapidly growing city. It was referred to tongue-in-cheek as ‘God’s waiting room’. The Gold Coast is no longer God’s waiting room; it has a population that is growing younger. Nonetheless, a number of the challenges that this report has identified and that a number of people have identified over the past years are challenges that people on the Gold Coast have had to face for decades now. We are fortunate because we do have a population that is getting younger, but that is coming from an aged base. Because we have had experience in this area, I understand some of the very real and legitimate concerns that the community harbours over the fact that we have an ageing population.

Of particular interest, of course, were changes that have been foreshadowed and the fact that the government has taken steps to recognise that we need to do more to address the issue of our ageing population. That is the reason why the Treasurer, the Hon. Peter Costello, introduced the *Intergenerational report*, which focuses on the implications for the federal budget bottom line of these ageing population trends. The *Intergenerational report* identifies three key areas that are likely to have escalating spending growth—health, aged care and aged pensions. The *Intergenerational report* states that, if tax revenues remain at the same proportion of GDP as they are now, the gap between revenue and expenditure could grow to five per cent of GDP by 2042. That represents an $87 billion annual deficit in today’s dollars.

That underscores why it was critically important for Australia to introduce a wide, broad based but low-rate GST. If the government had continued to rely solely on income tax as its principal revenue source to provide the age pension and to provide the age care services that people need, we would have seen this blow out even further. It is a great shame that the Australian Labor Party stood opposed to the introduction of the GST. They failed to recognise that an ageing population requires, and indeed compels, any forward-thinking government to change its tax base, to move away from an income tax base and move towards a broad based, low-rate consumption tax. That is why this government introduced it and why this government should be congratulated for having the forethought and the foresight to recognise that we needed this change in the tax mix to ensure that future Australians would be able to continue to rely on, for example, the age pension, aged care services and aged care places, which are, in the main, funded by the federal government.

But there are other issues which also have an impact. Around the world we see below replacement level birthrates in many nations. This government has taken a number of very proactive initiatives in order to address the issue of our declining birthrate. We see, for example, that in Japan, a country which is at the very pointy end of this debate as well, the Japanese population will begin declining from next year. So from 2006 we will see in Japan, for the first time in the world’s history, a declining population in an advanced economy. Japan have struggled, and they themselves refer to their lost decade over the past 10 years of economic growth. But that problem will become even more apparent once Japan has a declining labour force and an increasing aged population relying on the pension. We saw that the Japanese government recently made moves to increase the premiums that people must make on their pensions and lower the benefits that they receive from their pensions as a consequence of needing to address this problem of an ageing population.
One key issue close to my heart with respect to an ageing population is the need for an increased immigration intake. I certainly believe gentlemen such as Dr Peter McDonald who is at the forefront of thinking when it comes to an ageing population, when they say that increased immigration will not have an impact on Australia’s ageing population. Certainly the demographic profiling shows that to be the case, but an increase in immigration will mean that Australia will continue to have access to a labour force that we need.

The Australian Labor Party was crowing recently about how there is a ‘skills crisis’, to use their words. The point that I would make is that, after 14 years of sustained and continued economic growth, of course you start to experience some problems with respect to the labour force. Of course there are issues with respect to the kinds of people who are available for employment and the skills that employers are looking for. But it is a much better problem to have than the problem that the Australian Labor Party gave the people of Australia when they had over one million Australians on the unemployment scrapheap and when they had unemployment rates up at around 11 per cent. That is no solution to a skills shortage.

The real solution to a skills shortage is to ensure that we put in place measures that will continue to provide apprenticeships, tertiary education, vocational education and training and, in addition to that, an increase in the overall size of the labour force. When Australia has a declining number of people aged from 15 to 64, it is important that we start to address how we can increase the labour force. It is my contention that one of the best ways we can increase our labour force to ensure that we have continued prosperity, which at the very least buys us time with respect to our ageing population, is to increase significantly our skilled immigration intake. In this regard, I was pleased to see recently the government announcement that we would look at an additional 20,000 people on a net basis coming into this country. But I would contend that we need to be much bolder than this. From what I understand, the net immigration intake in Canada, a country similar to Australia, with a slightly larger base population, is around the 200,000 per annum mark. I do not think this is a target that should be far out of reach for Australians to seriously consider, so that we can rapidly increase our population and have on hand a labour force of skilled workers that will add value from the very first day that they arrive in this country.

One of the problems we will face if we do not do this is that employers will need to seriously start changing their attitudes when it comes to employing mature age workers. No longer can it be the case that employers prefer younger people that they feel they can train. If they are not prepared to take on mature age workers, they will find themselves with a vacuum of labour available to them, as employees and potential employees continually have opportunities to choose between a number of employers. I think that situation is quite a nice problem for a country to have, in contrast to the problem the Australian Labor Party left us of over one million unemployed people. It is very clear that, where there are needs in the community, in particular with our mature age workforce, for people to have employment opportunities, of course business should meet those needs and should start to look at the opportunities that present themselves by employing experienced older Australians who can certainly add much value to the modern day workforce.

