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SITTING DAYS—2005

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| MELBOURNE| 1026 AM |
| ADELAIDE | 972 AM  |
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| HOBART   | 747 AM  |
| NORTHERN TASMANIA | 92.5 FM |
| DARWIN   | 102.5 FM |
FORTY-FIRST PARLIAMENT
FIRST SESSION—FOURTH 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 Henry 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 Kim 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. Mark Anthony James Vaile MP
Deputy Leader—The Hon. Warren Errol Truss 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 David 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>Vasta, Ross Xavier</td>
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<td>Wakelin, Barry Hugh</td>
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<td>Washer, Malcolm James</td>
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<td>Wilkie, Kim 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>
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**PARTY ABBREVIATIONS**

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

**Heads of Parliamentary Departments**

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

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<td>Minister for Trade and Deputy Prime Minister</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon. Peter Howard Costello MP</td>
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<tr>
<td>Minister for Transport and Regional Services</td>
<td>The Hon. Warren Errol Truss MP</td>
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<tr>
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<td>Senator the Hon. Robert Murray Hill</td>
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<td>Minister for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
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<tr>
<td>Minister for Health and Ageing and Leader of the House</td>
<td>The Hon. Anthony John Abbott MP</td>
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<tr>
<td>Attorney-General</td>
<td>The Hon. Philip Maxwell Ruddock MP</td>
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<tr>
<td>Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
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<tr>
<td>Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House</td>
<td>The Hon. Peter John McGauran MP</td>
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<td>Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs</td>
<td>Senator the Hon. Amanda Eloise Vanstone</td>
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<td>Minister for Education, Science and Training</td>
<td>The Hon. Dr Brendan John Nelson MP</td>
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<td>Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues</td>
<td>Senator the Hon. Kay Christine Lesley Patterson</td>
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<td>The Hon. Ian Elgin Macfarlane MP</td>
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<td>Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service</td>
<td>The Hon. Kevin James Andrews MP</td>
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<td>Senator the Hon. Christopher Martin Ellison</td>
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<td>Senator the Hon. Ian Douglas Macdonald</td>
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<td>Minister for Human Services</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<td>Minister for Citizenship and Multicultural Affairs</td>
<td>The Hon. John Kenneth Cobb 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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<tr>
<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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<tr>
<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>Minister for Workforce Participation</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Industry, Tourism and Resources</td>
<td>The Hon. Warren George Entsch MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
<td>The Hon. Christopher Maurice Pyne MP</td>
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<td>Parliamentary Secretary to the Minister for Defence</td>
<td>The Hon. Teresa Gambaro MP</td>
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<tr>
<td>Parliamentary Secretary (Trade)</td>
<td>Senator the Hon. John Alexander Lindsay Macdonald</td>
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<tr>
<td>Parliamentary Secretary (Foreign Affairs) and Parliamentary Secretary to the Minister for Immigration and Multicultural and Indigenous Affairs</td>
<td>The Hon. Bruce Fredrick Billson MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Gary Roy Nairn MP</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Christopher John Pearce MP</td>
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<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>Parliamentary Secretary (Children and Youth Affairs)</td>
<td>The Hon. Sussan Penelope Ley MP</td>
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<td>Parliamentary Secretary to the Minister for Education, Science and Training</td>
<td>The Hon. Patrick Francis Farmer MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry</td>
<td>Senator the Hon. Richard Mansell Colbeck</td>
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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, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services
Senator Christopher Vaughan Evans

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

Shadow Minister for Health and Manager of Opposition Business in the House
Julia Eileen Gillard MP

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow Attorney-General
Nicola Louise Roxon MP

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

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

Shadow Minister for Defence
Robert Bruce McClelland MP

Shadow Minister for Regional Development
The Hon. Simon Findlay Crean MP

Shadow Minister for Primary Industries, Resources, Forestry and Tourism
Martin John Ferguson MP

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

Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories
Senator Kim John Carr

Shadow Minister for Public Accountability and Shadow Minister for Human Services
Kelvin John Thomson MP

Shadow Minister for Finance
Lindsay James Tanner MP

Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services
Senator the Hon. Nicholas John Sherry

Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women
Tanya Joan Plibersek MP

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

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

Shadow Minister for Consumer Affairs and
Shadow Minister for Population Health and
Health Regulation
Laurie Donald Thomas Ferguson MP

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

Shadow Assistant Treasurer, Shadow Minister for
Revenue and Shadow Minister for Small Business
and Competition
Joel Andrew Fitzgibbon MP

Shadow Minister for Transport
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy

Shadow Minister for Homeland Security and
Shadow Minister for Aviation and Transport Security
The Hon. Archibald Ronald Bevis MP

Shadow Minister for Veterans’ Affairs and
Shadow Special Minister of State
Alan Peter Griffin MP

Shadow Minister for Defence Industry, Procurement
and Personnel
Senator Thomas Mark Bishop

Shadow Minister for Immigration
Anthony Stephen Burke MP

Shadow Minister for Aged Care, Disabilities and
Carers
Senator Jan Elizabeth McLucas

Shadow Minister for Justice and Customs and
Manager of Opposition Business in the Senate
Senator Joseph William Ludwig

Shadow Minister for Overseas Aid and Pacific
Island Affairs
Robert Charles Grant Sercombe MP

Shadow Parliamentary Secretary for Reconciliation
and the Arts
Peter Robert Garrett MP

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

Shadow Parliamentary Secretary for Defence and
Veterans’ Affairs
The Hon. Graham John Edwards MP

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment
and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Industry,
Infrastructure and Industrial Relations
Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Science and
Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern
Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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Tuesday, 6 September 2005

The SPEAKER (Hon. David Hawker) took the chair at 2.00 pm and read prayers.

QUESTIONS WITHOUT NOTICE

Taxation

Mr SWAN (2.00 pm)—My question is directed to the Prime Minister. Can the Prime Minister confirm reports today that in the Treasurer’s absence government backbenchers have decided to seek Treasury costing and modelling of the tax proposals put forward by the member for Wentworth? Prime Minister, is the Treasurer embarrassed by this development, and who exactly is running the government’s tax policy? Does the Prime Minister support the use of Treasury to cost and model backbench tax proposals, and will the opposition be given equivalent access?

Mr HOWARD—Let me say this: when the opposition finally produces a tax policy it will be a monumental moment in Australian political history, and I am quite sure there will be no lack of people willing to comment on it or analyse it. The honourable member asked me: is the Treasurer embarrassed? No. Am I embarrassed? No. Is the member for Wentworth embarrassed? No. Is the backbench embarrassed? No. Who is embarrassed on taxation? The Australian Labor Party.

Telstra

Mr WAKELIN (2.02 pm)—My question is addressed to the Prime Minister. Would the Prime Minister inform the House of the government’s plan to further privatise Telstra and ensure competitive telecommunications services for Australians into the future? Are there any alternative policies on Telstra ownership?

Mr HOWARD—I thank the member for Grey for his question. I am pleased to inform the House that the government party room this morning approved the introduction of the Telstra sale legislation and accompanying bills into the parliament this week. This will give effect to the government’s clear, unambiguous and longstanding policy, in sharp contrast to the policy confusion on the other side, to which I will be pleased indeed to return in a moment. Two of the five bills will be introduced into the Senate and the three that contain appropriation elements will be introduced into the House of Representatives. This legislation will establish a $2 billion fund, the dividends of which will provide future guarantees in relation to services. The Connect Australia fund will provide upgrades of services around Australia.

The reason the government have always supported the sale of Telstra is that we believe it is in the best interests of a good telecommunications policy for this country. The greatest burden that Telstra carries at the moment is not the burden of regulation but the burden of majority government ownership. If people are really interested in better telecommunications services for the Australian people, then they will want a Telstra that is free and able to operate without the encumbrances that do not apply to the operation of companies of a like size. I believe that the full sale of Telstra will usher in a new era of competitive provision of telecommunications services around Australia.

The Labor Party parade their commitment to public ownership of Telstra, and yet they were the party that presided over record job reductions in the old Telecom when it was fully owned by the government. They were the party that allowed the collapse of the old analog network for rural Australia. They were the party that deceived the Australian public in relation to the ownership of the Commonwealth Bank and Qantas and would have us believe that their attitude to Telstra is not going to change.
Let me contrast the attitude of the government with the attitude of the Labor Party. We went to the 1996 election committed to the sale of one-third of our share in Telstra. We went to the 1998 and subsequent elections with a clear-cut policy to sell the remaining government ownership in Telstra, subject to services in the bush being up to scratch. We have never shirked from saying to the Australian people what we believe. I know there are a lot of people opposed to the sale of Telstra, but we believe it is in the long-term interests of this country’s telecommunications network to get the yoke of majority government ownership off the back of the largest telecom in Australia. That is why we are committed to this policy and that is why we have taken this decision.

Let us have a look at the mealy-mouthed, indecisive, incoherent policy of the Australian Labor Party. Today, speaking on the Today show, the Leader of the Opposition was asked a question. Listen to this very carefully. It is so instructive of the sharp, incisive stance of the Leader of the Opposition. This is what the questioner had to say:

Mr Beazley I’m interested to know just finally, if it is partially sold by the time the next election comes around, will you go to that election opposing the full sale?

BEAZLEY:
Well we’re not going to go into the business of buying Telstra back, or buying taxpayers ...

No. I do not think even you would want to buy it back; I think I understand that. The questioner then said:

So you won’t then?

To which the Leader of the Opposition had this to say:

To buy Telstra back. But we will, if it’s say, there’s still a Government’s holding of 30 or 40 percent by the time the next election comes around, you take a look around the globe. You’ll find that there are plenty of equivalents of Telstra in which the Government’s hold a minority share holding. We will seek to continue to have influence on what Telstra does.

Was that a blatant denial? Was that the Leader of the Opposition standing up and saying, ‘This is my policy: I will not sell any further shares in Telstra’? The reality is that, if the Leader of the Opposition were ever to become Prime Minister, he would do to Telstra what he did to the Commonwealth Bank and to Qantas. Despite any commitments the Leader of the Opposition makes to the Australian people, if Telstra is not fully sold and he were to become Prime Minister, he would race to the brokers to sell it as fast as possible. You would not see his heels for the dust. He would rat on his previous commitments the way he did in relation to the bank and Qantas. The Australian people know that and we certainly know it, and we will remind him of it every day from now until the next election.

**Telstra**

Mr BEAZLEY (2.08 pm)—My question is to the Prime Minister and it refers to the matters he has just been talking about. Is the Prime Minister aware that Telstra shareholders yesterday saw the total value of their company fall by $3 billion? In the light of this performance, does the Prime Minister have confidence in his hand-picked chairman, Mr McGauchie, and his hand-picked CEO, Mr Trujillo?

Mr HOWARD—I am aware of what happened to the share price yesterday. The reasons for that are mixed. I do not believe for a moment—I have made this public and I am going to repeat it now—that the remarks that were made by senior executives of Telstra were in any way helpful. I think it is the obligation of senior executives of Telstra to talk up the company’s interests, not to talk them down. That is a view which I have
communicated very directly to the chairman of the board on behalf of the government.

**Hurricane Katrina**

Mr PROSSER (2.09 pm)—My question is directed to the Minister for Foreign Affairs. Would the minister update the House on Australia’s response to the Hurricane Katrina crisis? Are there any other alternative views?

Mr DOWNER—First of all, I thank the honourable member for Forrest for his question and his interest. There are still no reports of any Australian casualties as a result of Hurricane Katrina. We know of around eight Australians who may—not necessarily are—still be in the affected area and may be awaiting evacuation. We are still working on that.

Overnight our consular officers returned to New Orleans. We have concerns still about a 30-year-old man from Victoria who was scheduled to stay in New Orleans at a hotel. We have not been able to find him or any trace of him, and we are looking into that. We also have fresh concerns about a 37-year-old Queensland man who lives in New York. Apparently, according to his family, he went to New Orleans to film the hurricane and contacted his family just before he got there, and he has not been heard of since. We will continue to do what we can to try to track him down. I am, on the other hand, very happy to report that the 75-year-old dual national has now been located safe and well in a nursing home just outside of New Orleans.

Are there any alternative views? Yesterday we saw an extraordinary press conference from the Leader of the Opposition—a man who made remarks which will be remembered in the way his predecessor’s remarks about ‘troops out by Christmas’ were remembered. What the Leader of the Opposition claims is that he is some kind of an expert on foreign security policy. I have not seen any sign of that in recent times. Indeed, I noticed this morning that the Leader of the Opposition was starting to backtrack on his position by saying he did not want to make a big deal of this. Yet yesterday he called a big press conference—with flags and so on. The poor old spokesman for foreign affairs was sitting there looking decidedly uncomfortable as the new ‘troops out by Christmas’ foreign policy gaffe was made by a new Leader of the Opposition.

Let me make this point about the Leader of the Opposition’s proposals absolutely clear. Firstly, the proposition that consular officers should break the laws of a foreign country and go into New Orleans is a preposterous proposition which would have added to a number of Australians at risk. Secondly, the Leader of the Opposition said he wanted Australian defence personnel from around the United States to head to Louisiana and somehow get onto helicopters and head for New Orleans. This is what Ambassador Richardson said this morning on the radio, which is the point that the Labor Party complimented. I think his words should be considered. In an interview on 2GB he said:

... the notion that we could send in helicopters to rescue these people over and above all others is simply nonsense. It would, one, have possibly endangered their own lives, let alone the lives of those in the helicopter.

The Leader of the Opposition sneers, but this is our ambassador in Washington. He went on:

You will be aware very early on when some of the early helicopters went in there were shots fired. To have gone into that situation to attempt to take out nine young Australians, leaving behind many people, other people in far worse situations would not have been a very sensible thing to have done, even if we could have done it, which we couldn’t. Leaving aside the morality of it.

The fact is that what the opposition has said demonstrates something very important
about the Leader of the Opposition. What he has demonstrated is he lacks judgment. If you want to be the leader of this nation, you have to be somebody with good judgment. This is a Leader of the Opposition who lacks good judgment. He pretends to be an expert on foreign policy, but he has no judgment.

Let me conclude with this point. I resent very much the criticism of the consular officers in America and the consular branch here in the Department of Foreign Affairs and Trade. These are exceptionally good people; these are hardworking people; these are people who care about Australia and Australians. You are making party political points at their expense.

Telstra

Mr BEAZLEY (2.15 pm)—They do their job. You do not do yours.

The SPEAKER—Order! The Leader of the Opposition will come to his question.

Mr BEAZLEY—My question is to the Prime Minister.

Mr Michael Ferguson—Mr Speaker, on a point of order, the Leader of the Opposition is not asking a question. There is a large preamble there once again.

The SPEAKER—Order! The member for Bass will resume his seat. The Leader of the Opposition is coming to his question.

Mr BEAZLEY—My question is to the Prime Minister. Does the Prime Minister stand by his pre-election claim that ‘Telstra services are ‘up to scratch’? Can the Prime Minister confirm that Telstra has received 14,300,000 fault calls and that over 14 per cent of all lines have faults? Prime Minister, is this up to scratch?

Mr HOWARD—Let me say, in answer to the Leader of the Opposition’s question, that I am satisfied, the government is satisfied and the government party room is satisfied that the conditions set for the sale of the remaining government interest in Telstra have been guaranteed by the arrangements we are putting in place. There is this idea that somehow or other Australia, alone, under the policies of the Australian Labor Party, can produce a telco which is perfect, which is fault free, which never has a complaint and which never has a line down. The Leader of the Opposition asks me about 14 million alleged faults for Telstra. The last time he tried to be specific about some Telstra equipment was last week when he went to a telephone booth near Bundaberg in Queensland and made a lot of the fact—I think he even held a tin can up to his ear—that it was out of order. The only problem for the Leader of the Opposition was that that telephone booth had been decommissioned by Telstra 3½ years ago. And do you know why, Mr Speaker? Because nobody was using it. If the other 14,499,999 complaints are the equivalent of that, the Leader of the Opposition has not got much of an argument.

Economy

Ms PANOPOULOS (2.17 pm)—Mr Speaker, my—

Opposition members interjecting—

The SPEAKER—Order! The Leader of the Opposition! The member for Indi has the call.

Opposition members interjecting—

Ms PANOPOULOS—Never in your life, mate.

The SPEAKER—The member for Indi will come to her question.

Ms PANOPOULOS—My question is addressed—

The SPEAKER—Order! The member for Indi has the call.

Opposition member interjecting—
Ms PANOPOULOS—My question is addressed to the Deputy Prime Minister and Minister for Trade. Would the Deputy Prime Minister and Minister for Trade outline to the House efforts to improve global economic performance. How is the government working to boost Australia’s international competitiveness?

Mr VAILE—I thank the member for Indi for her question and her interest in the role that Australia plays in the expansion and improvement of global economic performance, particularly in the trade area. It is very important to her electorate in northern Victoria, I am sure.

For a long time, Australians have been pushing very hard on all fronts to achieve broad based global trade reform at a multilateral level. We are this year on the cusp of achieving some significant outcomes in that area as far as the WTO is concerned, and in particular the Doha Round of negotiations, which reaches a critical point in December this year at the ministerial meeting in Hong Kong.

Today, we welcome the statement that has been put out by a number of business councils across the world supporting countries such as Australia that are pushing hard to get a very productive outcome out of the Doha Round. A release by the Business Council of Australia said:

Six of the world’s leading business organisations today called on member nations of the World Trade Organization (WTO) to intensify their efforts to achieve a successful conclusion to the Doha Development Agenda (DDA).

That was supported by business organisations in Australia, the United States, Canada, Mexico, Europe and Japan. It goes without saying that it is incredibly important for continued growth across the world—the developed world and the developing world—that this round of negotiations is successful. Global reform is essential.

We should also recognise the significant role that domestic reform plays in strengthening our economy and our competitiveness in the global economy. Domestic reform is something that our government has continued to prosecute the case for over a number of years across a number of different fronts in terms of taxation reform, industrial relations reform and, of course—the current debate at the moment—reform of the telecommunications system and industry in Australia.

One of the critical elements—one of the critical components—of a modern, competitive, efficient economy is a modern, competitive, efficient telecommunications system. As part of the package of reforms that we are announcing for our telecommunications system, we are advocating significant investment for the future in our telecommunications system across Australia, increased competition and sound regulation in terms of compliance and ensuring that services are provided to all Australians so that no matter where you live in Australia, no matter where you are doing business—either domestically or internationally—you are competitive as far as telecommunications are concerned.

There is $3.1 billion in the Connect Australia package, aimed at extending the modern telecommunications system in Australia that consumers expect. The competition and transparency will be increased through separation of Telstra’s operations. And, of course, regulation to give certainty and security as far as access and costs are concerned is important for all Australians.

We have seen a lot of comments from the Labor Party on this issue. We saw the commentary from the Leader of the Opposition on television this morning about Labor’s position. I think that made it as clear as mud
to all Australians. The most important thing that the Labor Party can do, if they are genuine about securing decent telecommunications services in regional and rural Australia, is to support the government’s package—support the government’s legislation so that we can see this investment take place in regional Australia.

Telstra

**Mr STEPHEN SMITH** (2.22 pm)—My question is to the Prime Minister. Can the Prime Minister confirm he has been advised that Telstra’s workforce is ageing and is not being invested in, that Telstra has failed to replace obsolete equipment in its networks and that Telstra’s information technology systems are not capable of supporting new services? Does the Prime Minister stand by his pre-election claim that Telstra’s services are ‘up to scratch’?