I was pleased to speak to this report, because it is an important one. Time is short but I think I have touched upon some of the key issues that I certainly know are important to the people of the Gold Coast; but, much more significantly, they are of crucial importance to all
Australians going forward. Our ageing population is certainly an issue that all governments of all political persuasions must seriously look at. This report goes some way to identifying some of the issues but does not put forward the concrete recommendations that are necessary. I look forward to it being one additional brick in the wall that we will need to build on in order to have a strong response to our ageing population. I commend the report to the House and look forward to the contributions that others will make in this debate.

Mrs ELLIOT (Richmond) (12.05 p.m.)—I am very pleased to be speaking today in relation to the report of the Standing Committee on Health and Ageing on future ageing. Our population is getting older. Life expectancy is improving. Over the past 30 years life expectancy has increased by more than five years for men and just under four years for women. Nowhere is this better reflected than in my electorate of Richmond. My electorate represents what Australia’s population will be like in 2042. In 2042 an estimated 25 per cent of people living in Australia will be over 65. Yet in 2005 in Richmond 25 per cent of people are already aged over 65. We are a microcosm of what Australia will look like in years to come. The challenges of an ageing population are also reflected in my electorate—the strain on hospitals and nursing homes, the pressure on public dental care and the need for affordable housing and home care services.

My electorate provides governments with a unique opportunity to look into the future, to see firsthand the challenges that an ageing population will create. I do not believe that the federal government is taking that opportunity. Aged care has been so neglected that the government has failed to keep up with the current level of demand. And things will only get worse as demand increases over the next 40 years. Governments need to rise to the challenge right now. They need to start looking at the problems in electorates like mine today. They need to start looking at those problems right here and now and work to solve them for the future.

Probably the most important area of ageing is health. The fact is that, as we get older, we need to go to the doctor more often. It is also true that the vast majority of elderly people live on fixed incomes. That is why boosting our bulk-billing rate is so vitally important. Many local seniors tell me that sometimes they simply cannot afford to go to the doctor.

Bulk-billing figures for the North Coast are still far too low. In Richmond, our bulk-billing rate is 69.5 per cent. This is well below the New South Wales average of 78.1 per cent. Of course, this bears no comparison to the Prime Minister’s seat of Bennelong in Sydney, which enjoys an above-average 78.4 per cent bulk-billing rate. People I speak to in Richmond tell me that it is nearly impossible to find a doctor who bulk-bills, yet there obviously are many bulk-billing doctors all over the Prime Minister’s electorate.

The government simply is not putting resources where they are needed to meet the challenges of our ageing population. Our elderly on the North Coast deserve the best and most affordable medical care available. Addressing the low bulk-billing rate on the north coast should be a top priority of this government. I am always fighting to make sure that it is addressed. Elderly people on fixed incomes should be able to access free medical care when they need it. It is as simple and straightforward as that.

The lack of bulk-billing doctors has forced many elderly people into the emergency department of our hospital. It is just not good enough that our elderly are forced to wait in hospi-
tal emergency departments because they cannot afford to see a doctor. The reality is that Tweed Hospital in my electorate has the busiest emergency department outside Sydney.

To cut waiting times and take pressure off our local emergency department, I propose an after-hours GP clinic for Tweed Heads. I am very pleased to learn that the government has taken my suggestion on board: the department of health recently called for applications for a grant to provide after-hours medical services to local families. But the minister can be sure that I am on the case and I will be fighting to make sure that this clinic is delivered in the very near future.

Governments at all levels need to be innovative and cooperative to cope with the increased pressure on our health system. The health and wellbeing of the elderly people I represent is above politics. Providing adequate and proper health care for our elderly is a matter of common respect and decency. The health of our elderly is not a political football, and it is not an excuse to buck pass from one level of government to another. To meet the ever expanding health needs of an ageing population, all governments need to work together. It is up to the federal government to show some national leadership on this vitally important issue. It needs to take the first step towards solving the problems that are going to be created by our ever-ageing population.

One of the first steps is to get elderly people off nursing home waiting lists. My local hospitals are brimming over with elderly people who are too frail to stay at home but cannot get into a nursing home. Although I realise this is a very complex issue, adequate investment and new ideas would be a good start to address this problem. The government has grown stale and complacent and nowhere is this attitude clearer than in the area of aged care. I am always surprised to hear the Minister for Ageing talk about the levels of investment the government is making in this area. Clearly it is spending its money in the wrong places, because we certainly are not seeing too much of it in Richmond. I would have thought it would be obvious that the area with the most need would get the most funds, but it has certainly not been the case in aged care.