**Mr HOWARD**—In answer to that question I stand by what I said in my answer to the previous question—that is, the conditions precedent to the sale of the government’s remaining share in Telstra, established by me before the last election, either are met, in the assessment of the government, or will be met by the accompanying measures to the sale legislation that will be introduced by the minister for communications.

While I am on my feet can I pay particular tribute to the work done by the minister for communications, Senator Coonan, on this issue. She, along with Senator Minchin, the finance minister, has had principal carriage of this matter on behalf of this government. As is typical of all the members of my front bench, charged with a particularly complicated responsibility, they have discharged it with very great skill, very great dignity and a wide appreciation of the broader membership of the party.

**Medicare: Bulk-Billing**

**Mr SECKER** (2.24 pm)—My question is to the Minister for Health and Ageing. Would the minister inform the House how bulk-billing rates have improved in my state of South Australia and generally around the country?

**Mr ABBOTT**—I can appreciate the member for Barker’s interest in this matter because GP bulk-billing rates in his electorate are up by no less than 16 percentage points over the last 12 months. Thanks to the policies of the Howard government, bulk-billing rates are up right around Australia. Bulk-billing is up by five percentage points in New South Wales, eight percentage points in Western Australia and Victoria, 11 percentage points in Queensland and 13 percentage points in South Australia. And bulk-billing rates have improved by a whopping 19.5 percentage points in the great state of Tasmania. It is no wonder we have two great members from Tasmania on this side of the House.

Three out of four GP consultations are now bulk-billed and 85 per cent of GP consultations for people over 65 are bulk-billed. Bulk-billing rates for children are at an all-time high. Bulk-billing rates in country areas are at an all-time high. The Howard government’s tremendous success in improving bulk-billing rates was not universally anticipated, I have to say. I was given today a brochure distributed by the member for Chifley in about September or early October last year. It said: ‘A Latham Labor government will reverse the collapse in bulk-billing.’ Let me say to the member for Chifley: bulk-billing in his electorate is at 98.3 per cent! I also have a brochure distributed by the member for Blaxland at about the same time. It said:
Now the federal government wants to take bulk-billing away, with a new $20 fee every time you visit your GP.

I can inform the member for Blaxland that bulk-billing in his electorate is up to 96.4 per cent. That is just a selection of what members opposite were saying at that time. I am sure that, next time they distribute something to their electorates, they will set the record straight and they will finally admit that the Howard government is the best friend that Medicare has ever had.

**Telstra**

Mr BEAZLEY (2.27 pm)—My question is to the Prime Minister. Can the Prime Minister confirm that he was personally briefed by Telstra executives on 11 August this year and given a briefing document which states: ‘Telstra is borrowing from its reserves to pay the dividends’ and that ‘the Telstra board has already recognised that this kind of borrowing to pay dividends is not a sustainable policy or practice’?

Mr HOWARD—I did have a meeting on or about 11 August with the chairman and the managing director. I was accompanied by a number of my senior colleagues. There were a lot of views put to us. There was a proposition put to us. We rejected the proposition and adopted our own, which was announced by the minister, which we think is superior. That has formed the basis of the announcement I made a few moments ago and it will be enshrined in the legislation put forward.

I know the Leader of the Opposition is slithering around for a policy on this issue, but he really does want to have it both ways. One moment everything that Telstra does is wrong, every service is rotten, every connection is about to fail and it is doom and gloom all around the country, but in the next breath everything that Telstra puts up to the government has to be adopted. The reality is that, until we get the burden of majority government ownership off Telstra’s back, it will not be able to operate as a fair dinkum company in the Australian telecommunications market. That is the reason why we are going to sell it. It has nothing to do with budget proceeds; it has nothing to do with ideology.

Let me give the House just one illustration of the encumbrance that Telstra now suffers by virtue of government ownership. If it wants to raise new capital by issuing shares, it cannot do so. The law forbids the government ownership to fall below 50 per cent; therefore, if there is a share issue, the government has to buy additional shares—and even the Leader of the Opposition thinks that’s a bad idea, because he said so on the *Today* show this morning. It is a simple thing like that: if you operate a company and you want to raise some more capital, under current government ownership the only way that you can raise capital is to go further into debt and to borrow it—you cannot issue shares.

To say to a company the size of Telstra that it cannot embrace an equity issue and then pretend that you are living in corporate Australia 2005 shows yet again that, when it comes to the normal, basic operations of business in this country, the Australian Labor Party does not have a clue.

**Wages**

Mr HARTSUYKER (2.30 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister inform the House of the outlook for wages growth for Australian workers? Are there any alternative views?

Mr ANDREWS—I thank the member for Cowper for his question. As he knows, under this government, over the past 9½ years, there has been strong wages growth in Australia. Indeed, we have seen wages growth in Australia go up by over 14 per cent, thanks to the government’s strong economic man-
agement and the fact that we have a low-inflation and low-unemployment environment in which, throughout Australia, the demand for workers is strong. This will continue to increase wages in the future.

Unfortunately, some members of the opposition do not share this view. Last Thursday the member for Perth, in a lengthy speech, predicted that employers would drive wages down in search of quick profits under the new workplace relations proposals. He said:

... low pay, as the Government is effectively advocating, discourages businesses from the uptake of more efficient productive systems ... in preference for greater utilisation of low paid segments of the labour market.

This is not the first time that we have heard these sorts of comments from the member for Perth. I recall that, back in 1996 when the government introduced the Workplace Relations Act, he famously and incorrectly predicted that it would lead to lower wages and worse outcomes for Australian workers. The argument has been effectively shot down.

The scare campaign which the Labor Party and the ACTU were running was effectively shot down last week by none other than John Maitland, the National Secretary of the CFMEU. Mr Maitland, speaking at an industrial relations conference, said:

The workforce of today and tomorrow wants good wages, decent hours, a career and a life. Employers relying on a reduced safety net are not going to end up with nothing.

He is saying that, if employers are into driving down wages, the reality in the current environment is that they simply will not have workers. I do not often agree with Mr Maitland, but in this case he was absolutely right when he said that employers who would seek to rely on a reduced safety net will not end up with workers in the future. That is the reality that Mr Maitland knows. It puts a lie to the campaign of scaremongering by the Labor Party and the ACTU about the government’s changes. The reality—as he has conceded—is that employers will continue to provide wage rises in order to be able to attract workers in the future.

The increase in wages under this government, an increase of over 14 per cent in real wages over the last 9½ years, stands in stark contrast to the record of the ALP. On 1 April this year, the Leader of the Opposition made this great boast about their record in government:

We achieved 13 years of wage restraint under the Accord. The wage share of GDP came down from 60.1 per cent when we took office down to the lowest it had been since 1968.

Here we have the Leader of the Opposition making the claim—proudly, it seems—that under Labor in government the wages actually went down. That stands in stark contrast to what we have achieved since we have been in government. We are about higher wages and better outcomes for Australians, not what the ALP have been about in the past and will be about in the future. We stand for higher wages and we stand for more jobs for Australians, and that is what we will bring about.

**Telstra**

Mr TANNER (2.34 pm)—My question is to the Prime Minister. I refer again to the fact that on 11 August Telstra briefed him that it is borrowing to pay dividends and that this is unsustainable. Can the Prime Minister confirm that, over the past two years, special dividends have stripped $1.9 billion out of Telstra? Can the Prime Minister confirm that Telstra also told the government that over this period it ‘didn’t make the investments it needed to make’? Hasn’t the Prime Minister’s privatisation agenda driven a Telstra dividend policy resulting in totally inadequate investment in infrastructure and services?
Mr HOWARD—The answer to the question is: no, it has not.

Mr Albanese—They say it has!

The SPEAKER—Order! Member for Grayndler!

Mr HOWARD—The limitation under which Telstra labours at the present time, the greatest encumbrance it has and the thing that stops it operating properly as a company in the Australian telecommunications market is majority government ownership. Until you get rid of that majority government ownership, you will not give Telstra a fair go.

Opposition members interjecting—

Mr HOWARD—The Australian Labor Party can make as much inane noise as they want, but they cannot avoid the commercial reality that the largest company in Australia is in majority government hands and is thereby prevented from doing what any company might at some stage want to do to expand, acquire or diversify—that is, to issue shares in order to raise fresh equity capital. Until you take that burden off the back of Telstra, it will never realise its full potential.

That is the bottom line of what this debate is all about. That has been our consistent position for years. If the Australian Labor Party were honest and if they were in our shoes, they would acknowledge the same thing. Those sorts of arguments were the arguments used by the Labor Party in government to break their undertaking to the unions about the sale of the Commonwealth Bank and the sale of Qantas. They said, ‘We have to do this in the name of commercial reality.’ The only difference between them in government and us in government is that we were honest enough to tell the Australian people on four successive occasions what our policy was going to be. We have been upfront with the Australian people and we have been consistent with the Australian people. The policy that we have approved today in our party room will create a new era of expansion for Telstra. It will give Telstra the opportunity to operate in full competition in the Australian telecommunications market and it will deliver—

Mr Albanese interjecting—

The SPEAKER—The member for Grayndler is warned!

Mr HOWARD—far better services for Australian telecommunications consumers, whether they are in the city, in the outer metropolitan area or in rural Australia. We have a clear, consistent, forward-looking policy. The Labor Party are mired, as usual, in their negative, opportunistic opposition tactics, and the Australian people will see through them as they have seen through them in the past.

Education and Training

Mr BARTLETT (2.37 pm)—My question is addressed to the Minister for Education, Science and Training. Will the minister advise the House how the government is supporting student choice for career opportunities in Australian schools? Are there any alternative views?

Dr NELSON—I thank the member for Macquarie for his question and for a life of commitment to education as a teacher before becoming a member of parliament. The government’s vision for education, science and training is that every Australian, especially every young Australian, should be able to find and achieve their own potential, whatever that is, and to recognise that they are all different. The future that we envisage is that no young Australian should feel that his or her life is valued by the educational choices that they make. The choices that young people make in university are no more valued by this country than those that young people make in TAFE or apprenticeships or training and, of course, the progress from school to getting a job. To that end, the government
has initiated many policies, including the construction of 24 technical colleges; scholarships for students in technical trades; giving apprentices access to common youth allowance and Austudy; making sure that we have toolboxes and a whole variety of things available to students; and $143 million for a career transition program for students, to make sure that every single young Australian is able to be supported in developing their own career transition plan.

I am asked about other policies. I opened the *Australian* newspaper on 24 August this year. Under the headline ‘Teachers’ president gives PM “a whack”’ was a report of a speech given by the Federal President of the Australian Education Union, Ms Byrne, on behalf of 160,000 Australian teachers. Ms Byrne said:

“Voters cared more about the Coalition’s example of trust—the economy—than they did about refugees and Iraq …

She said:

“The economic frame fitted better than the compassionate one.”

She went on to say, in that speech:

… truth is not enough to win the education debate …

In that speech, amongst many things, she said two things: firstly, she accused the average, everyday Australian of placing the economic welfare of their family and the future of their children above all else and, secondly, she said the truth had no place in the education debate. I am not normally known for calling for these things, but I call for the resignation or the removal of the president of the Australian Education Union following those remarks.

Ms King interjecting—

Dr NELSON—I heard absolutely nothing said by the Australian Labor Party. Two days later, on 26 August, the *Australian* newspaper, on its front page, reported another education story: ‘Teachers reject profit motive’.

Ms King interjecting—

The SPEAKER—The member for Ballarat is warned!

Dr NELSON—The article said:

THE national teachers union has questioned whether schools should be teaching the skills needed to get jobs with companies that seek to profit from capitalism. Listen to this, Mr Speaker:

The union’s submission argues against vocational teaching aimed solely at equipping school students for the workplace—

Mr Albanese—Mr Speaker, I rise on a point of order. I forget the question, but I am sure he is not being relevant!

The SPEAKER—The member for Grayndler will resume his seat! That is a frivolous point of order. The member for Grayndler has been warned, and he ought to realise he is on very thin ice!

Dr NELSON—in its submission to the national inquiry into teaching, the Australian Education Union has bemoaned the fact that Australian teachers are preparing young people for work.

Interestingly, on 26 August—keep in mind that this is two days after we had the president of the AEU basically condemning Australian families for re-electing the Howard government, and saying that truth has no place in the education debate—the same day that the same union bemoaned the fact that teachers are preparing young people for work, the Deputy Leader of the Opposition addressed the Victorian branch of the Australian Education Union. The deputy leader said 1,549 words; the first 10 words were these: It’s great to be here today. It’s also quite appropriate …

So I thought, ‘Right, we are now going to hear from the Labor Party some condemn-
tion of these outrageous remarks by the Australian Education Union.’

Ms Gillard—What about Abbott!

The SPEAKER—The member for Lalor is warned!

Dr NELSON—Instead, I found the Deputy Leader of the Opposition said this: Labor recognises that fostering a culture of professional leadership and excellence within our schools is … vital … Part of that is including representational bodies like the AEU in the policy development process.

She went on to pledge that the Labor Party would consult groups like the AEU. Here we have got the Labor Party hand in glove with the Australian Education Union, and a leadership that is not fit to represent teachers throughout Australia. I say to the Leader of the Opposition: if you want the Australian Labor Party to be engaged in the real issues that face education and the interests of the children of mainstream Australians, you will need to remove the Deputy Leader of the Opposition from the education portfolio because, believe it or not, Australians want their children to be prepared for work and believe that those children need to see a place for truth in all debate.

The SPEAKER—I remind the minister that use of the word ‘you’ is strongly discouraged.

Telstra

Mr BEAZLEY (2.44 pm)—My question is to the Prime Minister. Can the Prime Minister confirm that Telstra told him, in the briefing on 11 August, that the company had underinvested in its network for years? Is the Prime Minister aware that since 2003 Telstra has spent $1.75 billion on buying back its own shares? Weren’t these buybacks just a short-sighted attempt to prop up Telstra’s sale price for privatisation? Hasn’t the government’s focus on dressing up Telstra for sale deprived Telstra of the funds it needs to invest in new services?

Mr HOWARD—The answer to the honourable gentleman’s question is no.

Superannuation

Mr FAWCETT (2.45 pm)—My question is addressed to the Minister for Revenue and Assistant Treasurer. Would the minister inform the House how the government’s superannuation policies have improved the living standards of Australians, particularly those on lower incomes?

Mr BROUGHT—I thank the member for Wakefield for his question. Probably the economic policy of the Howard government, which has delivered almost 1.7 million Australians jobs since 1996, has been the single best thing we can do for families and also do for their retirement incomes. Each and every one of those 1.7 million Australians is now contributing to their own retirement through superannuation.

Over and above that, the government’s hugely popular and successful co-contribution scheme has been a wonderful success. In fact, figures just provided to me indicate that in excess of $309 million has now been paid out directly to low- and middle-income Australians as they make provision for their own retirement. Some 571,000 middle- and low-income earners have contributed directly to their own superannuation, and for each dollar they have put in they have received a dollar from the Howard government.

This is a policy that has been rejected by the Labor Party. They have made it amply clear that, given the opportunity to take over the treasury bench, the Labor Party would ignore the low- and middle-income earners of Australia and would abolish the co-contribution. I remind Australians that that co-contribution was further expanded and that, from 1 July last year, for every dollar
that low- and middle-income Australians put in the Howard government will give them $1.50. Later in the year we will be able to give figures to the population as to how popular that has been.

The member for Wakefield happens to come from an electorate which the Parliamentary Library describes as one of the lower socioeconomic, most disadvantaged electorates in the country, and yet nearly 3,500 of his constituents have made a direct contribution to their own superannuation. They have taken up the incentive of the Howard government and, in doing so, have done something to improve their own retirement income.

Finally, I would remind all Australians that, as a result of our transition to retirement policy, more Australians will be able to remain connected to the work force and take their superannuation and will be able to get the best of both worlds. Through them doing so, we will retain the wealth of experience of older workers in the work force but give them the opportunity to maximise their retirement and their wealth as they take their super and their wages and continue to contribute to this great nation of ours.

Telstra

Mr TANNER (2.48 pm)—My question is again to the Prime Minister. Given his briefing of 11 August with Telstra executives and the information this briefing revealed about Telstra’s unsustainable dividend policy and crumbling infrastructure, why has the Prime Minister allowed Telstra to selectively brief the majority shareholder, institutional investors and selected journalists about this information while keeping mum and dad investors in the dark?

Mr HOWARD—I think even the member for Melbourne would understand that the responsibility for the day-to-day management of the company is that of the manage-

ment. They are answerable to the board. The board is appointed by the government. The managing director is appointed by the board. So it is not a question of the government allowing or disallowing anything. Speaking on behalf of the majority shareholder, I would expect Telstra, being subject to the Corporations Law of this country, to observe the Corporations Law of this country.

Mr Tanner interjecting—

Mr HOWARD—One thing I am not in a position to do at this dispatch box is to give legal opinions. If the member for Melbourne has any complaints about the behaviour of Telstra, he ought to raise them with Telstra. I am not going to try to sit in judgment on them. All of this goes to the service provision of the company.

Mr Tanner interjecting—

The SPEAKER—The member for Melbourne is warned!

Mr HOWARD—Let me, as the question gives me the opportunity to do, just remind the House of some of the changes which have occurred over the last little while which I think speak volumes for the policies this government has put in place and also for the contribution that Telstra itself has made to the development of telecommunications services. For example, the number of broadband subscribers in Australia is now more than 1.8 million. Australia is now in the top 10 OECD countries in terms of the rate at which broadband penetration is growing. The latest OECD figures show that Australia made a lot of ground on broadband take-up in the past 12 months. That covers the period from the time of the last election until now, and it is relevant to the quality of the decision taken by the government party room today. Australia has lifted to 7.7 subscribers per 100, up from last year’s 3.5 subscribers per 100.
In 2003 broadband penetration in Australia’s metropolitan areas was 7.5 per cent, while in regional areas it was only five per cent. Actual overall market take-up rates for broadband are now running at 20 per cent for metropolitan areas and 19 per cent for regional areas. Fifty-two per cent of internet enabled small businesses now have a broadband connection. That is up from 41 per cent only a year ago. Eighty-six per cent of Australian small businesses have an internet connection, and 61 per cent of Australian households had internet access at the end of September 2004. The number of mobile phone services is now 16.5 million, which represents a penetration rate of 80 per cent.

These are but a sample of a whole range of figures that illustrate very clearly the growth in both the quality and the availability of telecommunications services in this country. That has gone hand in hand with the growth of competition. It has been the growth of competition that has spurred that improvement, and more competition will lead to more improvement. More competition can only be achieved in large amounts through the full privatisation of Telstra, and that is why the full privatisation of Telstra is in the interests of the Australian public.

Mr Tanner—Can the Prime Minister table the document from which he was reading?

Mr Howard—It is marked confidential.

Australian Defence Force

Mrs GASH (2.52 pm)—My question is addressed to the Minister for Veterans’ Affairs. Would the minister inform the House of initiatives taken to increase recruitment and retention in the Australian Defence Force?