You only need to look at the number of community aged care packages and extended aged care at home packages that have been allocated to the North Coast of New South Wales. Despite having one of the largest populations of elderly people in the country, and despite a six- to seven-month waiting list for these packages—

A division having been called in the House of Representatives—

Sitting suspended from 12.12 p.m. to 12.24 p.m.

Mrs ELLIOT—In talking about home care, CAPS and EACH packages, I must say that in Richmond there is at least a six- to seven-month waiting list. Of the EACH and CAPS packages that were allocated recently, only 35 went to the North Coast, from Grafton to the border—a huge area. These packages provide vital home care to elderly people who want to retain their independence and remain in their own homes. They allow elderly people to be cared for in their homes and not in nursing homes. This is an investment in options other than nursing home care. Like home care, these packages will reduce waiting lists and ease the pressure on the aged care system.

I have met with several providers of home care who tell me that they are now forced to care for some elderly without funding from the government. They do it because they desperately
want to provide these services to local elderly persons, but it is becoming unaffordable and impractical. I have also met with many volunteer groups who visit elderly persons in their homes to provide friendship and just someone to have a chat with. These people often end up taking on the role that home care should be taking on. They are often doing a lot of chores around the house. This is happening time and again.

In response to the problems facing my electorate that I have spoken about today, I will be holding a local aged care summit. This summit will involve aged care providers, the elderly and health professionals from right across the Richmond electorate. The aim of this summit is to look at solutions to the challenges the local ageing population faces. I will be presenting our conclusions to the parliament when it resumes in May.

Social issues are often ignored in discussions about aged care. Older people are definitely at risk of isolation, often leading to depression and the associated health complications. Recent estimates suggest that at least 10 per cent of people aged over 65 are socially isolated and a further 12 per cent are at risk of isolation. I have spoken about this issue in this place before and I know that the member for Ballarat has done a great deal of work in this area. My electorate of Richmond attracts many older Australians from all around the country who move there to retire. Often when they move there they leave behind their network of family and friends. So they are leaving behind their support bases when they retire to the North Coast. Building new networks of friends is so important for elderly people, but it is particularly important in areas like the North Coast. That is why weeks like Seniors Week are so important.

It is indeed timely that this debate is occurring now during Seniors Week. In the Tweed and Byron shire areas there are many fantastic events planned for this week. I was fortunate enough to attend the official opening of the local celebrations at Murwillumbah last Sunday. Seniors Week gives local seniors a chance to form new friendships and networks. To encourage that and to become part of that new network, I have set up a seniors community information register. This register will provide local seniors with information on their entitlements and benefits, as well as important health and safety information. It is a new initiative that I am very happy to provide to local seniors as their local MP.

Seniors Week is also a time when we recognise the contribution that seniors have made to our community. One group that is often overlooked is grandparents. Grandparents make an important mark on the lives of our children. I know that in my electorate there are many that shoulder the responsibility for raising children on their own. Often grandparents, having raised their own children, are now bringing up their children’s children. As we know, raising kids is a mammoth task in itself but to do it twice, and later in life, indeed takes a special kind of person. Surely grandparents who take on these responsibilities should be given adequate support. At the moment, support from the government is lacking. Not only do these grandparents not get adequate financial support; they often strike bureaucratic interference when they are trying to do the right thing by their grandchildren. With an ageing population, I would suggest that inflexible working environments and the shortage of child care also create problems. Grandparents are going to become increasingly central to the growing lives of our children, and I would hope that the government looks at steps to recognise the positive influence that grandparents have in this area and provides them with the financial and structural support that they do indeed need.
It is good to see that the government has taken a step towards meeting the challenges of an ageing population. My hope is that it actively makes good decisions and invests in providing for the effects that this trend will indeed have. Governments at all levels need to invest in health and ageing facilities where they are most needed. That specifically includes areas like Richmond. Elderly Australians deserve the best care that governments can provide. I will continue to raise this issue as often as possible until the government starts providing for elderly Australians.

Mrs GASH (Gilmore) (12.30 p.m.)—I would like to start my speech with a quote: we should not be penalising people for ageing but rather emphasising what they can do—we should be harnessing the goodwill and energy of the community to contribute to an effective partnership of shared responsibility. As a member representing an electorate that is already above the average in terms of an aged population, I am well aware of impending demands driven by a population demographic that is certainly steadily growing older. It is not my intention to repeat raw statistics but rather to emphasise the human aspect. As a young person, I perceived the older population as frail, infirm, withdrawn, and basically helpless and always in need of care. I suppose it is the vigour of youth that gives rise to such misconceptions. When you are young, you do not want to go there. You think you are immortal and that ageing is somebody else’s business.

As you get some closer to your autumn years, life takes on a whole new meaning and you start to explore what ageing is all about. However there are some silver linings to be found. I was reading in the weekend media about the baby boomer generation—the generation who refuse to conform to the stereotype of ageing, who take risks and who seem in denial of their age. I am sure this sounds familiar to a lot of us. This is positive because it says that these people realise there is more to life than succumbing to an artificial benchmark of when you should withdraw and become old. They are more prepared to continue working, to strive to achieve personal goals and to demonstrate a willingness to explore new fields. Of course, they are the healthy ones. With age also comes illness, and when illness strikes in later years people are less resilient and need greater care. I note particularly the growing prevalence of mental illnesses, such as dementia and Alzheimer’s—the subject of my recent private member’s motion—as well as myriad other problems. Many of these can be linked to emotions as their families disengage, and suddenly they look to others for their care.

It is an unfortunate trait, but our society looks down on the aged. Unlike in other cultures where the elderly are respected, in ours the hedonism that we encourage comes back to bite us in later years. We glorify youth and beauty—the facade and the exterior. We seem to care less about internal beauty, preferring the packaging to the contents. Until we come to terms with that attitude, the elderly are always going to have problems in Australia. That is why I welcome this report—because it looks at all these issues and that represents a starting point to begin planning to meet future expectations as well as demands. I would like to go back to my electorate and say to the 20- and 30-somethings: ‘This is about you and your future. I want you to get involved. You are not going to stay young forever and you need to start taking an interest in your own direction rather than rely on someone else’s.’ Looking at the list of submissions to the inquiry, I am heartened that they show a wealth of experience and knowledge—a valuable source to begin the process. Of course we have to ask: where do we go from here and what do we do with all of this fabulous information?
Obviously many of these issues are questions for government, both this one and future ones. It is not an issue that can be resolved overnight—rather it will take attitudinal as well as infrastructure changes. Already the debate is raising issues such as who will pay for the old? Will the young be forced to carry the burden? Of course when it is presented this way it can only generate feelings of resentment. We have seen similar feelings from taxpayers towards the unemployed and the less well-off. In fact we tend to harbour such feelings towards anybody who seems different to ourselves. Obviously legislation would force the issue if there is any reluctance, but how much nicer would it be if we could agree and work towards a common goal. Already there are disturbing signs that this issue is slipping away from the public imagination. It is becoming increasingly difficult to attract and hold nurses in geriatrics, and a greater demand is being placed on care and nursing home beds. The government is contributing greater amounts of money to meet the demand, but there is hardly an oversupply of support. Without doubt, our ageing population is going to draw more and more resources in the years to come. If we want people to contribute towards their own upkeep rather than rely on governments, we need to be able to give them the tools to do so. That means economic well-being. That means they have to be given jobs whereby they have the ability to save for their retirement or care. It means, too, that they need to invest in their own future rather than adopting a ‘she’ll be right’ attitude.

How do we do that? We need to encourage more debate about this among the very people who are going to be affected—not today’s elderly but tomorrow’s elderly, the 20-something or 30-something people that I mentioned earlier. We need to engage with them in meaningful ways, and stay engaged, as we work towards a situation where they can be looked after without imposing an unnecessary burden.

Australia is not alone in this; it is an international problem. It seems the developed nations are having fewer and fewer children, thereby guaranteeing the perpetuity of their social systems. In Japan, for instance, a recent article about their version of events said:

Firms in Japan have expressed concern over a government plan to encourage people to work until they are 75 years old.

With fewer children being born and Japanese people living longer than ever before, thanks largely to medical advances, Japan’s population is expected to shrink by 10 million by 2030, leaving it with a shortfall of workers.

Aware of the looming threat to its industry and way of life, Tokyo has waged campaigns to encourage people to have more children, while there are also proposals under consideration to allow more foreigners into Japan to work.

Worried that even those measures will leave the country short of manpower, an advisory panel to the government has suggested the civilian equivalent of Dad’s Army as Plan C.

Doesn’t that sound familiar? The National Population and Family Planning Commission of China says this:

The change of population structure will have a huge impact on all sides of Chinese society. There is not much time left for us to prepare. The question of whether old-age pension reserves can keep up with the population’s ageing pace is an urgent one. This grave situation urges us to start preparing right now.

The country’s economic strength should be enhanced and the social economy should be developed extensively. Without constant development, there will not be a strong social security system to guarantee pensions in old age.
Senior citizens’ skills and broad experiences can still make contributions to society and should not be neglected. They may have less energy than the youth, but they have a lot to offer in experience. The re-employment of some old people with work skills could alleviate pressure on the social security system. The government should work out preferential policies for developing commodities, services and institutions for the elderly.

The only solace that I can see is that all developed nations are in the same boat so it is less likely that they can take advantage of the situation. If everybody wants to import skilled workers, where will they come from? They will come from developing nations that have an excess of skilled workers with no jobs. It is easy to see how the economic axis is changing slowly and with subtlety. I see the emerging economies as the main competitors who, ironically, will have a lower population of aged people to support because of their relatively shorter lifespan and, dare I say, a shorter lifespan brought about by a Third World economy standard of living. It is almost evolutionary.