Mrs DE-ANNE KELLY—I thank the member for Gilmore for her question and for her continued interest in Defence matters. She has the naval aviation base HMAS Albatross in her electorate, and I am sure that she will find this information in terms of recruitment and retention to be of some interest. Since the 2003 work force planning review and the Defence people plan, there have been a number of changes to the approaches taken to recruitment and retention. There is more emphasis on operational as opposed to non-operational members; there is a further emphasis on contractors, as were used for our forward logistics support in the Solomons; there is stronger utilisation of the existing work force in terms of adjustment in career structures, employment options and flexible employment practices; and there is a greater emphasis on our reserves.

But we have been even more innovative, and I would like to share with the House some of the innovative approaches taken by Navy recently to improving retention of marine engineers and weapons electrical engineers. Using its human resource decision support system model, Navy analysed a range of data from exit surveys and personnel workshops and found there were a number of steps they could take to ensure that these highly trained people were retained in the defence forces.

In the long term, younger people are seeking lifetime learning—in other words, continuous professional development that is benchmarked against their civilian colleagues. Through the Institute of Engineers Australia, we are ensuring that our engineers can have chartered professional engineering status by funding their enrolments, annual membership, assessment fees, registration and ongoing professional training.

But it is also in the short term that we need to retain these highly skilled people, so we have brought in a competency based as opposed to rank based encouragement for them in terms of bonuses. These range from $5,000 to $15,000 a year, will cost some
$3.18 million in the current year and were only just signed off in May. I am pleased to tell the House that Commodore Longbottom, the Chief Naval Engineer, has said that, anecdotally, these are having a significant impact on highly skilled engineers who might have looked at moving into the civilian engineering work force.

I can assure the House that we will continue taking innovative approaches to maintaining our skilled work force in Defence. Our present 12-month rolling ADF separation rate is 11.4 per cent. Under the Labor Party, the separation rate was 13.2 per cent—in fact, that was when the Leader of the Opposition was Defence minister. More than that though, Defence is seen in a very positive light. Compared with 1995, confidence in our defence forces by the Australian public has improved by 14 per cent, increasing to 82 per cent. In the 10 years, the decade, during which the coalition has had the opportunity to encourage our defence forces—to prepare and better resource them—confidence in Defence has grown. We will continue with our innovative approaches to retention and recruitment.

**Telstra**

Mr BEAZLEY (2.56 pm)—My question is addressed to the Prime Minister. Why has the Prime Minister allowed his extreme privatisation agenda to drive Telstra services to their current state? Hasn’t the government concealed the true state of Telstra’s services and dividend policy? Prime Minister, doesn’t the responsibility for the current state of Telstra and its share price lie fairly and squarely with you?

The SPEAKER—In calling the Prime Minister, I remind the Leader of the Opposition that the use of ‘you’ is to be discouraged.

Mr HOWARD—We have a very interesting choice of language by the Leader of the Opposition: everything is ‘extreme’ now. They must have had a focus group where somebody said, ‘Why don’t you keep saying everything is extreme and then maybe a few people are going to believe it.’ There is nothing extreme about any of the policies of this government—except that for a lot of middle Australians they are extremely beneficial. Mr Speaker, let me remind you of the Treasury analysis. I will carry this Treasury analysis around for months into the future. It is a wonderful analysis and it goes to the extremely improved position of average Australian families.

Mr Beazley—Mr Speaker, I rise on a point of order—

Honourable members interjecting—

Mr Beazley—No, his extreme amusement.

The SPEAKER—Is this a point of order?

Mr Beazley—The point of order is definitely relevance. A set of explicit questions related to the mess he has made of Telstra and that is what he should be addressing.

The SPEAKER—I am sure the Prime Minister will come back to the question.

Mr HOWARD—the question was based upon the proposition that this policy of the government is extreme. I am pointing out that this policy of the government is not extreme. But I am also taking the opportunity of pointing out that other policies of the government are extremely successful. So I think I am very relevant.

I go to the second part. The Leader of the Opposition asked me: is the policy—the very sensible, balanced, middle-of-the-road, intelligent, far-sighted but not extreme policy of the government—bearing that description responsible for the situation? The answer is no. The answer is that the government’s policy of privatisation has been frustrated by the Labor Party for 9½ years but now, because
of the decision of the Australian people—an extremely welcome, an extremely beneficial and an extremely intelligent decision of the Australian people, particularly in the great state of Queensland, which delivered us four out of six seats—we may well, the Senate willing, have the opportunity to remove that yoke from Telstra. I think that will produce an extremely good outcome for telecommunications consumers in Australia.

**Work for the Dole**

**Mrs ELSON** (2.59 pm)—My question is addressed to the Minister for Workforce Participation. Would the minister inform the House how Work for the Dole gives participants the skills and experience needed to re-enter the work force? Are there any alternative views?

**Mr DUTTON**—I thank the member for Forde, who is not just a local hardworking member but also a very decent member of this parliament. She has been one of the most successful advocates of Work for the Dole in this parliament, and she knows that, whilst the Australian Labor Party hates Work for the Dole, this government stands firmly and squarely behind what has been a very successful program. I want to pay tribute to the member for Forde today, because I recently attended her electorate and went to a graduation ceremony for single parents who had been involved in the Work for the Dole program. It provided them with a great opportunity to build their self-esteem, to build their self-confidence, and it really is what the Work for the Dole program is about.

**Mr Wilkie**—Did they get a job?

**Mr DUTTON**—I will come to that.

**The SPEAKER**—Order!

**Mr Wilkie interjecting**—

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

**Mr DUTTON**—It is not happy reading for you. Stay tuned: it is bad news for you. What did we have on the day? I want to pay tribute to one of the graduates, Cheryl, who had been out of the work force for 15 years. After her involvement in the Work for the Dole program, she said:

I have learned a lot about myself and that I can still work and that I am capable ... I am someone who has a future again.

I can report to the House that, as a result of that Work for the Dole program, Cheryl is now working for a local accounting firm. It has changed her life, as it has changed the lives of tens of thousands of people who have been through the Work for the Dole program. But we know that she is not the only recipient. We know that Barbara, from Toowoomba, who is 34 years of age and had been unemployed for 17 years, is now working with McCaffertys coaches after going through the Work for the Dole program. We know that John, from Hobart, landed a job with a local 4½-star hotel. His life has been transformed as well. We know that Stephen, also 34, from Ballarat, who took up an IT position with IBM, is doing well and, as a result of his involvement with Work for the Dole, is in employment.

I cannot understand why the Labor Party continues to talk down and to hate Work for the Dole. We know that there have been 335 occasions where people on the other side of this parliament have talked down Work for the Dole. Most importantly today, I want to highlight one of the silent champions in the Labor Party of Work for the Dole. It is none other than the member for Shortland. She loves Work for the Dole. She was at the recent Work for the Dole programs. I thank her very much. All I say is: please talk to your colleagues; ask them and the Leader of the Opposition to embrace Work for the Dole.
Ms GILLARD (3.03 pm)—My question is addressed to the Prime Minister. Isn’t it a fact that today’s question time has revealed publicly for the first time the full extent of the information about Telstra’s service levels, its lack of investment and its payment of dividends from reserves, all of which the Prime Minister was briefed about on 11 August?

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. The Manager of Opposition Business has been here long enough to know that that is not a question; it is a speech. It is debate, and the standing orders specifically say that that is not permitted. Mr Speaker, I ask that you rule it out of order or that you ask her to rephrase her question.

The SPEAKER—The member for Mackellar will resume her seat. The Manager of Opposition Business will come to her question.

Ms GILLARD—I was reading it slowly in the hope of assisting, Mr Speaker. The question is: given this fact, didn’t the Minister for Communications, Information Technology and the Arts mislead the Senate yesterday when she assured the Senate that all information which could affect the share price had been disclosed?

Mr HOWARD—I think that what question time has revealed is the extreme paucity of the opposition’s policy position on this issue. I am confident that the Minister for Communications, Information Technology and the Arts has not misled the Senate. Mr Speaker, I ask that further questions be placed on the Notice Paper.

PERSONAL EXPLANATIONS

Mrs BRONWYN BISHOP (Mackellar) (3.05 pm)—Mr Speaker, I wish to make a personal explanation.
tance be submitted to the House for discussion, namely:

The rapidly deteriorating outlook for the provision of telecommunications services for all Australians caused by the Government’s plan to sell its remaining share in Telstra.

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 BEAZLEY (Brand—Leader of the Opposition) (3.08 pm)—This MPI is critical today. The Australian people now have before them the definite final piece of evidence—they did not require it but they now have it—of the government’s massive mismanagement of Telstra over the course of the last nine years. The Labor Party has a very clear-cut policy on this privatisation and it is this: fix Telstra, don’t sell it. That is the position of the Australian Labor Party. Fix it, don’t sell it—and it requires a deal of fixing. One of the reasons it requires a deal of fixing is the cynical mismanagement of it by the government over the last few years as it has tried to force it into a position for privatisation—forcing it to borrow from its reserves to pay dividends, forcing it to buy back shares to push up the Telstra price, forcing it to massively neglect the investment that it should have been making in its infrastructure to produce the sorts of first-class services that Australians absolutely require and need.

On 11 August Telstra executives flew to Canberra to brief the Prime Minister, his deputy, the Treasurer, the finance minister and the communications minister on a plan entitled ‘The digital compact and national broadband plan’. It was a crucial briefing for Telstra’s major shareholder, but it was a briefing denied 1.6 million other shareholders. It contained important information for the government, but information that was equally important to the other 1.6 million Australians who invested in Telstra. Surely those investors, the mums and dads who put their precious savings into it, are entitled to make their investment decisions with access to the same information that the government enjoys—crucial information including forecasts for revenue and profits, market analysis of Telstra’s commercial positions and details of Telstra’s market strategy. Why was the government treated as a favoured shareholder at the expense of every other shareholder? What we are talking about is highly sensitive information that affects the share price of Telstra.

It is only now that the document has been made public, almost a month since the Prime Minister was told that the information was leaking out. It is only now that we know that Telstra bosses told the government in a PowerPoint presentation branded ‘Private and confidential’ that:

The proposal to reduce costs for competitors using Telstra phone lines will be disastrous for Telstra. There are serious concerns about Telstra’s deteriorating financial position. Retail fundamentals are declining.

This is all in their PowerPoint presentation. The words of the Telstra executives themselves paint a grim picture of an enterprise engulfed by financial weaknesses. They say:

Many weaknesses and vulnerabilities have also been identified, some of which are serious and must be addressed in the short-term. These include, first and foremost, underlying financial weakness. This is compounded by extreme vulnerabilities in the area of regulation and a growing digital divide—

now listen to this—

not just to the divides currently discussed between rich and poor or urban and rural but the growing divide between Australia and the rest of the world.
There was an equally gloomy outlook for the future—a warning that was given to the government a month ago but withheld from everyone else:

Key indicators will head south—market share, return on investment, earnings per share and other indicators of financial performance are soft, and some are declining.

Telstra shareholders know this only too well. The share price for T2 has fallen 41 per cent since listing. With a market jittery over the all-out war between the government and the Telstra board, the share price plummeted 5.2 per cent to $4.34 yesterday, wiping another $1.4 billion off Telstra’s market value. It fell 30c—ironically, the price of a local call. That is well below the $5.25 mark used in budget calculations for a $30 billion sale. Presumably, any less than that they regard as a fire sale. At the personal level the collapse is most stark. A person who purchased 2,000 T2 shares would, even after dividends, have lost $3,580.

The confidential briefing also reveals extraordinary details about Telstra’s dividend strategy. It is revealed that the company is actually now borrowing to pay its dividends—and its position so precarious that in order to prop up dividends it is borrowing from reserves. Who is demanding those dividends? The government is demanding those dividends for its budget. The government is demanding those dividends in order to inflate the share price. That is what is going on here. It is forecast that this will rise to a staggering $2.2 billion in 2006, a totally unsustainable practice designed to prop up the share price. That is what is going on here.

Again, in its confidential briefing to the Prime Minister, Telstra laid it on the line and admitted that Telstra did not make the investments it needed to make. ‘There was underinvestment’—I am quoting here—‘in core infrastructure and capabilities.’ It called on the government—and I will just note this again—to invest an estimated $2.6 billion to benefit 1.1 million families and businesses, predominantly in rural and remote areas. You see, the other casualties here are not simply...
the mum and dad shareholders; the other casualties of the dividend policy that this government has forced on Telstra are the people who rely on Telstra to use those sorts of resources to invest in the network around the nation.

Two point six billion dollars was identified for the Howard government as necessary to invest, but under the sell-out plan that the government announced last month it would take 16 years for $2.6 billion of Connect Australia and Communications Fund money to be invested in regional and remote areas. It will be John Howard’s 82nd birthday by the time the $2.6 billion Telstra identified as the shortfall of investment in the bush is made up for by the amount of money that the government is going to set aside from the proceeds of the sale to deal with the issues in regional areas. And we now know, from Telstra’s own briefing to the government, that that money would only catch up on investment that has not happened in the last five years. Instead of future-proofing regional Australia, the government has a plan which barely makes up for nine long years of the Howard government’s neglect. The National Party and Liberal Party backbenchers have sold out their constituents. They are allowing Telstra to be sold, and the so-called package for rural and regional Australia delivers them less than they have missed out on over nine long years of the Howard government.

Even Telstra acknowledges the huge gaps in services that exist between consumers: between those in the city and those in the regions, between richer and poorer consumers and between Australians and citizens of other countries. In a nutshell, telecommunications services, from phones to access to decent broadband, are better if you are richer, better if you live in the heart of a big city and better if you live somewhere other than Australia. Look at what has happened to prices since the partial privatisation of Telstra. Line rentals have increased from $11.65 to a maximum of $30 now. The average prices paid by residential and small business consumers have increased by 1.4 per cent and 3.1 per cent respectively. In stark contrast, the average price paid by large business consumers fell by 5.6 per cent. The cost of telecommunications services in Australia is now the fifth highest in the OECD, and our broadband performance is abysmal.

Broadband prices in Australia are among the highest in the industrialised world. When it comes to the take-up of broadband services, we are years behind. There are 20 OECD nations ahead of us in their broadband uptake. I will not bore members of the House with the way in which we define ‘broadband’ in this country, but we define ‘broadband’ at a much slower speed, frankly, than the speed described as broadband by other nations, who are now way ahead of us in the competition.

Australia cannot afford to be behind in telecommunications if it wishes to be an internationally competitive country as the years go by. The simple fact of the matter is this: if Telstra is sold, those services will be frozen in aspic. In the bush, for the foreseeable future and the lives of most people in this place, whatever inadequacies there are in services now, they will experience them for decades. There will be no competitive businesses in regional Australia—none at all—when this decision is taken.

I spent a considerable amount of time in Central Queensland last week, catching up with the fact that many of the people whom I dealt with have felt themselves monumentally betrayed by their National Party members and their newly elected senators. They are deeply disappointed in them. They all had their stories. I visited Townsville, to the north. There was a very good public school growing up in Townsville—a Townsville of
young families. The principal had been trying to do the right thing, ensuring the school was well equipped with the best IT equipment available, but the school had been struggling for years to get the sort of broadband access that most of the rest of the town had. The school was unfortunate in its location—it was just out of range of the exchange. When I turned up, I am pleased to say that the principal had good news, which he extended to me. When they heard that I was visiting the place, they finally had a good call from Telstra, so I was pleased to be of service.

I visited a property barely 10 minutes outside Rockhampton. I met a couple there—a fellow who takes responsibility in his community. I visited there with our excellent member of parliament, the member for Capricornia. The fellow told me was simply this: he takes responsibility for a lot of things, including the local fire brigade. In the area where he lives, and between where he lives and Rockhampton, the road system has qualified for the black spot program. However, unfortunately it does not qualify for any black spots when it comes to dealing with the question of access to mobile telecommunications. There have been many times when people have bumped into accidents that have occurred along that road. He has had to head back to his farm and they have had to head back to theirs or head on into Rockhampton to make a landline call, because the mobiles do not work, even though they are just out of that town.

I visited Gladstone, and the Prime Minister was rather amused by my standing at that phone booth. However, the people around that phone booth have been agitating for three years, to no effect, for the phone to be put back on. In Bundaberg I sat down with four Telstra technicians, who told me that it would require $100 million of investment by Telstra or the Commonwealth government to properly deal with the problems in Bundaberg. We are talking about $100 million out of a program of a couple of hundred million a year. We want to future proof Telstra, and the way to future proof Telstra is to not sell it. This government should withdraw it from sale and insist not on its dividend but on Telstra using those resources to resume work on providing decent standards in regional and rural Australia. It ought to get off its behind and get to work. (Time expired)

Mr McGauran (Gippsland—Minister for Agriculture, Fisheries and Forestry) (3.23 pm)—The Leader of the Opposition does not need any gratuitous political advice from me. Nonetheless, I offer it in his best interests: no amount of yelling, hectoring or screaming at the dispatch box is a substitute for having a defined, clearly understood policy or position. The Leader of the Opposition suffers from the fact that none of his criticisms has a central point of credibility, neither on his past record nor on his current statements. To know this, you only have to go to his comments today on a morning TV show, which the Prime Minister touched on in question time. I also wish to extract from the transcript with regard to a different issue. morning, Mr Beazley stated this about Telstra:

The starting point is to get the structure right, to get the competition right. That’s the starting point.

Where has he been for the last few years? Does he know that now, from the cosy duopoly of Optus and Telstra which he oversaw as Minister for Transport and Communica-
tions and then Minister for Finance, we have more than 100 carriers? If you want competition, there is a big difference between two in the years of the Keating government and the 100 now.

Since the introduction of competition when we came to government, consumers have received the benefit of a more than 20 per cent decrease in real terms in the costs of their telecommunications services. That equates to $750 for each household. Australian households are $750 better off because of the competition that the government brought in. However, the Leader of the Opposition is not the only one who suffers from a poor understanding of the issues and a bad case of political opportunist’s syndrome. His communications spokesman, Senator Conroy, who carries the argument and articulates the policy on behalf of the opposition, told us this morning:

Telstra was starved of capital and had not made the necessary capital investments to keep the company profitable. That is the real problem.

Do you understand the point? I will reiterate it for members opposite:

Telstra was starved of capital ... That is the real problem.

Within 30 seconds he said:

I mean, this is a company that under the current regulations has just posted the single largest corporate profit in Australia’s history a few weeks ago—$4 billion.

So which is it? Is Telstra starved of capital, and that is why it has failed to make the infrastructure and investments, as Senator Conroy believes, or is it a rampant monopoly making huge profits? Labor want to have it both ways. They do not understand the issues; they are simply driven to argue the case. This is the same Senator Conroy who for a very long time has told us, on behalf of his colleagues, that ownership of Telstra was the critical point—that ownership of Telstra would determine its services, its pricing and its standards. Yet, after quoting it for years like a parrot in a pet shop, he told us a short while ago that the ownership structure of Telstra makes no difference one way or the other to most Australians.

That is the whole point. It is not the ownership of Telstra that will determine its capacity and its usefulness to Australians wherever they live; it is the regulatory regime under which it operates, as set by the government of the day, the government investments that are made in market failure, such as in rural areas where investment in infrastructure is uncommercial, and the level of competition—how the various communications policies, as they affect Telstra especially, promote or even hinder competition. They are the issues. As Senator Conroy well knows, it is not about the ownership. Country people are pragmatic about these things. What they want is a service at a price equivalent to the best possible extent with metropolitan Australia. The issue is not about whether it is in public or private hands.