Effectively we are not investing in the propagation of our own society and civilisation. Affluence has brought us many benefits but it has also brought us some problems—problems like everyday greed and wants or must-haves that we really can do without and responsibilities that we hesitate to take. Of course, the danger is the shifting focus of economic wealth and fortune. I read somewhere once that all the great empires of history were eventually defeated by barbarians. In history there are lessons for us all if we care to look.

It is right that we should be encouraging the elderly to stay in the work force longer. That is not because the government is shifting its responsibilities, as some are suggesting. Rather, it is about seeing the future and responding accordingly. I applaud this government’s direction; I think it is on the right track. But I deplore statements from those on the other side that suggest there is an ulterior motive based on greed or social divisions. That is an argument that should be consigned to the rubbish bin. It serves only to divide through redundant ideology and politics.

As elected members of government, it is our responsibility to plan for the future and to put aside our own career agendas. We will all need to rise above the present and to work for the future, because our competitors in other nations are doing the same thing. Besides, we will all need the help that we are speaking of far too soon.

Moreover, we do not want to be the ones that lose out. As I said at the beginning, I could go on and question statistics and facts. What I wanted to do was bring some reality into the debate and point out once again that future ageing is not isolated to any one area in Australia: it is the responsibility of us all, particularly local, state and federal governments and the community in which we live.

Ms OWENS (Parramatta) (12.40 p.m.)—I have been looking forward to the release of this report. The future ageing of the Australian population is an issue of great interest to me. I have talked to many people in my electorate of Parramatta who live entirely on the pension, people who were not able to raise sufficient savings during their lives to part or fully fund their retirement. I know how hard it is for those people, how difficult it is when small problems arise, and it is not a life that we should really wish on anybody. Looking at the many people I meet now who are starting out their lives and who are struggling to make ends meet, I wonder how many of them over the next 30 or 40 years will manage to generate enough savings of their
own and enough superannuation to partly fund their retirement so they can live partly at their own cost, in addition to the pension.

In my electorate of Parramatta there is a suburb to the north called Winston Hills which rumour has it is quite wealthy. In doorknocking it quite recently I got a different story. What I discovered is not wealth through a lifetime but a life of consistency. Many people married in their early 20s, bought their house early, got their education for free and stayed married, sometimes with both people working intermittently. Through that consistency over 40 or 50 years of work they were able to generate security enough to sometimes fully fund their retirement—not through a life of high wages but through a life of consistency. In other suburbs, people starting out, having just achieved their first mortgage and with their kids at primary school, talked to me about the worry that they will not be able to fund their retirement. They talked about the worry that they will not be able to fund their children’s education—the worry that, by the time their kids get to university, they will not be able to afford to pay for that university education.

I compare the two lives, and I realise how much more difficult it is for people now to live that secure life, to follow that conventional path of saving early in a marriage to secure their retirements. I have come to believe, from talking to thousands of people in my electorate, that the vast majority of people I meet want to do all of the things that we as a community need them to do in order to fund our ageing population. They want to educate their children well so that their children get good jobs. They want to work hard and they want, at various times, for both husband and wife to work. They want to save for their retirement and they want to pay off their mortgages early. They want to do every single thing that we as a community need them to do. Yet in the nine years under the Howard government there has been more and more pressure on the different elements of their lives, making it more and more difficult for them to do so.

One of the sad things in this report is the very brief coverage of the issue of demographic compression. The definition of that is that family events, such as completing a tertiary degree, finding a partner, having children or buying a house, are taking place over a shorter time frame now. Again, that is quite clear from talking to people in my electorate. In this report that is covered in entirety in only two paragraphs, and the solution or conclusion to that section says that we simply do not know enough about demographic compression and really must do more research on its impact. Yet the impact is completely clear.

Every member of parliament would know people in their electorate who in their 30s are still paying off HECS debts. Every member of this House would know people in their 30s who have put off buying a house because of their HECS debts to the federal government. Every member of this House would know people in their electorate who start their working lives much later because of the additional requirements of education. Every member of this House would be aware of reports that people may train three or four times in their lives in order to keep their currency in the work force. Every member of this House would know that people no longer have that 40 or 50 years of saving life that people who are retiring now had when they first entered the work force.

Compare the lives of people now in their 20s or 30s with the lives of our parents, who may have entered the work force as early as 15 and certainly no later than their early 20s, who married young, who bought their houses in their 20s and who started the accumulation of as-
sets and wealth early enough in their lives for there to be that large gain in the later parts of their lives. I know people in my electorate who, in their 20s and 30s, are still working as casual labour. They get up every morning not knowing whether or not they will be working that day. Sometimes couples will both phone that morning to find out whether or not they will go to work. People in that environment are not able to secure their financial future through the purchase of property or consistent savings which generates that long-term gain at the end of their lives.