Just now the Leader of the Opposition catalogued the failings, faults and deficiencies of Telstra. He then made an argument for maintaining the status quo. He does not want to sell Telstra, because it is doing such a terrible job. We want reform of Telstra on a number of fronts within the regulatory framework laid down by the government. However, it is not just the Labor Party’s comments of today which maintain the confusion and the total lack of credibility on this issue; it is their behaviour in the past. The Leader of the Opposition, who was Minister for Finance in the Keating government between 1993 and 1996, actually explored the privatisation of Telstra. We know that. His former Prime Minister, Paul Keating, has blown the whistle. Paul Keating had it in his head that BHP would purchase Telstra. Keating, as we know, initiated contact with
Indeed, we know that the Leader of the Opposition, as then Minister for Finance, attended a discussion—perhaps even a negotiation—with Paul Keating and John Prescott some time ago. This was not volunteered, I hasten to add, by the Leader of the Opposition but instead was dragged out of him. In the October 2001 election he was forced to admit that there was a sale meeting. The headlines of the day, 31 October 2001, tell it all: ‘Beazley admits to sale meeting’—in the Financial Review—and, in the Sydney Morning Herald of the same day, ‘Telstra sell-off talks put heat on Beazley’. The first sentence in the Sydney Morning Herald article reads as follows:

The Opposition Leader, Kim Beazley, admitted yesterday he had attended a meeting with the former prime minister, Paul Keating, in which the sale of Telstra was discussed.

In the Financial Review the article begins:

Labor Leader Mr Kim Beazley was forced to admit yesterday to attending a meeting with BHP in 1995 to discuss the sale of Telstra ...

So he was forced to admit it. We know he was forced to admit it because of Workers Online. I am not a subscriber to, or a regular viewer of, Workers Online. I do not even know if this esteemed publication is still in existence today, but it was in existence on 2 November 2001 and giving a commentary on the election events as they unfolded. Workers Online had this to say, on 2 November 2001:

It's not a good day for Beazley. Laurie Oakes hammers him for evading—that says something about the Leader of the Opposition's character—then admitting meeting BHP’s John Prescott over a Keating idea to sell Telstra in 1996. It's not just a diversion—to the campaign—but further reinforces their—

the then Chief Executive Officer of BHP, John Prescott.

That is all very interesting, particularly for aficionados of political history, but wait for it—here is the killer. This is the Leader of the Opposition’s defence as to why he was at that meeting to sell Telstra in 1995. Beazley claims he was there to listen ‘as an opponent to selling Telstra’. He went with Paul Keating to the meeting with BHP to talk them out of it! Can you imagine Paul Keating, firstly, tolerating a view contrary to his own and, secondly, saying ‘Kim, why don’t you come with me? I want you to sabotage the discussions I am going to have with BHP’? It is stretching credulity for the Leader of the Opposition to use that as justification.

I have one question for the Leader of the Opposition: did he express his opposition at that meeting? I would like him to tell us. It would be very interesting to know whether at that meeting, with Keating on one side of the table and Prescott on the other, the then Leader of the Opposition said: ‘Do you mind me saying that I am totally opposed to the sale of Telstra? Sorry you have brought me here, Prime Minister, and sorry to have wasted your time, John Prescott, but I am actually opposed to the sale of Telstra.’ Of course he did not. He went along with it, just as he went along with the privatisation of Qantas, of the Commonwealth Bank, of Australian Airlines, of the Moomba-Sydney pipeline, of the Commonwealth Serum Laboratories, of the Commonwealth uranium stockpile and of Aerospace Technologies of Australia Pty Ltd—the list goes on and on. The Leader of the Opposition, as the then aviation minister, assured the public that Qantas would not be sold. He was part of the government whose Treasurer, Ralph Willis, assured the public that the Commonwealth Bank would not be sold. So the Labor Party

CHAMBER
in government say one thing and do another. They mislead the public.

As the Prime Minister said repeatedly during question time, we have gone to the 1996, 1998, 2001 and 2004 elections with our sale policies for Telstra. We have laid it out. We have been judged by the electorate. We have undoubtedly taken political water on the issue, but we are determined to win the mandate and to hold true to our beliefs and our credibility. And here is the Leader of the Opposition seeking to lecture the government about what is needed in regard to Telstra! He privatised Qantas. He sold anything he could in government—and not to retire Commonwealth debt and thereby relieve future generations of Australians from the repayment burden but, instead, just to meet recurrent expenses, and they still ran budget deficits in the same years. It is remarkable. I give the Leader of the Opposition credit for his hide, but I do not give him credit for the credibility of his position.

The Labor Party have a shocking track record on Telstra—one of deception, deception which will come back to haunt them because the public do not believe that the Labor Party in government would do anything other than sell Telstra. The Labor Party’s polling will tell them the same as it may have told us on this side: the public do not believe that Labor would do anything other than sell it. The Prime Minister quoted the Leader of the Opposition this morning on the Today show hedging his bets about what the Labor Party would do if they came to government. Let us face it—the Labor Party say one thing but do another. This is an exact quote by Senator Conroy. Just in case he thinks I am taking him out of context, just in case he thinks I am misrepresenting him, why don’t I quote exactly what he said last month? He said:

It makes no difference to the majority of Australians one way or the other about the ownership structure. What they care about is what’s the best way to get cheaper prices and better services. Exactly—and that is what the government’s legislation will not only promote but guarantee. Who brought in the customer service guarantee? Who strengthened the universal service obligation? Who introduced by way of competition all the new carriers? It was us. We have brought in the competition. We have lowered the prices. We have a track record of not just managing the majority interest in Telstra responsibly and to the benefit of all Australians, wherever they live, but also preparing Telstra for full sale in the interests of those same Australians.

In the short time remaining to me I would like to say something about what has been claimed by those at the senior levels of Telstra and by the opposition at times in regard to the effect of regulation on the company’s prospects. The government have made it very clear on any number of occasions, and will again, that the regulatory regime is to serve the interests of consumers. It is to take into account the public interest associated with Telstra. We will shortly be introducing legislation to give effect to those regulatory plans.

One analyst said yesterday that Australia has a benign regulatory regime and that Telstra is one of the world’s most profitable incumbent telecommunication providers. On the front page of today’s Financial Review, analysts are quoted as saying that the main pressures on Telstra’s profits were coming from competition not regulation. So no-one in Telstra should be blaming the regulatory environment as it stands or as it is proposed by the government for any of their issues or difficulties. They are instead issues and difficulties of competitive pressures which Telstra, like every other telecommunications carrier, must face up to. We are going to maintain our tough consumer and regulatory safeguards, especially through the customer
service guarantee, the universal service obligation and price controls.

The Labor Party are now purporting to be interested in consumers as well as in business. The Labor Party have no clear definable policy; they send confusing and contradictory signals to the general public, their spokespersons are in conflict with their backbenchers, and they are led by a person who has no credibility on this issue of privatisation, least of all when it comes to Telstra.

Mr RIPOLL (Oxley) (3.38 pm)—You really know when the government is in trouble on a big issue, because it trots out the National Party to defend it. We saw it yesterday. It trotted out—what is this guy’s name?—the minister for—

Mr McGauran interjecting—

Mr RIPOLL—He is the minister for something. He turned up yesterday to defend Tony Abbott. We have to say that he did not do a very good job. On one of the biggest, most important, issues we have in this country today—what do they do?—they cannot even get one of their own government Liberal members to come and defend their own policies. They certainly cannot get the minister in here or the minister representing the minister.

Today is a pretty dim day; it is the day that an 800-pound gorilla called Telstra is let loose on the community—in the china shop. It is a company that is out of control—we have just learnt that today; we have heard the bad news today. The real news about the real position of Telstra has finally been revealed in question time—about its gloomy outlook, about its market outlook, about its return on investment. You do not have to be an investment guru to understand just how bad it has been this week. All you have to do is turn to the share price, logon, and look at what has been happening. That has been happening because, unlike what the government is telling us, unlike what the Liberal Party is telling us, and unlike what the National Party is telling us, the people in the community understand what is going on with Telstra. They understand about the lack of services; they understand that they are losing out; and that sentiment is being reflected in the underlying value of this very important company to Australia.

After nine long years of this Prime Minister’s long-held ambition to sell off Telstra, this week it is in its final death throes. You have seen it pass through the Liberal Party caucus room. You have seen it go through the last machinations that it needs to in order for this parliament to make that final decision. I can assure people today that there is no lifeline; there is no ‘ring a friend’; there is nothing at all. The last lifeline that existed was barnstorming Barnaby Joyce. For seven months he gave us the rhetoric that he would not sell-out on Telstra, but when he turned up in this place it took him seven days to sell out on Telstra. He became known as ‘backdown Barnaby’. Seven months and seven days—that is all it took for this guy.

The government’s decision would not be able to happen without the support of the National Party, and we all know where they stand on this issue—they stand nowhere. They will be condemned by their own constituents because they have stood up to nothing. They have just stood up and made a lot of noise. They have gone out and talked to people, saying that they would protect them and save Telstra. When it comes to the crunch, where are they? They are not here today; they were not here a year ago; and when Telstra is sold they will not be there either. This is a crash or crash-through policy from the government. It is not the sale of the century; it is the sell-out of the century. It is a really bad joke on ordinary Australians who expect a lot more from this government.
Today you heard government members and the Prime Minister talking about how this government has gone with this policy to elections. That may be the case, but it is certainly not supported by the community. Polls everywhere will show that around 70 per cent of all Australians are opposed to the further sale of Telstra. They are opposed to it because they understand what will happen to them: they will be the big losers. They are the ones who are going to lose out on services. In my state of Queensland more than 70 per cent are opposed to the further sale of Telstra—Senator Barnaby Joyce has spoken on this and he knows it very well—and in country, rural and regional areas it is closer to 90 per cent. The majority of people are opposed simply because they know it means the end of the services they expect.

If the government are trying to tell us in this House today that they cannot control Telstra—they cannot deliver the services; they cannot do it through regulation; they cannot do it through a 51 per cent majority share ownership in the company—then tell me how is selling it off going to achieve it? How is selling it off and diminishing your own stake in this company—from the major shareholder to a nil shareholder—going to make it easier? How is that going to control this company and this board?

The Prime Minister says that we can fix all this. The buy-off was to set aside just $1.1 billion over four years—a mere $250 million a year—for more broadband rollout. We have already heard the Leader of the Opposition talk about this. When we talk about broadband in Australia it is not like we are talking about real broadband like the rest of the world; we are talking about the Australian standard broadband, which is at the minimum end—the smallest available end.

There is going to be some sort of trust fund? Because you cannot trust the people administering it. The National Party will be the custodians of this fund. It is going to be all fine and well for them to spend $2 billion feathering their own nests in their own electorates, but what about my electorate of Oxley? What about the electorate of Lilley? Do you think any of that money is going to come to the constituents—the older people living in our communities or the small business people who deserve services and broadband? Do you think any of that money is going to see the daylight in our electorates? I can guarantee you that we will not see one red cent of this so-called $2 billion trust—and there ain’t a lot of trust in what is going to be done with it.

People know there is nothing in this plan, in the sale of Telstra, except for ideology. It is going to do nothing for people in the suburbs. We hear about Telstra and the bush every day, but I want to talk about the suburbs as well. People living in the regions and the cities are missing out as well. Small businesses are missing out. They cannot get phone lines connected or repaired on time and they lose money. The big losers in the sale of Telstra are ordinary people—the battlers that this government talked about in 1996 and has well and truly forgotten.

I was going to talk a whole heap about Senator Barnaby Joyce. I was going to give him a bit of a touch up. But there is not much point in my doing that now. He has been touched up enough by his own side. What do you reckon? I reckon he has been done over a doozy by his own side. As I said earlier, seven days was all it took for his own side to beat the living daylights out of this guy—beat him into submission. Sure, it did cost them a bit of money. As I have said before in this place, the interests of country people were betrayed by the sell-out by Senator Barnaby Joyce on this issue, and they have been betrayed on the cheap. No matter what he
got, it ain’t enough. It ain’t enough because we heard it all today—about the underinvestment, about what Telstra has really been up to. It has been a dirty deal and it has been done dirt cheap.

What people want is real investment. They want Telstra, the board of Telstra and this government to put some money back into the community. We know about it today. A month ago a report about what has really been happening was delivered to government. Telstra has been siphoning off money. It has been pilfering its own accounts and dividends. It has been making sure that it keeps service levels down. It has basically been preparing itself to be cashed up as much as it can to look attractive in a sale—because of the ailing share price. This government has been complicit in that act. It has been complicit in denying ordinary people services. It has been complicit in ensuring that there is no maintenance of the infrastructure.

What this shows about this government—and what it has shown over the last few months and even years—is why the government will not give a guarantee. Repeatedly, the Labor Party has asked the Prime Minister, the minister and the government, ‘Why don’t you give the people of Australia a guarantee about services, about service levels and about the things that are essential?’ They will not do it, and they will not do it for a very good reason: they simply cannot. They cannot provide a guarantee at all, because there is none. If Telstra cannot deliver the services today, how does anybody believe or expect that they can deliver services into the future?

While this government has been squabbling—while the Nationals and the Liberal Party have been squabbling—over the price of sale and how many bits of silver it will get, mobile phone lines have been dropping out all over the country. You do not have to travel too far out of the cities or suburbs. You can come to my electorate any time you like. One of my fastest growing suburbs is Springfield. As soon as you get five minutes into the suburb, your mobile phone line drops out because they just have not put in any receivers up there. We have been saying for some time that there is a way to deal with this, and it is quite simple. Do not sell Telstra; just fix it. Just fix this company, and we can actually get on and provide those essential services that people expect.

This government has the numbers, so let us not be fooled about the process here. The government has the numbers in the House of Representatives and it has control of the Senate. It will go through with the sale. You will hear some murmurings. There are a number of coalition MPs who are uneasy about this sale because they understand the damage it is going to do in their electorates.

No matter what this government does, do not be under any illusion about what the final outcome will be. It will be the sale of Telstra. And once it has gone, it has gone forever. Once it is out there in the glass shop and it is operating on its own, who is going to regulate it and control it? We have already seen the scrap of a fight with the executives of Telstra telling the public—and, through the public, directly telling government—that they will not be further regulated. In fact, they think they should be less regulated. They are telling this government exactly how they believe Telstra should be run.

I want to finish with a couple of perspectives to draw all this debate into line. Firstly, around 70 per cent of all Australians do not want Telstra sold. That is understood by everybody. Telstra services are not up to scratch. Nobody can deny that. Telstra’s new management wants less regulation to force it to provide services to places like the bush and
the regions. The sale of Telstra is a bad idea. *(Time expired)*

Mr KEENAN (Stirling) (3.48 pm)—This debate on the matter of public importance on Telstra is a very good example of why the Labor Party is still not fit to govern this country, something that the majority of the Australian people fully understand. Instead of reasoned argument, we get populism from the Leader of the Opposition and the member for Oxley. Instead of good public policy, we get simple prescriptions that deny the complexity of this issue.

The fact is that the continued health of telecommunications services in Australia has absolutely nothing to do with Telstra remaining in this hybrid model of half government ownership and half private ownership. No Labor member of parliament has actually explained why the government’s sale of the rest of Telstra somehow contributes to the deterioration of phone services in the country. Indeed, the exact opposite is true. Keeping a half-pregnant Telstra—half government owned and half privately owned—would be a dead weight around the neck of Australia’s telecommunications industry, and it would ensure that Australians do not get adequate services now and into the future.

It is not ownership of the largest telecommunications company in this country that ensures Australians’ access to excellent telecommunications; it is the regulatory framework and the customer service obligations that the government establishes that allow diversity within the market and guarantee that Australians continue to get excellent services. I am a bit surprised to be saying this, but the shadow communications spokesman said it best when he stated this on radio on 16 August:

*It makes no difference to the majority of Australians one way or the other about the ownership structure. What they care about is what’s the best way to get cheaper prices and better services.*

This pretty much hits the nail on the head. The ownership of Telstra is completely separate from the issue of adequate service provision. To pretend that they are somehow inseparable is completely misleading.

The logic of Labor’s argument here today is that somehow telecommunications services in Australia have been going backwards since the privatisation of Telstra began. But is anyone seriously asserting this? The reality is that services have been vastly improved—and they continue to be. When the current Leader of the Opposition was in government he presided over an entity called Telecom Australia—wholly owned by the government and wholly held in contempt by the Australian people for the poor service that it provided. Today Labor is seriously arguing that Australians were better off when it took up to two years to connect a telephone. Is Labor seriously arguing that Australians were better off when it shut down the analog phone network, leaving rural Australia without adequate mobile coverage?

Today, under the half-privatised Telstra, it takes a maximum of 20 days to get your phone connected in remote areas. That is a maximum of 20 days as opposed to the period of up to two years that it took to get your phone connected under Telecom Australia. Yet the Labor Party is coming into this chamber to pretend that 100 per cent government ownership was part of the glory days of telecommunications service provision. The Australian people are not going to buy that. The reality is that the current Leader of the Opposition does not buy that either.

When he was the finance minister, Mr Beazley was an avid believer in the benefits of privatisation to fund his government’s spending habits. Whilst he was minister he
presided over the sale of the Commonwealth Serum Laboratories, the Moomba-Sydney pipeline system, the Commonwealth uranium stockpile, Aerospace Technologies of Australia and the federal government’s remaining stake in Qantas and the Commonwealth Bank. When Labor sold these assets they did not do it with the plan to increase competition and efficiency or strengthen the Australian economy but as a means to fill a budget black hole.

But this is not the ultimate hypocrisy of the Leader of the Opposition. For that we need to look at his actions when he was minister for finance during the privatisation of Telstra. When he was finance minister he attended a meeting with BHP to discuss the sale of Telstra. His department, the finance department, consulted with investment banks and prepared a strategy paper for the five-stage sale of Telstra. I think this is probably the most galling part of the charade today. We all know on this side of the House, and the Labor Party knows, that the opposition leader understands the benefits of privatisation—he understands it because he had some preliminary work done on selling privatisation when he was finance minister—but when the opportunity arises for him to show a bit of policy responsibility and support the government in what he knows is a sensible policy he takes the path of least resistance. He sniffs the breeze and yet again wanders haplessly down the road of political opportunism.

The opposition leader knows full well that keeping half of Telstra in government hands does nothing to improve telecommunications services in Australia. What will guarantee telecommunications services is effective rules and regulations that ensure that every Australian has access to world-class telecommunications and the provision of money to provide those services when it is not viable for the private sector to do so. That is why, as part of the package around the sale of Telstra, we have allocated a further $1.1 billion for the Connect Australia program and we have allocated $2 billion for a communications fund for the future. That is a massive investment that will ensure that regional Australia will never be left behind.

This spending comes on top of already massive allocations of funding to remedy the problem of telecommunications that we inherited from Labor. Since 1997 actual expenditure on telecommunications and commitments by the Australian government have exceeded $4 billion. Of this the government has already invested more than $1 billion directly in telecommunications services for rural and regional Australia. This targeted funding investment has supported the provision of important telecommunications infrastructure and services. The new targeted funding package, which comes on top of everything that is already being done, is a key element of the government’s strategy to future proof telecommunications services for every Australian. It is the biggest regional telecommunications assistance program in Australia’s history.

This funding is not all that we are doing. We are also providing important consumer safeguards. Telecommunications companies are already required by law to meet service guarantees. Every Australian has a right to telecommunications services, and these are protected by laws overseen by the Australian Communications and Media Authority. An example of the guarantees under these safeguards is that reasonable access be given to a standard telephone service and payphones regardless of where you live. If Telstra cannot repair or connect your phone in a specific time frame it must offer you an interim service until it can connect those services. Likewise, Telstra has an obligation to provide reasonable access to payphones and to install and maintain these payphones in a timely manner. These are examples of what
is contained within the customer service guarantee, which sets out the time frames for the services. If a phone company does not meet these time frames, consumers may be entitled to financial compensation.

The customer service guarantee applies to all phone companies, and they must guarantee time frames for all consumers. This is one of the things that has been missing in the debate today. You would think from listening to Labor that somehow Telstra was the whole of the telecommunications industry, when of course it is not. There are over 100 players providing telecommunications services in Australia. For the government to control half of the largest company in a market that it regulates is obviously a massive conflict of interest, and one that Labor does not seem to have any answers for. I can cite an example from my own electorate. There are still areas within Stirling that do not have adequate broadband coverage, but that market niche is being filled by a company called iwireless, which provides wireless broadband connections in areas where Telstra does not.

A combination of massive spending on infrastructure and adequate consumer safeguards is going to ensure that all Australians continue to have access to world-class telecommunications regardless of who owns part of the largest telecommunications company in the country. It is clearly ridiculous to assert that the full sale of Telstra will somehow result in the deterioration of services. Labor really needs to end this silly propaganda and allow the government to do what it promised to do in four elections and divest itself of the rest of Australia’s largest telecommunications company. (Time expired)

Mr WINDSOR (New England) (3.58 pm)—I have a little feeling of deja vu, Mr Deputy Speaker Causley. It is good to see you in the chair once again, for a number of reasons—partly because you are the only member of the National Party who has deemed it fit to participate in this section of the debate. I think that says something, possibly about you but also about the National Party.

The previous speaker, the member for Stirling, gave a good speech. He gave a good speech for why we should retain some form of government ownership in Telstra. He outlined a number of initiatives that Telstra Country Wide and Telstra generally have undertaken, which have shown some progress. I would not deny that, I would encourage the focus to change. Even though there has been a strategy of underinvestment in relation to Telstra in recent years, I think there have been some positive gains with the government’s 51 per cent ownership of Telstra. That can only improve if the focus moves away from share price retention to investment in infrastructure and services.

The government can play a valuable role in relation to that; the government is the majority shareholder at the moment. The government and the public receive $2.2 billion annually. In recent weeks we have heard it lauded that $100 million spent annually is a sufficient sum. When you look at the numbers in relation to Telstra, you see that since 1997 there has been an influx of money—$57 billion—into public coffers. On the admission of the minister, up until recently spending on infrastructure has been $1 billion. That is about 1.7 per cent of the take being reinvested. People were surprised when the three amigos recently came out and expressed some degree of concern about the strategies that had been employed by the previous CEO and others. It does not surprise me at all. It says that the focus has been on the share price. The policy of the government—the custodians of the people—has been to focus on sale, not on service. That does not mean that, if the focus changes,
they cannot be successful with a partly govern- ment-owned operation.

The other thing that has to be said once again—it has been said by many people on many occasions—is that when you look overseas, as everybody does to see what is happening, the majority of countries do have some form of public ownership of their tel- cos. Most developed countries do. Most of the successful countries in terms of broad- band, countries that have far better services than us—admittedly, smaller nations with larger populations—have a degree of public ownership of their telcos. So it is nonsense to suggest that government ownership in a tele- communications company makes it a less viable company in terms of service to the community.

It also brings into sharp focus the reason for government. If everything is going to be taken over by management companies, what is the point of government? If we are going to move down the track of removing the influence that government has over the services and the equity of access to various services for the community—irrespective of where people live—put it all into the bottom line and hopefully devise some regulations that will supposedly deliver equity into the future, it will be a fairly sorry state for the nation. The community at large want their government to represent their views, particularly in relation to the services that are going to be required for this century. Telecommunications infrastructure is the highway of this century. At a time when the Prime Minister and others have repeatedly talked about investing in infrastructure, it is almost absurd that we are suggesting the sale of the most important piece of infrastructure for this century.

I would like to spend a brief moment going through a survey that was done by the New South Wales Farmers Association in relation to their membership. The survey was done across a number of electorates, and I will run through a few. Take, for instance, the electorate of Gwydir. The member for Gwy- dir has been an ardent proponent of the sale of Telstra. Eighty-one per cent of his elector- ate are opposed to the sale. There are a num- ber of factors in relation to that. In the elec- torate of the member for Cowper, who spoke last week but is not here now of course, 91 per cent oppose the sale. I compliment the Liberal member for Hume for his resolve on this particular issue; 90 per cent of the elec- torate of Hume oppose the sale. In the elec- torate of the member for Riverina, who has had some real concerns about this issue and hopefully will express those if time permits, 85 per cent oppose the sale of Telstra. In the electorate of the member for Farrer, who took umbrage at something I said last week, 82 per cent do not want Telstra sold. In your own seat of Page, Mr Deputy Speaker Causley, 81 per cent suggest that Telstra should not be sold. In the Leader of the Na- tional Party’s seat of Lyne, 85 per cent sug- gest that Telstra should not be sold.

The honourable member for Calare is a man who, in my view, is responsible for a success story in relation to Telstra: the formation of Telstra Country Wide. I am not one of those who knock Telstra Country Wide. In fact, this survey of the New South Wales Farmers Association demonstrates that the electorate of New England has the best fix-it ratios of any electorate in New South Wales. I am proud of that and I compliment the Telstra Country Wide people and their staff. They do their best. They are under- funded and they could do better. They could have done a lot better if the strategy had been more focused on service than on infrastruc- ture. That is the future that we are dealing with in this particular initiative and piece of legislation coming into the parliament. I congratulate the member for Calare for his
constant insistence in the late nineties on service provision. The formation of Telstra Country Wide is something that he can be proud of. Hopefully, we can all be proud of it into the future if this bill can be defeated.

I implore the members of the Senate, particularly the National Party senators, to recognise that it is a dreadful deal. That includes Senator Barnaby Joyce, who I happen to believe does not genuinely support the sale. The conviction was obvious in his face a fortnight ago when he talked about saying no to the sale and now you can see a rather forlorn and shattered figure trying to demonstrate verbally that he has carved out a good deal. It is a dreadful deal. That deal is $30 a year for country Australians for four years: $1.1 billion, which was going to be put in place for immediate rectification works, now spread over four years in that part of the deal. The other $100 million, which will be interest out of the Future Fund, is $25 million a year less than the Minister for Communications, Information Technology and the Arts has been talking about in terms of the last eight years. The surveys that I have alluded to demonstrate quite clearly that people do not want Telstra sold. I make a personal plea, and a plea on behalf of the people of country Australia and Australia generally, to the senators—because I think most of the members down here have made up their minds—that this is not a good deal. It should not be done. Think about that young person who made a small noise in the chamber a moment ago. Think about their future. Think about what you are doing and vote no to the sale of Telstra.

Mr ANDREN (Calare) (4.08 pm)—I commend the member for New England for his comments in this matter of public importance on the sale of Telstra. This is probably the last chapter to be written in Australia on the philosophy of the proponents of the rationalist argument, as they would have it, that there should not be the ‘dead hand of government’ on the lever of the economy, that we have to get government out of the running of anything to do with any corporate activity, and so on. I think the Australian people, contrary to that theory and philosophy, still believe in the benign hand of government to be there to provide those services that otherwise would not be provided. That, indeed, is what will be the result of any full privatisation of Telstra.

The best argument of the Prime Minister, it seemed, during question time was that Labor privatised the Commonwealth Bank of Australia and Qantas and therefore, in some way, that justifies flogging off the rest of our silverware. The public do not trust Labor, but they certainly do not trust this government when it comes to the privatisation of their single most important asset. Despite people in many of our major regional towns receiving adequate services, they still are adamant that they want nothing to do with this privatisation regime. They trust not the Labor Party or the government but their instinct, because they know that the promises that are being made about future proofing are absolute nonsense. They know that the Labor spokesman, Senator Conroy, gave it away when he said that the public do not care who owns Telstra, and we had the minister a moment ago saying, ‘Exactly.’ They are both wrong.

The public cares very deeply who owns Telstra, and they have said it loudly and clearly. Seventy per cent of people—up by about five per cent on a Newspoll survey several years back—across the country are saying no to the further privatisation of Telstra, and 90 per cent consistently of people in rural electorates, where the members have taken the trouble to survey their constituency, are saying no. It does not mean that people are not included who believe that their current level of service is adequate, be-
cause they know that it was only the pressure on this government and the setting up of inquiries such as Besley and Estens that led to any recommendations and any improvements. Indeed, it was pressure that was brought to bear—largely by my office and those councils, individuals, CWAs and organisations who cared—that brought about the establishment of Telstra Country Wide.

The people who came to man those offices were shattered by the extent to which the network had deteriorated. They had to spend years putting together that intellectual property and retracing, remapping, the network. The old Telecom workers had largely disappeared. Roger Bamber sat before me and told me that they were not aware of the extent of the network that they were supposed to be promoting to be somehow, within a short space of years, up to scratch, whatever that term means. I will tell you what ‘up to scratch’ means. The network is like an old tea towel. It has some strong bits, mainly around the edges and in the areas where there is a profit to be made; it is very thin and worn out in parts; and it has big holes in other parts. It is all joined together. There is no super highway out there such as that we talked about a decade ago. It is a very rough and potholed track in many parts.

The Prime Minister says Sol Trujillo should talk up Telstra’s share value. Is the Stock Exchange interested in that sort of manipulation of the price? I think we have seen the new management of Telstra telling it like it is. They know they do not want to be saddled with the universal service obligation. They know that their competitors are prepared to contribute but a pitance to the money required for that. They know that the Productivity Commission did a study several years ago that showed that about $600 million each and every three years for the foreseeable future was needed to upgrade the network. They know that the mobile phone switch-off from analog was brought about by a deal done by the former Labor government—and the public know this well too—when a promise was made that those other players would deliver a service to 90 per cent of the market, with Keating saying, ‘Okay, that’ll do us.’ It was a great con trick because 90 per cent of the market is but 15 per cent of the geography of this country. And therein lies the basic problem in Australia, of all countries, because there is no developed country in the world that I would argue has the same tyranny of distance and the same thin spread of population that Australia has west of the sandstone curtain.

We have a good market model, and a competitive one, in those eastern seaboard areas called, I think, ‘the Golden Banana’. That model delivers competitive services there, where, as someone said, the 100 telecommunications companies can cherry pick the eyes out of the profitable bits. But that does not happen out in the thinly populated areas, and you do not have to get too far from Bathurst to find the thinness. The other day I was told that making a subdivision in Orange that is 15 years old ADSL-enabled will take in the order of half a million dollars.

We have heard other stories of the amount of money that will be required to bring the system up to anything like an adequate standard. We have experts of the calibre of Paul Budde, who has written in a paper: Ever since I instigated my ‘Broadband Campaign’ in 1999 I have maintained that government support would be necessary to broadband Australia, and that it would be unreasonable to expect Telstra to pay for the upgrading of economically unviable sections of the infrastructure in regional areas.

Of course it would be unreasonable. Mr Budde went on: Since then it has become clear elsewhere around the world that as much as one-third of the net-
work that needs to be upgraded for broadband in developed countries will require some form of government subsidy. In Australia, we have estimated these costs to be around $5 billion.

So there is another figure. The Page report talked of it costing $7 billion to link country businesses, homes and all but the most remote 15 per cent, which presumably would get a subsidised satellite service. Telstra put a figure of $30 billion on it. And what have we got? We have a $2 billion fund that Mark Vaile, the Deputy Prime Minister, threw out. He plucked it out of thin air. That became the measuring stick, in the same way that the nebulous term ‘up to scratch’ that Senator Boswell came up with on a Sunday program four or five years ago became the index. What sort of index is that? It is meaningless, and the public out there know it is meaningless. Mr Budde went on to say:

A more problematic—and a more costly—issue will arise for Telstra when it seeks to address the recommendations requiring it to sort out its pair gain problem and its expensive ISDN charges. Competition was mentioned as the great panacea. Again, Mr Budde quoted Estens, who:

.... stresses the need for competition, but this is exactly what the current regime has failed to deliver. There is now less competition than in 1997, when the new Telecommunications Act was introduced.

Need I go on? The public in my neck of the woods are adamant that there is no way they will accept this, and the National Party are going to suffer. (Time expired)

Mr KATTER (Kennedy) (4.18 pm)—When I first went into parliament, my father talked to me. My father was a member of parliament, my grand-daddy had been in politics and my great-grand-daddy had been heavily involved in politics, so we had many generations of accumulated wisdom in my family. The electorate of Kennedy has belonged to the Labor Party for its entire history with the exception of the time it has been in my own family. My father took a seat which was pretty close to being a 70 per cent Labor seat when he left the Labor Party and became the DLP, which collapsed and became the Country Party. I said to my father, ‘What if I feel strongly about something?’ and he said, ‘If you take a position, you must be prepared to carry it through.’ I deeply regret that Senator Joyce, who is only a young man here, does not have a father who could give him that advice. Senator Joyce took a position and then resiled from that position and rolled over. But my father said, ‘You do not take a position and then roll over. That is not a situation which is available to you in politics, and you will pay a terrible price for that.’

I did not come into this issue with a strong opinion. The member for Dawson made a statement during an election campaign two or three elections ago that she would never vote for the sale of Telstra. The media contacted me and I felt that, out of loyalty to her, I had no alternative but to support her. And I thought I was opposed to the sale of Telstra. If you saw my statements then, they were very low-level statements, really just about keeping faith with the member for Dawson. But, as time has gone on, the more closely I have looked at this issue, the more strongly I am opposed to the sale of Telstra. With each passing day my own opposition to this becomes stronger. It was with very deep regret, sadness and despondency that I learnt that Senator Joyce had sold out on this issue.

Mr Deputy Speaker, if you want to know what will happen to us in rural Australia, I never believe in going back a year or two; I just try to think of last week. There was a headline in the Courier-Mail last week or the week before last: ‘Telstra off line as sale ratified’. The front page of the Cairns Post was screaming it as well because they were among the tens of thousands of people in...
North Queensland who lost their telephone lines and, arguably, all of their income for two days of their operations. That headline said: ‘Telstra off line as sale ratified’. What happens? No longer does the government shoulder the responsibility placed upon it by the people of Australia in a referendum. It is one of the heads of power in the Australian Constitution, but this week we see the government resiling from that responsibility.

In this case, the Optus cable was cut north of Gladstone and Optus had no rerouting arrangements, which are very expensive. Telstra had rerouting arrangements, so their customers were able to get continuous service, but Optus did not. The reason for that is it is very expensive. They are not in the business of being Santa Claus; they are in the business of providing a service at a profit. When there is no profit they ain’t going to provide the service, and there was no profit in the rerouting. They lost income for 30 hours but that is not going to break Optus and that would not have justified the cost of paying Telstra or whoever it is that they could have rerouted through.

We do not have to go further back than the front page of newspapers throughout Queensland a fortnight ago saying to us that tens of thousands of people had lost their telephone service. Do you think that situation will improve when Telstra has been privatised completely? It is never too late.

Mr Windsor—It’s never too late.

Mr KATTER—Yes, that is right. It is not over until the fat lady has sung. When the total privatisation of Telstra occurs, the technicians will be withdrawn from these areas. Of the bigger towns in my electorate, every second one has technicians. They may be withdrawn into Townsville, although I suspect it will probably be Brisbane, and all the service and maintenance et cetera will be done by contractors.

When the government tries to enforce service and maintenance, Telstra will say, ‘We don’t handle this any more; contractors handle it.’ That will be some little operation of five or six people—and what are you going to do: force them to carry out those operations or sue them? I do not know about other people in this place, but I have been fraught continuously with situations where a customer says, ‘I’m not getting a phone service; it drops out and plays up on me,’ and Telstra says, ‘No, there’s no problem.’ Whom will the arbiter listen to? The organisation with all its experts, Telstra, or poor Mrs Mary Murgatroyd in Julia Creek? It takes a millionth of a second to answer that question.

In the very short time allowed here, I will dwell upon the politics of the situation for the National Party. When we were trying to head off the deregulation of the sugar industry, I asked one of the leaders of the National Party in Queensland—I will not embarrass him by mentioning his name—‘Why did you get annihilated in the election before last?’ In that election the National Party lost some 20 to 25 seats. He answered, ‘Because the federal government took away the guns.’ There was another issue in that election, but I cannot recall it. On the eve of the state election, the federal government had acted on those two fronts and the National Party was annihilated. I said, ‘All right, what happened last election?’ He replied: ‘We got caught with the 2c a litre and the BAS statement. They were federal government issues, and we got creamed.’ That is what was indicated by the exit polls that were carried out in both those cases—they were being punished for the sins of their federal colleagues.
I point out to the National Party state members in Queensland that the sale of Telstra will be going through right on the eve of the Queensland state elections. If you are so dumb that you let them get away with it once, that is bad. If you are so dumb that you let them get away with it twice, that is worse. But, if you are so dumb that you allow them to do it to you three times, you really do not have enough brains to be running the state of Queensland. I do not think anyone would question that.

Joh Bjelke-Petersen, the famous Leader of the National Party in Queensland, had a famous saying: if you do not stand for anything, then you will fall for everything. That is profoundly true. What does the party stand for? Is there a single principle that you can espouse in this place that they have stood for? In sharp contrast—from studying the history of Queensland in my three months of convalescence—two of four separate history books say that Doug Anthony brought the McMahon government down and the others say that he threatened to bring it down; that was over the value of the Australian dollar. Clearly, the history of Australia reads that Doug Anthony was prepared to sacrifice the government to look after the people he represented. Clearly, that is the record. We now have a party that is sacrificing its constituents—the people it is supposed to represent—to protect the government, which is just the opposite.

Let me turn, in the short time I have left, to the $3,000 million. Of that, $2,000 million is a trust fund. I will put my head on the chopping block and predict that the next technological changes that come through will be financed out of that $2,000 million and that money will be gone. Even if that does not happen, that is only $100 million a year, when Telstra spends $16,000 million a year in providing services in Australia—and a very large percentage of those services are provided outside the city because it can do so more cheaply there. So we are talking of having $100 million to do the job that is being done at present by $15,000 million.

What about the other $1,000 million? Telstra Country Wide says that it is spending $250 million a year in extending services to country areas that are marginal—it is playing Santa Claus—so every four years we are getting $1,000 million anyway. In any event, does anyone believe that a government will enforce any of these service deliveries against a monster like Telstra? There will be terrific pressure on the government to water down these things as time goes on. To quote Allan Fels of the ACCC, ‘We cannot enforce those laws against a company as big as Woolworths.’

The DEPUTY SPEAKER (Mr Jenkins)—The discussion has concluded, at least for today.