Not only is it necessary for this report to cover the demographic compression, which is concerned with the timing of events in a person’s life, it is also necessary to cover what I call the ‘Costello compression’. This covers the added burdens placed on these people at key points in their lives, which prevent them from saving efficiently for their retirement. There is the added HECS which hits people in the early part of their life. There are the incredible increases in house prices that mean that, in order to buy a house, quite often parents are now contributing to their children’s mortgages early in their lives. There are people paying off their own HECS debts in their 30s who, when they look forward, will be paying off their children’s HECS debts in their 50s. There are people who are saving up for their own deposits now, knowing that in 25 years they will also be contributing to their children’s deposits. These are incredible additional financial burdens on families at various times in their lives, which prevent them from achieving financial security in later life.

We can also see the barriers to greater work force participation that particularly prevent mothers from entering the work force at times when they wish. Mothers with children quite often raise with me the difficulty they have in getting child care, which will allow them to return to the work force and contribute to their families’ savings. Mothers with children quite often tell me about the extraordinary qualifications they have. I stand in child-care centres and I hear one woman after another talk about the jobs they had before they had their children—sometimes quite senior public service positions, sometimes quite senior business positions. But once their children arrive they are unable, because of the lack of flexibility in the workplace, to re-enter the work force and thus contribute to their families’ security in the long term.

I meet people with disabilities also desperate to work but who are unable to do so and who, through no fault of their own, are unable to contribute to their own financial security even though they desperately wish to do so. Some of those also had quite extraordinary skills before the onset of their disabilities. I meet older people who lost their jobs in their 40s or who had periods of intermittent unemployment in their lives. These are people in their 40s and 50s who lost quite stable jobs and are unable to find work. Again, this breaking up of the work pattern prevents people from, over time, providing that secure base in their retirement. I meet skilled migrants who came to this country expecting to be able to find work. I meet them again several years later and they are working far below their capacity. I find people from all walks of life unable, because of various barriers in place at the moment, to provide that financial security in their later life. I say again: virtually every person I meet in my electorate wants to do all of the things that we, the community, need them to do in order to secure their retirement. Without the barriers in place, without the difficulties of a government that is prepared to make it easier and not more difficult, many of those people would manage to secure their re-
tirements at least in part. Unfortunately, what we have at the moment with this government is an increase in the number of barriers to prevent them from doing that.

Main Committee adjourned at 12.50 p.m.
QUESTIONS IN WRITING

Offshore Surveillance Platforms
(Question No. 241)

Mr Beazley asked the Minister representing the Minister for Defence, in writing, on 1 December 2004:

(1) Is the Minister aware that the offshore platform, ‘Buffalo’, is available for possible conversion to a surveillance platform in the Timor Sea.

(2) Is the Minister aware of the Christmas/New Year deadline for the demolition of that platform.

(3) Is it the case that in the Persian Gulf and elsewhere the United States of America and other countries have developed offshore platforms for the surveillance of important assets and the defence of sea routes and, in particular, that Qatar is developing a number of platforms for the defence of its assets.

(4) Will the Government consider acquiring or leasing the Buffalo platform for a similar purpose; if not, why not.

Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the honourable member’s question:

(1) I am advised that a proposal to lease the ‘Buffalo’ platform in the Timor Sea was reviewed by the Attorney-General’s department, but not pursued because of, inter alia, value for money considerations.

(2) No.

(3) Defence has no evidence that the United States, Qatar or any other countries have developed, or are developing, offshore platforms for surveillance.

(4) No. Current measures, along with initiatives announced by the Prime Minister in his press release of 15 December 2004, are assessed as being adequate for ensuring the integrity of Australia’s offshore security.

Defence: Domestic and Overseas Air Travel
(Question No. 330)

Mr Quick asked the Minister representing the Minister for Defence, 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 (d) Virgin Blue’s Blue Room paid for by the department.

Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the honourable member’s question:

1. **Type of Travel 2003-04**
   - Domestic air travel: $110,148,612.09
   - Overseas air travel: $47,495,094.22
   - Total: $157,643,706.31

   Note: The above table does not include a rebate amount ($20,953,794.84) that was paid to Defence by Qantas as part of a contracted discount to fares.

2. **Airline 2003-04**
   - Qantas (includes QantasLink): 94%
   - Regional Express: 1.17%
   - Virgin Blue: 0.24%

   Note: Other airlines make up the balance of 4.59 per cent.

3. **Airline 2003-04**
   - Qantas (includes QantasLink): $92,113,621.40
   - Regional Express: $1,140,491.99
   - Virgin Blue: $234,695.87

   Note: Other airlines make up the balance of domestic expenditure. Figures are for airfare only as reporting data is not available for taxes and levies.