COMMITTEES
Selection Committee
Report

Mr CAUSLEY (Page) (4.29 pm)—I present the report of the Selection Committee relating to the consideration of committee and delegation reports and private members’ business on Monday, 12 September 2005. The report will be printed in today’s Hansard and the items accorded priority for debate will be published in the Notice Paper for the next sitting.

The report read as follows—

Report relating to the consideration of committee and delegation reports and private Members’ business on Monday, 12 September 2005

Pursuant to standing order 222, the Selection Committee has determined the order of precedence and times to be allotted for consideration of committee and delegation reports and private Members’ business on Monday, 12 September 2005. The order of precedence and the allotments
of time determined by the Committee are as follows:

**COMMITTEE AND DELEGATION REPORTS**

**Presentation and statements**

1. **Joint Standing Committee on Foreign Affairs, Defence and Trade**

Australia’s human rights dialogue process

The Committee determined that statements on the report may be made — all statements to conclude by 12:40 p.m.

**Speech time limits** —
Each Member — 5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]

2. **Standing Committee on Environment and Heritage**

Sustainable cities

The Committee determined that statements on the report may be made — all statements to conclude by 12:50 p.m.

**Speech time limits** —
Each Member — 5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]

3. **Joint Standing Committee on Treaties**


The Committee determined that statements on the report may be made — all statements to conclude by 1:00 p.m.

**Speech time limits** —
Each Member — 5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]

4. **Parliamentary Joint Committee on ASIO, ASIS and DSD**

Review of the Intelligence Services Legislation Amendment Bill 2005

The Committee determined that statements on the report may be made — all statements to conclude by 1:10 p.m.

**Speech time limits** —
Each Member — 5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]

5. **Standing Committee on Economics, Finance and Public Administration**

Review of the Reserve Bank of Australia annual report 2004 (2nd report)

The Committee determined that statements on the report may be made — all statements to conclude by 1:20 p.m.

**Speech time limits** —
Each Member — 5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]

**PRIVATE MEMBERS’ BUSINESS**

Order of precedence

**Notices**

1. **Mr K. J. Thomson** to present a bill for an act to regulate government advertising, and for related purposes. (Government Advertising (Prohibiting use of taxpayers’ money on party political advertising) Bill 2005) (Notice given 16 August 2005.)

Presenter may speak for a period not exceeding 5 minutes — pursuant to standing order 41.


Presenter may speak for a period not exceeding 5 minutes — pursuant to standing order 41.

3. **Mr Baird** to move:

That this Baird:
(1) notes the historic and turbulent background of the state of Bangladesh and its cultural and religious diversity;

(2) calls on the government of Bangladesh to adhere to the terms of the 1997 peace agreement which calls for the:
   (a) demilitarisation of the Chittagong Hill Tracts (CHT);
   (b) formation of a land commission to settle disputes;
   (c) rehabilitation of international refugees and internally displaced people;
   (d) establishment of a separate ministry for the CHT with an indigenous MP as its Minister; and
   (e) formation of a police force up to the level of sub-inspector drawn from among the indigenous population; and

(3) calls on the Bangladeshi government to address the concerned region in a more compassionate and democratic way and also to recognise the autonomy of the Jumma people. (Notice given 16 August 2005.)

Time allotted — remaining private Members' business time prior to 1.45 p.m.

Speech time limits —
Mover of motion — 5 minutes.
First Opposition Member speaking — 5 minutes.
Other Members — 5 minutes each.
[Minimum number of proposed Members speaking = 3 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

4 Mr Martin Ferguson to move:

That this House:

(1) expresses its concern at the prosecution by the Howard Government of Melbourne Herald-Sun journalists Harvey and McManus for exposing the Government’s intention to adopt only five of the sixty-five changes recommended in the Clarke review of veteran’s entitlements, including the Government’s intention not to overhaul the Totally and Partially Incapacitated Pension Scheme, and

(2) further, the House reaffirms the right of the journalists as provided for by their code of ethics to not reveal their sources and congratulates the journalists for doing the veterans a favour by revealing the Howard Government’s intention to largely ignore the recommendations of the Clarke review of veteran’s entitlements and in doing so, not deliver $500 million in extra pensions to veterans and war widows. (Notice given 5 September 2005.)

Time allotted — 30 minutes.

Speech time limits —
Mover of motion — 5 minutes.
First Government Member speaking — 5 minutes.
Other Members — 5 minutes each.
[Minimum number of proposed Members speaking = 6 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

5 Mrs May to move:

That this House:

(1) recognises:
   (a) that poverty and hunger remain the most important challenges facing the international community;
   (b) that there are 2.2 billion children in the world and over 1 billion of these children (out of a world population of 6.4 billion) are severely malnourished;
   (c) that impoverished children often grow up to be impoverished parents who in turn bring up their own children in poverty and that in order to break the generational cycle of poverty, poverty reduction must start with children;
   (d) the contribution the Australian Government agency AusAID makes to reducing poverty in developing countries and the real funding increase of over 11 percent that AusAID received in this year’s Federal Budget over last year’s Budget figure; and
   (e) the work done by UNICEF on behalf of children of the world;
calls on the Australian Government to:

(a) continue on with its outstanding overseas aid program; and
(b) continue to focus on the essential building blocks for progress towards the Millennium Development Goals; and

(3) on a bipartisan level, supports the work being done by UNICEF. (Notice given 24 May 2005.)

Time allotted — remaining private Members’ business time.

Speech time limits —
Mover of motion — 5 minutes.
First Opposition Member speaking — 5 minutes.
Other Members — 5 minutes each.

[Minimum number of proposed Members speaking = 6 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

PROTECTION OF THE SEA (SHIPPING LEVY) AMENDMENT BILL 2005
POSTAL INDUSTRY OMBUDSMAN BILL 2005

Referred to Main Committee

Mr BARTLETT (Macquarie) (4.29 pm)—by leave—I move:

That the bills be referred to the Main Committee for further consideration.

Question agreed to.

MAIN COMMITTEE

Legal and Constitutional Affairs Committee

Reference

Mr BARTLETT (Macquarie) (4.29 pm)—by leave—I move:

That the following order of the day, committee and delegation reports, be referred to the Main Committee for debate: Legal and Constitutional Affairs—Standing Committee—Report on the exposure draft of the Family Law Amendment (Shared Parental Responsibility) Bill 2005—

Motion to take note of document: Resumption of debate.

Question agreed to.

COMMITTEES

Electoral Matters Committee

Employment, Workplace Relations and Workforce Participation Committee

Migration Committee

Membership

The DEPUTY SPEAKER (Mr Jenkins)—Mr Speaker has received advice from the Chief Opposition Whip nominating members to be members of certain committees.

Mr LLOYD (Robertson—Minister for Local Government, Territories and Roads) (4.30 pm)—by leave—I move:

That:

(1) Mr Melham be discharged from the Joint Standing Committee on Electoral Matters and that, in his place, Mr Griffin be appointed a member of the committee;
(2) Ms A. L. Ellis be discharged from the Standing Committee on Employment, Workplace Relations and Workforce Participation and that, in her place, Mr Price be appointed a member of the committee; and
(3) Mr Price be discharged from the Joint Standing Committee on Migration and that, in his place, Mr A. S. Burke be appointed a member of the committee.

Question agreed to.

DEFENCE LEGISLATION AMENDMENT BILL (No. 1) 2005

First Reading

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

Ordered that the second reading be made an order of the day for the next sitting.
WORKPLACE RELATIONS AMENDMENT (BETTER BARGAINING) BILL 2005
Second Reading

Debate resumed from 9 March, on motion by Mr Andrews:

That this bill be now read a second time.

Mr STEPHEN SMITH (Perth) (4.32 pm)—Labor opposes the Workplace Relations Amendment (Better Bargaining) Bill 2005. The bill further undermines and restricts the capacity of employees to choose to bargain collectively. A key aim of the bill is to restrict the capacity of employees to take protected industrial action.

The key provisions of the bill are that the bill extends the capacity of the Australian Industrial Relations Commission, AIRC, to suspend a bargaining period where one or both parties to a collective bargaining process are taking so-called protracted industrial action. Under the act, where a bargaining period is suspended and industrial action occurs or continues, injunctions and damages may be sought because, without a bargaining period in place, industrial action is unprotected. The bill does not affect or limit all forms of industrial action in the same even-handed way—for example, employer initiated lockouts under AWA negotiations are unaffected. The bill allows a third party to apply to the Australian Industrial Relations Commission to have a bargaining period suspended. The bill limits the capacity to take protected industrial action to single employers and not multiple employers. The bill denies access to protected action during the life of a certified agreement, including over matters not contemplated in the certified agreement. This overrides the full bench of the Federal Court’s Emwest decision, which found that protected action may be taken about issues not included in a current certified agreement. Finally, the bill strengthens provisions outlawing pattern bargaining, contrary to the spirit of the decision by Mr Justice Munro in the so-called metals case. These further restrictions are proposed by the government in the face of repeated observations of the International Labour Organisation’s committee of experts that Australian law currently does not meet the requirements of conventions 87 and 98 in respect of collective bargaining and freedom of association, particularly as they relate to the right to strike.

The background to this bill is as follows. The bill was introduced into the House on 9 March 2005. The substance of this bill was originally introduced into the House on 6 November 2003 as the Workplace Relations Amendment (Better Bargaining) Bill 2003. That bill lapsed with the prorogation of the previous parliament, the 40th Parliament. The Workplace Relations Amendment (Better Bargaining) Bill 2005, as introduced, is identical to the 2003 bill, other than the deletion of schedule 3 of the 2003 bill, which dealt with ‘claims pertaining to the employment relationship’, an issue subsequently dealt with in the Workplace Relations Amendment (Agreement Validation) Act 2004. The 2003 bill was considered by the Senate Employment, Workplace Relations and Education Legislation Committee as part of an inquiry into the Workplace Relations Amendment (Award Simplification) Bill 2002, the Workplace Relations Amendment (Better Bargaining) Bill 2003, the Workplace Relations Amendment (Choice in Award Coverage) Bill 2004 and the Workplace Relations Amendment (Simplifying Agreement-making) Bill 2004. The Senate committee reported on 17 June 2004, and I will refer to the contents of that report subsequently.

There are five proposed schedules to the bill and I will deal with each in turn. Schedule 1 deals with industrial action and lockouts before the expiry of an agreement. This
The bill goes further than merely remedying the Emwest decision, as it prohibits all industrial action, irrespective of its purpose, until the nominal date of expiry of an agreement or a section 170MX award has passed. The full Federal Court noted in the Emwest case that allowing for the option of negotiating any outstanding matters during the life of an agreement encouraged flexibility in the bargaining process. The decision stated:

In the end however, in our opinion, the preferable view is that which permits and encourages flexibility in the bargaining process. Comprehensive agreements may be desirable in some and perhaps most circumstances. But there may be cases when it will be in the interests of good workplace relations to conclude an agreement on some issues and leave less pressing issues for a subsequent agreement. If any certified agreement, however narrow its terms, has the effect that industrial action is prohibited generally in respect of the employment relationship to which it applies the result will be effectively to discourage resort to a possible option for the partial resolution of complex industrial negotiations.

It is of course possible that parties to an agreement may seek to abuse s170MN by confecting some issue not explicitly covered by a certified agreement and using that as a basis for constructing an entitlement to protected action. It may be that in such a case the court would construe the agreement as intended to cover the field of terms and conditions defining the employment relationship in question. Indeed the parties may, as Kenny J pointed out, make that intention explicit by the inclusion of a provision that the agreement is intended to be exhaustive of the terms and conditions of the relevant employment relationship.

This bill is yet another example of the Howard-Costello government, despite its use of ‘choice’ as a mantra in this public policy area, demonstrating that it does not actually support real choice in industrial relations.

The second schedule of the bill relates to the suspension of a bargaining period. This schedule proposes to amend section 170MWB of the act to provide the commis-
sion with the discretion to suspend a bargain-
ing period to allow for a cooling-off period on application by a negotiating party and adds a new section 170MWC to enable the suspension of a bargaining period where in-
dustrial action is causing significant harm to a third party on application by the minister or the third party.

The proposal for suspension of bargaining
periods or ‘cooling-off’ periods has come
before the parliament in various guises in
various bills in 1999, 2000, 2002 and 2003
and has failed to gain parliamentary support
on each of those previous occasions. There
may be some superficial attractiveness in the
notion of a cooling-off period to industrial
disputes. The relevant provisions in this bill,
however, are at best deficient.

The government purports that it does no
more than give discretion to the commission.
However, the reality is that the bill, if en-
acted, will further restrict the taking of in-
dustrial action in the context of a legislative
regime which already falls well short of ac-
cepted international standards. The Interna-
tional Labour Organisation’s Committee of
Experts has repeatedly observed that Aus-
tralian law does not meet the requirements of
conventions 87 and 98. This bill weakens
access to protected industrial action and
takes Australian law even further away from
complying with these accepted international
standards.

The effect of these proposed amendments
is for bargaining periods to be able to be sus-
pended, even where the party taking the ac-
tion has complied with the law. The commis-
sion currently has the power to suspend the
bargaining period where a party has not tried
to or is not genuinely trying to reach an
agreement. To provide for suspension of bar-
gaining periods to ‘cool off’ in the manner
that the bill suggests is simply to remove any
employee’s bargaining strength while leaving
the employer free to continue to refuse to
negotiate in good faith or negotiate at all.

The proposed addition of section
170MWC to enable the commission to sus-
pend a bargaining period if industrial action
is threatening to cause significant harm to a
third party is very significant. Most industrial
action could be argued to potentially impact
negatively upon third parties. Section
170MW of the Workplace Relations Act
1996 allows for a bargaining period to be
suspended or terminated. However, when a
bargaining period is suspended, the rights
of employees are protected by providing access
to arbitration.

The proposal to allow any person claiming
to be affected by protected industrial action
to apply to the commission for suspension of
the bargaining period encourages unneces-
sary or even meddlesome third-party in-
volvement in industrial disputes while not
actually doing anything effective to resolve
an actual dispute. The bill has the effect that
the factors required to be considered by the
commission are entirely directed to any po-
tential effect on third parties at the expense
of the ability of the employees involved to
pursue their claims through collective bar-
gaining. The bill also precludes the capacity
for employees to seek industry-wide solu-
tions in bargaining outcomes. There are
clearly occasions where industry-wide solu-
tions may in fact be the best economic or
social option for all concerned. This was ac-
knowledged by the Productivity Commission
in its Review of automotive assistance, in
which the commission stated:

The workers entitlement issue highlights a gen-
eral principle that should underpin the resolution
of workplace issues in this and other industries—
namely, that one size does not fit all. While many
workforce issues are most effectively resolved at
the enterprise level, some are best addressed at
either an industry-wide or even national level.
The Commission considers that the workers entitlements issue is one in this latter category.

Schedule 3 of the bill relates to protected action and related corporations. This schedule of the bill seeks to prevent two or more employer corporations who are treated as a single employer for the purposes of agreement making from being treated as a single employer for the purpose of taking protected action. Again, the ILO has repeatedly criticized the inability of parties to take lawful industrial action in support of multiemployer agreements. This proposed amendment again exacerbates current limitations on the parties’ ability to bargain in the manner chosen by them.

The fourth schedule of the bill relates to protected action and the involvement of non-protected persons. Item 1 of this schedule repeals and replaces section 170MM. The proposed new section 170MM specifies that protected industrial action can only be taken by parties to whom the proposed agreement will apply—that is, a union, employer or employee who is a negotiating party to an agreement, or a member of a union negotiating party whose employment will be subject to the proposed agreement. Or, to put it more simply, this provision is about outlawing so-called pattern bargaining.

Section 170MW of the act requires that, before taking any protected industrial action, the party taking the action has genuinely tried to reach agreement before organising or taking that action. If, for example, a union was found not to have genuinely tried to reach agreement before organising or taking industrial action, an employer under the current act could apply to the commission to suspend or terminate the bargaining period. Suspension or termination of the bargaining period would make any further industrial action unprotected and subject to the penalties under the act.

The fact that bargaining and the taking of protected action is coordinated or organised across more than one employer does not necessarily mean that there is a lack of preparedness to genuinely negotiate different outcomes with each employer. If it were the case, the party taking such action could be taken not to have genuinely tried to reach agreement before organising or taking the industrial action, and would thus risk suspension or termination of the bargaining period.

The government is of the view that common claims and negotiations across a range of employers as a matter of course ignore the needs of individual enterprises and their employees. This is not necessarily correct. The issue of pattern bargaining was extensively dealt with by Justice Munro in the so-called metals case—the Australian Industry Group v The Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union decision of October 2000. In this case a number of bargaining periods were terminated on the grounds that the relevant union did not genuinely try to reach an agreement with the other negotiating parties before organising or taking industrial action and was not genuinely trying to reach an agreement at the time of taking action.

In coming to its decision, the commission made a number of findings, including: (1) the commission has the authority to terminate a bargaining period, at paragraph 32 of the decision; (2) the party must be genuinely trying to reach agreement with the opposing party to whom the industrial action or bargaining period is specific, at paragraph 43; (3) a party which is trying to secure agreement with all negotiating parties in an industry—all or none—is not genuinely trying to reach agreement with any individual negotiating party, at paragraph 44; and (4) advancement of common claims in a way that does not allow individual negotiating parties the opportunity to concede or to modify by
agreement does not meet the test of genuinely trying to reach agreement, at paragraph 49.

Justice Munro also made it clear that common claims and outcomes do have a place in the industrial relations system, are not outside the scheme of the act and may be pursued by employers as well as unions. He said:

... some of the more loudly voiced and caustic criticisms of “pattern bargaining”, as practised by unions, are muted or tolerant of corporate practices intended to achieve similar uniformities of negotiating outcome across different workplaces.

The clear conclusion to be drawn from this decision is that the commission has the power to exercise its discretion in relation to whether or not a particular set of facts and circumstances in a particular case meets the test of genuinely trying to reach an agreement. This bill and its provisions have the effect of fettering the use of that discretion. As Justice Munro put it:

The meaning of the words of paragraphs 170MW(2)(a) and (b) is clear for the reasons I have stated. It is the application of that meaning to the facts of particular cases that may be complex. For reasons that relate to the character of different sets of employer negotiating parties, it is undesirable in my view to elevate construction of these provisions into a policy dogma that compels a lopsided application of the associated powers. The overall object of the Act to providing a framework for co-operative workplace relations which supports fair and effective agreement making should not be taken out of play.

That is found at paragraph 51 of the decisions.

Employees who choose to organise and act collectively, usually through a union, often do so not just in relation to issues that affect their own workplace. Employees more often than not come together in unions because of concerns they have in common as employees in particular industries and as participants in the work force as a whole. It is often difficult, if not impossible, for employees to seek to improve conditions unless that is sought to be achieved across an industry, the wider work force or even the community. This does not mean that unwanted conditions can be imposed on individual employers and their employees against their wishes or without genuine individual agreement. The act requires that, for an agreement to be made, an employer must agree and those employees covered by the proposed agreement must vote in its favour. Many of the major workplace gains in the last 20 years, for example—including maternity and parental leave, superannuation, redundancy pay, training and skill recognition and family leave—started with industry-wide campaigns which resulted in enterprise based agreements which later were adopted by the commission, in whole or in part, for the award system.

The current inability of employees to engage in multiemployer or industry-wide industrial action has already been found by the ILO to be unacceptable. This amendment worsens the already existing position. Campaigning around common issues is integral to union functioning. To remove that ability would be to make it unacceptably difficult for unions to carry out their most basic role. Although industrial action does not invariably or even commonly accompany bargaining, without the capacity to take such reasonable action the process is unacceptably weighted towards the employer and against the employee.

The fifth schedule of the proposed act relates to pattern bargaining. This schedule is a recent addition to the bill by way of recently circulated government amendments—circulated, I must say, without notice or fanfare, so they may well take interested parties by surprise. The key aspects of these circulated government amendments to the bill as
The amendments do not help the already objectionable provisions of the bill as introduced. For example, 'pattern bargaining' in this amendment is so poorly defined as to be potentially unworkable in practice, and it provides two exception clauses to further confuse this definitional issue. Common claims and similar outcomes are normal components of bargaining engaged in by employers as well as unions. Industry-wide bargaining is not necessarily a barrier to employment or productivity. Indeed, the government actually supports pattern bargaining when effected as an Australian Workplace Agreement. The web site of the Office of Employment Advocate goes so far as to provide a template agreement for all small businesses.

The amendments to the bill are aimed at eliminating the capacity for common claims and similar outcomes when pursued as part of certified agreement making. This again shows the bias of the government towards individual agreement making, because common claims and template agreements, as part of the Australian Workplace Agreement stream of agreement making, will be unaffected by these provisions.

Internationally, the ability to bargain on a multi-employer or industry-wide level is available in every developed nation and is integral to the ILO's core labour standards. The government's amendments as circulated also seek to further fetter the commission's discretion by requiring that the commission must suspend or terminate a bargaining period—thus making any industrial action unprotected—if a party is engaged in pattern bargaining.

The clause in the amendment that enables injunctions against industrial action to be sought through the courts if pattern bargaining is engaged in has the effect of bypassing the commission in these instances, thus further weakening the role the commission can play in resolving workplace disputes. The provisions would allow the court to issue injunctions before the commission had had the opportunity to determine whether pattern bargaining had taken place.

The enhanced provisions for suspension of bargaining periods in the bill further shift bargaining power to the employer while doing nothing to deal with the underlying issues of the dispute other than to increase pressure for a settlement on the employer's terms—and on the employer's terms alone. Rather than increasing the ability of the Industrial Relations Commission to deal with those underlying issues, the stated purpose of these suspensions is to reduce the likelihood of the commission using its already very limited discretion to terminate a bargaining period and to arbitrate in defined circumstances. The narrowly legalistic strategy of this bill is directed at increasing the range of industrial action which can be the subject of various penalties rather than at genuine dispute settlement and resolution.

The minister's second reading speech specified health, community services and education as sectors where third parties, such as clients not directly involved in a dispute, should be able to apply to the commission for suspension of a bargaining period. This suggests that nurses and others caring for vulnerable people would take irresponsible
industrial action without leaving arrangements in place to ensure that the health and safety of their clients and patients were not at risk. Nurses, teachers and other similar professionals do not take industrial action lightly. On the occasions that they take action, it is invariably done in the long-term interests of their patients and students. Issues like nurse-patient and student-teacher ratios are as much about decent service standards as they are about working conditions for the employees involved. It is a historical fact that industrial action has been responsible for the establishment of some key standards in these areas, without which health, education and community services would be inferior to current operations.

To give exclusive rights to third parties who seek to oppose industrial action but none to those in the community who support the efforts to improve standards or services is of itself a double standard. It also ignores the fact that the minister is already free to apply to the commission to suspend or terminate a bargaining period in circumstances where health and safety is at risk. In most cases the commission will terminate rather than suspend the bargaining period because it recognises that simply stopping the action does not resolve the dispute whereas termination allows the commission to arbitrate the issues in question and ensure an outcome that is fair to all parties. The ILO’s Freedom of Association Commission has consistently held that it is acceptable to restrict or even prohibit strikes in essential services but only if arbitration is available as an alternative mechanism.

I stated earlier that the Workplace Relations Amendment (Better Bargaining) Bill 2003, the bill on which these provisions are based, was considered by the Senate Employment, Workplace Relations and Education Legislation Committee. The Senate committee reported on 17 June 2004. The committee’s majority report concurred with the views of the Australian Industry Group on the significance of the Federal Court’s Emwest decision. It said:

AiG identified three areas of risk arising from the Emwest decision, especially for industries in the manufacturing and construction sectors. First, a union might take protected action during the life of an agreement over claims which were not the subject of enterprise bargaining between the parties. Second, a union might take protected action during the life of an agreement over new claims which were not pursued during enterprise bargaining. Third, a dispute might arise in the workplace during the life of an agreement over an issue which was not dealt with during the enterprise negotiations and a union might organise protected industrial action to further its position in that dispute.

Labor senators, on the other hand, argued in the minority report that the bill would increase the bargaining power of employers during wage negotiations. They said:

Labor senators believe that this is one of the most regressive workplace relations bills introduced in the parliament under the banner of market deregulation, since the first wave of industrial legislation in 1996. Contrary to Government rhetoric about how this bill will benefit workplaces by ensuring that enterprise bargaining processes are fair and user friendly, Labor senators maintain the bill will restrict the right of workers to take industrial action in the event of a true disagreement with their employers.

Labor senators also reported the ACTU’s view that the bill would introduce fetters on the bargaining process:

The effect of this [bill] would be that such agreements would prevent any industrial action occurring in relation to any issue throughout the life of an agreement, even where postponement of bargaining on that issue had been contemplated by the parties prior to the making of the agreement. In this way the [bill] would act as an unnecessary fetter on the parties’ freedom to bargain and to negotiate site-specific arrangements for particular types of projects.
This bill is regressive and unhelpful. The main purpose of the bill is to restrict the capacity of employees to collectively bargain and to take industrial action. It does nothing to assist in quick, efficient and fair resolution of disputes.

The additional proposed restrictions to protected industrial action are being put forward by the government in spite of repeated observations of the International Labour Organisation’s Committee of Experts that Australian law, at present, does not meet international standards. In particular, the bill impinges upon conventions 87 and 98 in respect of collective bargaining and freedom of association, particularly as it concerns the right to strike. Australia is the only OECD country that does not have an absolute right to collective bargaining.

The government consistently states that it is in favour of freedom of choice, particularly in the area of industrial relations. This bill gives the lie to this claim by further undermining and restricting the capacity of employees to choose to bargain collectively. Instead this bill empowers parties uninvolved in the employment relationship to be able to effectively stop legitimate industrial activity, whether it is actually ‘harming’ a third party or not. The bill regulates and restricts choice in agreement making as it outlaws the choice to make an agreement on an industry-wide basis. Through this legislation, the government effectively chooses for employers and employees, and the government has decided that pattern bargaining, or industry-wide bargaining, is not ever able to be in the employers’ and employees’ best interests. This is irrespective of the views of the individual parties themselves. This bill precludes the employers and employees from making the choice about what form of negotiation and agreement best suits them in the workplace.

Industrial action does not commonly accompany bargaining, but without the ability to take action the process is unacceptably weighted towards the employer. The current inability of employees to engage in multiemployer or industry-wide industrial action has been found by the ILO to be unacceptable. This bill as introduced and the circulated amendments to it worsen the already existing Australian law. The bill’s enhanced provisions for suspending bargaining periods simply shift bargaining power to the employer and, other than increasing pressure for a settlement on the employer’s terms, the bill does nothing to deal with the underlying issues of a dispute. Indeed, the bill reduces the likelihood of the commission being able to use its already limited discretion in determining whether to terminate a bargaining period and arbitrate an outcome. The bill seeks to further tilt an already tilted playing field further away from employees and to further restrict and regulate the choices available to employers and employees. Labor opposes the bill.

Mr TUCKEY (O’Connor) (5.01 pm)—I inform the House that, in the interests of expediting the Workplace Relations Amendment (Better Bargaining) Bill 2005, I might speak for only 10 minutes. The opposition members might like to know of that situation. I have listened to the member for Perth, who no doubt believes the things he has been saying, calling the bill ‘highly aggressive’ as a result of a decision apparently taken by Labor senators some time previously when this legislation was presented to the parliament. I am quite interested in that suggestion, given that I note from my written advice that the bill will allow the Australian Industrial Relations Commission to take certain action. That is a common remark throughout my briefing notes. In other words, the legislation does not oblige the industrial commission to take certain steps in
certain circumstances but it does clarify that the commission is given the opportunity to do so in circumstances which I would believe were entirely proper and very Australian.

The other point I want to make concerns another remark by the member for Perth. It is never the case in this place that legislation of this nature is described as it is—a convenience or an attack, as you might say, on trade union bureaucrats. It is always portrayed as some sort of attack on employees that is denying them their rights. Half the time, if not all the time, the employees are somewhat confused that their rights are being undermined. From my long experience as an employer, I know it is seldom that many of the issues that seem to get workers stirred up come from their own intellectual decisions. They come from shop stewards or other persons entering the workplace to encourage them to be dissatisfied in their employment and to ask for more. Unfortunately, ‘more’ was just more money or in fact reduced working hours with a consequent loss in productivity, that was a recipe in both cases for inflation. And who was hurt most by that? Whoever had to do the shopping or make the purchases for the family of the employee involved. The debate that consistently occurs here that the improved purchasing power of workers’ wages has been very significant under the Howard government and miniscule under the Court government is all about the fact that industrial action or other agreements between the government and, to their convenience, the Australian Council of Trade Unions was increasing cash wages but doing nothing to improve the purchasing power of workers. That is what they expect their wages to deliver, and this was clarified the other day by Treasury in pointing out just how well off many middle-income and even low-income workers are under this government.

So what are the provisions of this bill? What is so aggressive about them? What is so terrible about them? The first component is that if an agreement is made it will be retained. When people go out and sign a lease with a shopping centre owner or agree to buy a car or enter into some agreement that they might lease something to someone else or make a sale, there is an expectation from both parties that, for whatever length of time that agreement stands, both parties will remain committed to it. But all of a sudden we are being told in this place by the member for Perth that that is somehow grossly unfair and, furthermore, that that would prevent negotiations between the employer and the employee during that period. That is not what I read into the bill. It prevents industrial action—in other words, strikes or other similar antiproductive measures—if and when people are having that bit of a chat. There is nothing I can see in that legislation that says that, if both parties can come to some agreement, within the agreement or as an addition to the agreement, and if it is done with all the right principles and does not include industrial action, it cannot not be achieved. The fundamental principle of the Australian psyche is that if you make an agreement you stick to it, and we have just heard an argument from the member for Perth that that is somehow aggressive and unfair.

I come to cooling-off periods. I think of Mount Isa and such places years ago. I remember living in the north-west and the cars coming down and people saying, ‘Oh, we’re going to have a strike. It will last six weeks. We may as well all pack up and go to Perth.’ They would come down to my hotel in Carnarvon and stay the night and move on because there was a strike. What is more, I used to smile a bit in those days because frequently they would get an extra $10 a week but they had lost about $5,000 in wages in the interim—they would go back but it
would take them years to catch up. But the reality is that, if the commission, on the application of one party or the other, could see that a cooling-off period might get the parties back together and, more importantly, get the job working again and so ruled, that would be a positive measure. Again, it is a measure to allow the commission to take that step; it does not necessarily oblige it to do so. It is a matter for its judgment.

Suspension by third parties is surely an issue that should have been addressed decades ago. Our car industry is under all sorts of continuing pressures in a global economy. When you have a just-in-time inventory, if the supplier of mag wheels or some other component of the motor car is on strike and that part does not turn up, you have got a serious problem when the non-striking workers, particularly at the assembly plant, are all stood down to the great detriment of the competitiveness of the vehicles they assemble. When that happens, why shouldn’t that company or those employees have a right to go to the commission and, as would be the case, seek a suspension of the bargaining period? In other words, it would become illegal to be on strike. Why isn’t that a reasonable proposition? It is reasonable. It is not aggressive; it is just fair.

We cannot have those sorts of things because what worries the employers is that, little by little, customers will say: ‘You’ve been disruptive to the supply chain. I’m sorry, but a Thai firm’—or Mexicans or someone—‘makes the same product and will deliver on time.’ Who wins from that? We are always going to have to sustain our standard of living, and we can only achieve that by being smarter and quicker than our competitors around the world where the wage structures are lower but frequently the productivity is of the same order. It is a commonsense move that the commission should be allowed to order a suspension of the bargaining period simply to ensure that other parties—and, as my advice reminds me, they might be people in a hospital—are not seriously hurt.

Then there is pattern bargaining. This parliament, whether the Labor Party liked it or not, passed legislation a long time ago to say that the new form of industrial relations would be workplace to workplace. In fact, pattern bargaining had not been practised at that time and awards were of an industry nature. What a soft job it was for a trade union bureaucrat. You went in once a year and got your award adjusted in some way, you did not have to talk to anyone and we employers all got letters in the mail telling us what the new deal was. This was a bit remarkable, but the reality is it was a soft touch. You did not have to ask your workers what they wanted and listen to them saying: ‘Sorry, but I don’t think what you’re talking about for the industry is good for our workplace. We’ve got special circumstances where we work. We don’t particularly want you to deliver that arrangement for us because we know that our boss, whom we drink with in the pub of a Friday night, is under pressure. He is the last person in the line to get paid’—everybody else gets paid: not only the workforce but also the council, the creditors and everybody else gets something before the boss does—‘and we are happy. We don’t particularly want your help on this issue.’ The trade union says, ‘No, you’ll be part of a pattern bargaining arrangement,’ and too bad that your boss closes down because you do not fit that pattern. Of course, the award structure was even worse than that. I could spend the next 10 minutes describing it, but I will not because I have already indicated that I want to complete these words and let the next speaker have their turn.

The legislation as it stands today was never intended to accommodate pattern bar-
gaining. This legislation confirms that fact, and I am pleased to say I am sure it will pass the Senate. Of course, all of this clarifies that two or more employers cannot be treated as a single employer—and that follows the remarks I have made. This bill is essentially the same as the bill introduced in 2003. It does not, however, include previous amendments concerning protected action for claims not related to the employment relationship, as this issue was addressed by the passage of the government’s Workplace Relations Amendment (Agreement Validation) Bill 2004. This bill recognises that the government reforms thus far have brought benefits to the Australian economy—more jobs, better wages, higher productivity, increased competitiveness and fewer strikes. This bill will facilitate bargaining between parties in dispute and ensure that the resulting positive impact on the Australian economy is maintained.

Mr BRENDAN O’CONNOR (Gorton) (5.14 pm)—I want to make some comments on the Workplace Relations Amendment (Better Bargaining) Bill 2005 and, in fact, disagree with some of the comments made by the member for O’Connor. I do not think it is the case that this bill would only prevent industrial action. Indeed, if it were allowed to pass and if it were enacted, it would end industrial bargaining at the workplace level for matters that are not contained in registered agreements. The misrepresentation of the member for O’Connor was that he said that you should not be able to undo things already done. You cannot, he contends, undo matters that have been agreed. I accept that, and I think all members on this side of the House agree that once a certified agreement is enacted those matters contained therein should be honoured until the nominal expiry date of that instrument. That is a view that is held by this side of the House. Where the member for O’Connor has got it grossly wrong in not understanding the bill is that the bill itself would prevent the right of employees to collectively bargain for matters not contained in any registered agreement made pursuant to the Workplace Relations Act 1996.

This is the second form in which we find this bill. In fact, I contributed to a debate in this place on 16 February 2004 when the Workplace Relations Amendment (Better Bargaining) Bill 2003 was debated. This bill and that one are certainly similar. The original bill arose from a determination by the government to legislate to deny the decision made by the Federal Court of Australia in the case of Emwest Products Pty Ltd v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union—a case in which effectively the company argued that employees would have no right to bargain for matters that are ultra vires of a particular instrument or outside the jurisdiction of the matters contained within a current enterprise agreement. The court found that indeed there was a right. Section 170MN of the Workplace Relations Act—the legislation that was supported by this government and introduced in its first term—was found to allow parties to bargain for matters that were not contained in the existing agreement. Justice Kenny, who made such a decision, said with respect to section 170MN:

Assuming the policy behind s170MN is to encourage parties to adhere to the bargain they have struck, then the policy would not, in my view, be defeated by permitting the parties to negotiate effectively in respect of matters that were not the subject of a relevant certified agreement. The policy is sufficiently protected if s170MN(1) is construed as prohibiting parties to a certified agreement from resorting to industrial action to undo the matters they have agreed upon in the certified agreement, if its nominal expiry date has not passed.

That was the view of the justice in the Federal Court who believed it was entirely the
right of employees to bargain for matters that had not been subject to an agreement with their employer. The fact was that the government, of course, was not happy with the judicial decision made by the Federal Court in relation to its own view, its interpretation of the Commonwealth’s act—the Howard government’s own Workplace Relations Act—and therefore has sought to prevail and to legislate to deny the ruling of the Federal Court in this matter. It is another example where we see the government here not wanting to accept a decision by a judicial court in relation to its interpretation of a particular provision in the area of industrial relations.

What we have had here is a number of employers upset that a court would say, ‘Of course you can bargain on matters that you do not have agreement on.’ Of course employees and, indeed, employers should be able to bargain on matters that are unresolved and not agreed to between the parties. It would be nonsensical to suggest otherwise. Imagine if an agreement was certified that did not have redundancy provisions in it and upon certification it was found that the company was indeed in dire straits and could go under—a tragic situation for everyone involved. It would be understandable that, if there were threats to work and to jobs, the employees and their organisation would want to have decent redundancy, redeployment or retraining provisions, or a whole package of those three dimensions, inserted into a registered agreement.

This government believes that an employee, or an organisation on behalf of employees, should not be able to say to an employer, ‘Look, we have no agreement, we have no provisions that deal with certain areas of employment matters, so we would like to bargain with you to reach agreement on those matters that are absent from current registered agreements.’ If this government is suggesting that should be denied—that is, the right to bargain and as a consequence the right to have protected action, that is, for the employer or the employees involved—then I think the government has again really shown its bias towards not wanting genuine bargaining at the workplace level.

Whatever arguments we have—and there are degrees to which we might support the contention that there should be enterprise bargaining—it was the Labor Party that introduced or devolved the central wage-fixing system to a point where there could be bargaining at the workplace level. When John Howard was Treasurer and Malcolm Fraser was Prime Minister there was no effort—certainly there were no outcomes in this place—to enable employers and employees to fundamentally make decisions at the workplace level. A Labor government introduced that capacity and this government has continued that. But there is a fundamental difference in the way in which the Labor Party approach enterprise bargaining. We do not believe it is fair or reasonable that employees have their hands tied behind their backs when negotiating. We believe that to prevent disputes, in the event of a failed negotiation, there should always be an independent arbiter who can reconcile differences that cannot be reconciled between the parties. History would show that it is a rare thing that agreements cannot be reached between parties, but we say, as the last resort, there should be an independent umpire who can determine the matter, not only to reconcile the differences but to prevent unnecessary disputation.