4. **Business Class Travel 2003-04**
   - Domestic routes: $4,452,357.67
   - Overseas routes: $25,151,131.63

5. **Economy Class Travel 2003-04**
   - Domestic routes: $105,696,254.42
   - Overseas routes: $15,346,013.00

   Note: The above Domestic Economy and Business Class Travel spend does not include an overall rebate amount of $20,953,794.84 that was paid to Defence by Qantas as part of a contracted discount to fares.

6. **Domestic Route 2003-04**
   - Sydney to Canberra: 4.39%
   - Melbourne to Canberra: 7.46%
   - Sydney to Melbourne: 5.97%
   - Sydney to Brisbane: 5.97%
Domestic Route 2003-04

<table>
<thead>
<tr>
<th>Route</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne to Hobart</td>
<td>0.79%</td>
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<tr>
<td>Melbourne to Launceston</td>
<td>0.21%</td>
</tr>
<tr>
<td>Sydney to Perth</td>
<td>7.78%</td>
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</table>

(7) There was no cost to the department; except for the cost of Qantas Club memberships for Australian Public Servant Level 6 and below and the military equivalents if that person travels twelve return trips or more per year. This data is not electronically recorded and not available.

**Nuclear Powered Vessels**

(Question No. 365)

Mr Melham asked the Minister representing the Minister for Defence, in writing, on 8 December 2004:

In respect of each visit to an Australian port by a United States Navy or Royal Navy vessel during the period 1 April 2004 to 7 December 2004, (a) what was the name of the visiting vessel, (b) what was the type or class of the vessel, (c) was the vessel nuclear powered, (d) which Australian port did the vessel visit, and (e) what were the dates of arrival and departure from the port.

Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the honourable member’s question:

<table>
<thead>
<tr>
<th>Ship Name</th>
<th>Class</th>
<th>Nuclear Powered</th>
<th>Port Visited</th>
<th>Arrival Date</th>
<th>Departure Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>USS <em>Cape Jacob</em></td>
<td>Cargo ship</td>
<td>No</td>
<td>Darwin</td>
<td>29 Mar 04</td>
<td>5 Apr 04</td>
</tr>
<tr>
<td>USS <em>Flint</em></td>
<td>Ammunition ship</td>
<td>No</td>
<td>Cockburn sound</td>
<td>22 Apr 04</td>
<td>26 Apr 04</td>
</tr>
<tr>
<td>USS <em>Kitty Hawk</em></td>
<td>Aircraft carrier</td>
<td>No</td>
<td>Fremantle</td>
<td>22 Apr 04</td>
<td>27 Apr 04</td>
</tr>
<tr>
<td>USS <em>John S Mccain</em></td>
<td>Guided missile</td>
<td>No</td>
<td>Darwin</td>
<td>22 Apr 04</td>
<td>27 Apr 04</td>
</tr>
<tr>
<td>USS <em>Vincennes</em></td>
<td>Guided missile</td>
<td>No</td>
<td>Fremantle</td>
<td>22 Apr 04</td>
<td>27 Apr 04</td>
</tr>
<tr>
<td>USS <em>Yukon</em></td>
<td>Oiler</td>
<td>No</td>
<td>Fremantle</td>
<td>22 Apr 04</td>
<td>27 Apr 04</td>
</tr>
<tr>
<td>USS * Vandegrift*</td>
<td>Guided missile</td>
<td>No</td>
<td>Darwin</td>
<td>23 May 04</td>
<td>27 May 04</td>
</tr>
<tr>
<td>USS <em>Shasta</em></td>
<td>Ammunition ship</td>
<td>No</td>
<td>Darwin</td>
<td>15 Jun 04</td>
<td>22 Jun 04</td>
</tr>
<tr>
<td>USS <em>John Ericsson</em></td>
<td>Oiler</td>
<td>No</td>
<td>Darwin</td>
<td>15 Jul 04</td>
<td>18 Jul 04</td>
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<tr>
<td>USS <em>Preble</em></td>
<td>Guided missile</td>
<td>No</td>
<td>Darwin</td>
<td>15 Jul 04</td>
<td>18 Jul 04</td>
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<tr>
<td>USS <em>John Ericsson</em></td>
<td>Oiler</td>
<td>No</td>
<td>Darwin</td>
<td>3 Aug 04</td>
<td>9 Aug 04</td>
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<tr>
<td>USS <em>Russell</em></td>
<td>Guided missile</td>
<td>No</td>
<td>Sydney</td>
<td>16 Aug 04</td>
<td>21 Aug 04</td>
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<tr>
<td>USS <em>Salvor</em></td>
<td>Salvage ship</td>
<td>No</td>
<td>Sydney</td>
<td>19 Aug 04</td>
<td>2 Sep 04</td>
</tr>
<tr>
<td>USAV <em>Joint Venture</em></td>
<td>High speed vessel</td>
<td>No</td>
<td>Sydney</td>
<td>26 Sep 04</td>
<td>28 Sep 04</td>
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<tr>
<td>USS <em>Rainier</em></td>
<td>Oiler</td>
<td>No</td>
<td>Fremantle</td>
<td>28 Sep 04</td>
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Mr McClelland asked the Minister representing the Minister for Defence, in writing, on 8 February 2005:

(1) How many unacceptable behaviour complaints were reported in the Army during (a) 2002-2003, and (b) 2003-2004 in the category (i) sexual offences, (ii) sexual harassment, (iii) general harassment, (iv) discrimination, (v) abuse of power, (vi) bullying and (vii) inappropriate workplace relations.

(2) How many unacceptable behaviour complaints were reported in the Navy during (a) 2002-2003, and (b) 2003-2004 in the category (i) sexual offences, (ii) sexual harassment, (iii) general harassment, (iv) discrimination, (v) abuse of power, (vi) bullying and (vii) inappropriate workplace relations.

(3) How many unacceptable behaviour complaints were reported in the Air Force during (a) 2002-2003, and (b) 2003-2004 in the category (i) sexual offences, (ii) sexual harassment, (iii) general harassment, (iv) discrimination, (v) abuse of power, (vi) bullying and (vii) inappropriate workplace relations.

(4) How many unacceptable behaviour complaints were reported in the Australian Public Service in the Minister’s department during (a) 2002-2003, and (b) 2003-2004 in the category (i) sexual offences, (ii) sexual harassment, (iii) general harassment, (iv) discrimination, (v) abuse of power, (vi) bullying and (vii) inappropriate workplace relations.

**Behaviour Complaints**

(Question No. 502)
Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the honourable member’s question:

(1) (2), (3) and (4)

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Indian Ocean Tsunami
(Question No. 582)

Mr Murphy asked the Minister for Foreign Affairs, in writing, on 14 February 2005:

(1) What financial and other assistance has the Government provided to the tsunami relief effort in Sri Lanka.

(2) Can he confirm Australian aid is reaching all affected areas in Sri Lanka on the basis of need; if not, why not.

(3) Where are the Australian agencies serving the affected areas of Sri Lanka located and what are they providing.

(4) Can he say where the United Nations agencies serving the affected areas of Sri Lanka are located and what aid they are providing.

(5) Is the Sri Lanka Military assisting with the distribution of Australian aid to Tamils living in Northern or Eastern Sri Lanka; if so, what is their role.

(6) Is the Government monitoring the distribution of (a) Australian and (b) international aid to ensure its fair distribution to the affected areas of Sri Lanka on the basis of need; if so, what is the monitoring revealing; if not, what not.

(7) Is the Government working with the Tamils Rehabilitation Organisation to ensure aid reaches the affected areas of North and East of Sri Lanka on the basis of need; if so, what are the details; if not, why not.

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

(1) The Australian Government has provided over A$10 million in emergency relief assistance to Sri Lanka mostly through multilateral agencies and Australian non-government organisations (NGOs). We provided a public health assessment team which made an important contribution to containing the risk of infectious disease outbreaks during the critical days following the tsunami in close cooperation with the World Health Organisation and the Sri Lankan Government. We facilitated the delivery of assistance from a range of Australian NGOs and private sector organisations. In addition, Australia’s on-going bilateral program (A$23 million in 04/05) is being adjusted to respond to the challenges of the tsunami.

(2) Australian Government assistance is reaching those in need in all tsunami-affected districts, including the North and East.

(3) Australian NGOs funded by the Australian Government are operating in tsunami-affected areas throughout the country, in sectors such as the provision of shelter, restoring water and sanitation...
services, food security, and medical assistance. The NGOs are CARE Australia, World Vision Australia, Australian Red Cross, Oxfam Community Aid Abroad, the Australian Foundation for the Peoples of Asia and the Pacific, Marie Stopes International Australia, AUSTCARE, Caritas, International Women’s Development Agency, the Uniting Church of Australia, Interplast, the National Council of Churches Australia.

(4) United Nations agencies funded by the Australian Government are operating in tsunami-affected areas throughout the country. With Australian funding the World Food Programme is providing food relief; UNICEF is implementing water and sanitation and child education programs; UNDP is supporting livelihood and community reconstruction programs; UNHCR is providing shelter.

(5) No.

(6) Monitoring of the distribution of both Australian and international assistance is carried out by staff of the Australian High Commission in Colombo through direct visits to the affected areas, and by multi-donor verification missions in which Australia has participated, and through the funded organisations themselves. Monitoring reveals that aid is meeting emergency needs in all affected areas, including the North and East.

(7) The Australian Government is not delivering assistance through organisations such as the Tamils Rehabilitation Organisation (TRO) that may be aligned with the Liberation Tigers of Tamil Eelam, which is gazetted as a terrorist organisation whose assets can be seized under Australian law.