On this side of the House, we also believe that employees should have rights to bargain. There is no point using the mantra of enterprise bargaining if in doing so you suggest you cannot bargain for matters that are not agreed between the parties. If you look at the logical extension of the consequences of this bill, if enacted, it would say: the government
supports enterprise bargaining but does not allow for parties to bargain for matters that are not agreed and found within current industrial instruments. So the government has indeed taken some bad advice from employers and has turned on its head the more balanced and wise reasoning of the judge in the case of Emwest Products Pty Ltd v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union that was determined in 2002. Instead it has paid lip-service to the notion of enterprise bargaining. It is another example of where the government wishes to regulate or restrict the capacity of organised labour to do their job when it suits them, but when it suits the government to deregulate then it will allow employers to do so by removing current entitlements.

I listened carefully to the member for O’Connor talk about pattern bargaining. The mother of all pattern bargaining must be the government’s intention to unilaterally remove conditions of employment out of instruments. Diminishing award matters by edict is not bargaining, but it is certainly universal in its application. It is removing the rights of certain workers, unilaterally taking conditions out of awards without any discussion, reason or proper process in place between parties. That is what this Commonwealth government is choosing to do, which will adversely affect workers in many workplaces. I do not really need a lecture from the member for O’Connor in relation to pattern bargaining because we know what this government is about when it comes to pattern bargaining.

In almost every bill that enters this place, whether it is about education, TAFE colleges or even roads, increasingly there is an IR dimension where there is a form of blackmail. Parties are being imposed on to do what the government wishes or to face the consequences. We see, for example, the government saying that if the states want funding in particular areas, they have to toe the government line on certain matters. We see TAFE colleges being threatened with the withdrawal of funding if they do not offer AWAs over certified agreements. The government’s own act says the parties have every right to enter an AWA or a certified agreement. They have those options. But now we have a government out of touch with the community, drunk on its own power, suggesting that parties must choose one instrument over another and that they will not be funded if they do not toe the government line in relation to employment matters. Increasingly, in almost every policy area you want to consider, we are witnessing the government choosing to use the Commonwealth’s revenue and its potential expenditure to prevent parties from reaching agreements rather than the Commonwealth choosing for the parties the path they must take in employment matters. So we do not really need a lecture from government members on pattern bargaining.

As the member for Perth said, there are times when pattern bargaining—that is, considering matters at an industry level or a multi-workplace level—can be useful. Indeed companies find it far easier in relation to certain matters to negotiate above and beyond the workplace. We have to allow some latitude for parties to consider these matters. The other thing that has not been said by government members to date in relation to this bill is that it not only prevents parties negotiating on matters where they have no agreement but also seeks to prevent parties taking industrial action where there may be a case that a third party would be affected. Now there are certain provisions at the state and federal level that would prevent the adverse impact upon emergency services of this country. As the member for Perth said earlier, there is also a thing called commonsense.
If anyone wants to suggest that the nurses of this country, for example, would place their patients at risk in order to pursue an industrial claim, they should think again. There could be no more noble profession than people working in the health industry caring for people, and certainly that is true in nursing. To suggest that nurses historically have deliberately placed their own patients at risk, or would do so in the future, is a non-sense. There is no evidence to suggest that. I accept that there have been significant disputes in the industry. I can think of a very large one that occurred in Melbourne in 1986. Disputes like that are regrettable because you would much prefer to see agreement reached without any disputation at all, but there are times when things do happen. When it comes to professions like nursing and teaching, it is also important to note that when they take industrial action—sparingly—they do not do it for themselves. There may be some gain for themselves, but you find most often that these professionals are seeking to do a number of things to improve the lot of the industry in which they work.

I assure members opposite—and if they were to properly consider these matters they would know this is true—that, in fact, when nurses last made claims that I can recall, their first priority in the negotiation they had at an industry wide level was to ensure that the ratios between nurses and patients were improved. They were concerned that patients were not getting proper care. They did not put their hands up for a massive wage hike. They were not looking at their own conditions first and foremost, although their working conditions would be of concern to them, as they are to all employees. In the industrial action that was last taken by the nurses union and their members in Victoria—and in New South Wales also, I think I am right in saying—their foremost concern was to improve the ratio so there could be more health professionals in hospitals to look after those in need of professional care. We have to be very careful when we suggest that we need legislation to prevent any industrial action that may affect third parties when, in fact, there is no evidence to suggest that industrial action has led to people being placed unnecessarily in danger. It is an insult to the profession of nursing and other professions to suggest otherwise.

I ask the government to consider what is really behind this bill. If this bill were saying you must be able to improve upon a condition of employment currently contained within a certified agreement, I would accept that that is not the right way to go. Once you reach agreement you should honour that agreement until the nominal expiry date has elapsed. However, in relation to matters that are new and different from those contained in settlements between parties, there has to be a capacity to bargain. There is no point saying that you want to bargain at the workplace level if we deny the right to bargain for matters that have yet to be resolved. This bill is an arrogant attempt to prevail over common law—to turn a decent decision made by the Federal Court of Australia on its head—and to deny the rights of ordinary working people in this country. (Time expired)

Mr McARTHUR (Corangamite) (5.34 pm)—I have listened very carefully to the member for Gorton and I am not convinced by his argument. Whilst I think he understands the background of the Workplace Relations Amendment (Better Bargaining) Bill 2005, he is really saying that when an agreement has been reached it is quite in order for both parties then to renegotiate the agreement halfway through—that is what I am hearing him say. I am also hearing him say that he is very in favour of enterprise bargaining. I am delighted to hear the member for Gorton saying that—that the ALP and
Prime Minister Keating started it and he is very supportive of that approach. I am encouraged by that and I will be interested to see what he says in the coming months about enterprise bargaining. I notice he has a new definition of pattern bargaining—the new O’Connor definition. Again, we will be interested to see how he reflects on those matters when the major industrial debate comes forward.

I am delighted to contribute to this debate. The Howard government has been committed to the introduction of reforms to our workplace system, as all members are aware, to free up the Australian economy and empower employees and employers across Australia to reach agreements beneficial to both parties. That is our fundamental tenet, and I am quite confident that the member for Gorton might agree with that as well. This legislation entails a number of measures which have previously been introduced by the government but have failed to pass through the parliament. You would be aware of that, Mr Deputy Speaker, because the Senate and the Labor Party, after a lot of discussion, decided to reject this legislation when it was proposed on an earlier occasion.

The Howard government has proposed a number of reforms to the industrial relations system to strengthen our economy, encourage business investment and encourage employment opportunities for unemployed Australians and Australians seeking more work. The government has a strong record on workplace reforms. The reforms that were introduced in 1996 and over the years since have delivered a 28-year low unemployment rate of five per cent. The unemployment rate at the moment is the equal lowest since November 1976. That is a reflection of the industrial relations reforms.

The measures proposed in this bill are important reforms to the Workplace Relations Act. The principal position is that employees and employers should have the ability to negotiate workplace conditions and reach agreement and then for each party to have confidence that their agreement will be adhered to and not interfered with. I reject the arguments of the member for Gorton, the member for Perth and other members opposite, who say that having reached an agreement we can then have another go at the agreement, which has been negotiated under a no-strike position.

Strike action, as all members would be aware, is an acceptable and legitimate activity during the bargaining period. The Federal Court introduced some ambiguity as to whether a strike outside the bargaining period was legal, and this legislation seeks to clarify the position consistent with the 1996 legislation. There are two particular cases which are of concern. One is the Emwest case, which the member for Gorton and member for Perth have mentioned. The Emwest case provides for strikes on new matters during the life of an agreement. The other is the Electrolux case, which a number of us have referred to on previous occasions. It was about non-employment matters, such as charging non-union members for participation in the bargaining process. Those two cases are very important to this bill before the House.

The amendments in the Workplace Relations Amendment (Better Bargaining) Bill 2005 are designed to reinforce the government’s policy on protected action, to deliver enhanced security to employers for the life of the certified agreements, to allow the Industrial Relations Commission to order cooling-off periods during industrial action and to allow third parties who are adversely affected by industrial action to apply to the AIRC to suspend the bargaining period and thus end the industrial action.
The member for O’Connor, in discussing third parties, quite rightly referred to the car industry, where the action of one group of employees can affect a whole host of car industry employees because of the just-in-time concept. All of us in this place would support the just-in-time system and the activities of the car industry becoming more efficient, yet we have a position where third parties who provide components for the car industry can, through strike action, bring the whole car industry to a standstill.

At the principle level, this legislation is introducing important amendments to the act to ensure that, when employers and employees make workplace agreements, these agreements are honoured. The member for Gorton talks at length about having another discussion about these agreements. I would have thought that this is a very sensible, commonsense approach. Having reached an agreement for a three-year period, two-year period or whatever the time is, these agreements will be honoured. However, this principle is undermined by the Federal Court’s Emwest decision of February 2002. This decision was related to a dispute between Emwest Products Pty Ltd and the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union. The Federal Court interpreted the law such that protected industrial action could be taken during the term of an enterprise bargaining agreement if the action was over a matter not contained in the agreement. That is the essence of the argument that the government are putting forward. After reaching a genuine enterprise agreement, both parties can stick with that agreement.

The experience is that Australian workers, represented by those opposite, expect their employers to uphold the agreements, to provide the agreed terms and conditions, so it is not unreasonable to expect that the employees will do the same. Unfortunately, under the Federal Court’s Emwest decision, it is possible for the employer to settle an enterprise agreement with a union for a set period but to later find, before the agreement period has ended, that new industrial action is initiated on some matter not covered in the agreement in some new circumstance.

The member for Gorton is arguing quite strenuously that there is nothing coercive about this, that this is a genuine agreement that is reached by both parties.

This legislation goes to the heart of the matter of the right to strike. As members are aware, in 1996 the government legislated, following the 1993 reforms of the previous Labor government, that employees have the recognised right to strike. This right to strike was recognised through the ability to take protected industrial action during the bargaining period. The members opposite would be aware of those arguments and I think even those on this side of the parliament would be happy to accept that process to ensure that enterprise agreements are reached in circumstances where there is equality of activity on both sides of the debate.

However, since that time we have seen the Federal Court decision on Emwest and also the Electrolux decision in June 2002. The right to strike laws have been distorted such that employers’ rights have been eroded. The right to strike was viewed as a trade-off for the introduction of enterprise bargaining, as I have said. Recognising the negative impact
of strikes and industrial action on business and the community, the right to strike was limited. That is the key part of this whole legislation: the right to strike is limited. The employers and employees will reach an agreement and then can proceed with confidence that during the period of the agreement there will be no further strikes. In the July 2002 edition of the Review, the journal of the Australian Chamber of Commerce and Industry outlined the limitations of the right to strike, and it is worth quoting that:

... the right to strike would only be available as a last resort after there had been genuine enterprise-based (not industry-wide) bargaining, as well as attempts at conciliation...

Secondly:

... that the right to strike would only be exercisable in the negotiation of agreements (i.e. before they were made, or after their expiry) but not during the life of agreements...

So there we have it: the major employer group setting out the rationale for the right to strike. It is important to point out that the Emwest decision clearly provides an opportunity for new disputes to arise during the life of the agreements, which is contrary to the original intention. The ACCI defines the third limitation as:

... that the right to strike could only be taken over disputes or demands which concerned industrial matters (matters between employers and employees).

So the Emwest and the Electrolux cases clearly demonstrate that the position of employers and the intent of the legislation have been undermined. That is why the government have brought forward this legislation. On this basis, it would come as little surprise to note that the Australian Chamber of Commerce and Industry has supported the Howard government’s offers to introduce these provisions. The ACCI has taken a constructive approach, working with the government to achieve these workplace reforms.

In its submission to the Senate inquiry into the government’s original attempts to introduce these reforms, the Workplace Relations Amendment (Better Bargaining) Bill 2003, the ACCI recognised that the government’s intended reforms provided a reflection of the powers provided under section 51(xxxv) of the Commonwealth Constitution, which states:

Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one state.

The ACCI stated in their submission:

The very foundations of the Act, and of Australia’s workplace relations system lie in preventing and settling industrial disputation. It is therefore entirely appropriate, if not essential, that the Workplace Relations Act 1996, made in direct reflection of s.51(xxxv) of the Constitution, empower employers and employees to agree to the making of genuinely binding agreements which preclude further industrial disputation.

There we have it. Much as I have some concerns about the Workplace Relations Act, hopefully the new legislation will remedy a number of the defects of that legislation. I commend the spirit of that part of the Constitution.

Finally, the legislation makes some attempt to address the problem of pattern bargaining. As we all know, pattern bargaining is an attempt by the union movement and some employees to reflect conditions across a particular industry, disregarding those conditions in individual enterprises. My view is that not all businesses are the same, that pattern bargaining does not reflect the issues and conditions across every particular workplace and that pattern bargaining should be frowned upon by employers and employees. The key approach should be individual Australian workplace agreements, which would be a set of conditions agreed to between the employer and the employee in the workplace.
I commend the legislation to the House. I hope the Senate will, in its new enlightened state, pass the legislation. In view of the comments of those opposite, they might even see fit to support the legislation as well.

Dr Emerson (Rankin) (5.47 pm)—The Workplace Relations Amendment (Better Bargaining) Bill 2005 is a vicious, nasty piece of legislation. It is dressed up as usual with an Orwellian title so that an unsuspecting public is unaware of its full content. I hope those who are listening today and those in the media do understand the far-reaching consequences of this bill. The government has form in titling its legislation in this way. The legislation that has been debated in the parliament something like 42 times that would allow employers with fewer than 20 employees to dismiss their staff unfairly, in the best traditions of George Orwell, was called the Workplace Relations Amendment (Fair Dismissal) Bill. That legislation now has now been junked in favour of a foreshadowed piece of legislation that would extend that exemption from the provisions of unfair dismissal to businesses with 100 or fewer employees.

The next piece of legislation that comes to mind is the ‘fair termination’ bill, very much out of the George Orwell mould. Then there is that fantastically titled bill called the ‘protecting the low paid’ bill. That bill protects the low paid from a pay rise. I am sure that the low paid would not really want to be protected from a pay rise. We know that this government boasts about increases in wages under its period in office. The truth is that it has opposed every national wage outcome since it came to office, and if the government had got its way the minimum wage would have been $50 a week lower. When it boasts about protecting the low paid and giving them pay rises, the truth is that these pay rises have been directly against the wishes of the Howard government but have been awarded by the Australian Industrial Relations Commission upon submissions by the ACTU.

Now we come to the Workplace Relations Amendment (Better Bargaining) Bill 2005. This bill fundamentally undermines the capacity of unions and workers generally to bargain collectively. It undermines their bargaining power. The single purpose of this legislation is to undermine the bargaining power of unions and of workers engaged in collective bargaining. It is a bill that is written for, and probably by, employer organisations for that express purpose. It is one in a long line of bills since 1996 that have been designed explicitly to do this. I want to go through some comments that the Minister for Employment and Workplace Relations made about this legislation in the second reading speech. He said:

We are reintroducing this bill to facilitate the use of workplace bargaining processes, to make them more user-friendly and as fair as possible.

That is completely misleading. The legislation is designed to tilt the bargaining power even more heavily towards employers. The bill clarifies that no industrial action can take place during the life of an agreement. That is, as other members have commented, a response to the Emwest case. The point here is that, if there are matters that are not contained in a certified agreement, until this legislation it has been possible for employees to take industrial action that is legal, so long as it relates to matters not covered in the agreement. This legislation would obliterate that capacity.

The legislation speaks of cooling-off periods and provides that the Industrial Relations Commission can come in and order a cooling-off period. It can already. What this does is make it much more readily available to the commission to order a cooling-off period. Why? To ensure that employers bargain in
good faith? No, because there is no requirement on the part of employers to bargain in good faith. To ensure that employers agree to bargain collectively? No, because there is no requirement on the part of employers to bargain collectively if they do not wish to do so. The cooling-off periods are directed squarely at unions, at the work force, but not at employers. How do we know that? Because there is no provision in this legislation dealing with lockouts.

If the government were fair dinkum and wanted a modicum of balance in this legislation it would order cooling-off periods in relation to lockouts, but it does not apply to lockouts. Why? Because lockouts give employers bargaining power at the expense of employees. There is the pattern. Wherever there is a remaining capacity on the part of employees, of workers, to bargain collectively and exert some bargaining power, the government undermines that capacity, which is specifically what this legislation does today.

Who are the targets of this legislation? We need look no further for an answer than the second reading speech. The second reading speech—and I have checked this—closely resembles the second reading speech of the original bill, which was introduced in the last parliament and specifically identifies clients of health or community services and educational institutions and other businesses. Who are the clients of health or community services and educational institutions? We are talking here about hospitals—about nurses and other hospital workers. The legislation is directed at child-care workers, at teachers and at academics. Let us understand that Minister Andrews has developed a piece of legislation which fundamentally undermines the bargaining capacity of child-care workers, of nurses and of people engaged in our educational institutions. It is not as if child-care workers have enormous bargaining power. When was the last time child-care workers organised industrial action in Australia? They have virtually no bargaining power now, but for an abundance of caution this government has introduced legislation specifically directed at child-care workers, at nurses and at other people engaged in the health sector and community services. What has this government got against these low-paid workers having a little bit of bargaining power, a small modicum of capacity to bargain? They are the targets, as was reported in the media well in advance of the first bill that was introduced in the last session.

The way that this bill will operate if it is passed by the Senate—and we have to understand that that is a very high probability—is that third parties can apply to the Industrial Relations Commission for a suspension of the bargaining period. In other words, any person or body directly affected by industrial action can apply to the commission. That means that anyone who takes their child to a child-care centre can apply to have the bargaining period suspended and make the industrial action illegal. Again, anyone who is affected by any industrial action in the health sector can apply to get the bargaining period suspended and made illegal. The criterion is whether the action is threatening to cause significant harm to any person other than a negotiating party. So it does not have to have caused any harm, just as long as someone says: ‘This could possibly affect me. I am now going to the commission to get a suspension of the bargaining period and make any industrial action illegal.’ This legislation is directed at those who have the weakest bargaining power in our community. When I said at the outset that this is a nasty, vicious piece of legislation, I hope now that this parliament understands why I made that statement.

Other provisions in the legislation clarify that industrial action is unprotected ‘when it
is taken in concert with employees of different employers’ and so it goes on. The whole point is that this legislation is very one-sided. In supporting my claim that it is one-sided, I mentioned that it does not deal with lockouts, which is a form of industrial action; but, in this case, the industrial action is taken by the employer in locking out employees. There have been some infamous lockouts even in the last few years, but one of the more infamous is the Morris McMahon dispute. At the Morris McMahon dispute the then Minister for Employment and Workplace Relations, Mr Abbott—who is the Minister for Health and Ageing at the moment—went to the picket line and met a Vietnamese person named Van. At that time, Van was receiving about $11 an hour. Van said to the minister: ‘Yes, but we do not want the agreement with them, the Australian workplace agreement. I have my right. My choice is the union. If the union can help us, yeah.’ Do you know what the minister said? The minister replied: ‘You have every right to ask for one.’ Under the 1996 industrial relations changes introduced by this government, the employer has every right to say, ‘No’. The fact of the matter is that a right vetoed by an employer is no right at all. There is no right to bargain collectively in Australia. This is a consequence of the 1996 industrial relations legislation. It makes us one of the few countries in the Western world where employees who gather together—either represented by a union or not represented by a union—to collectively exert a little bit of bargaining power can go to an employer and ask them to engage in collective bargaining and the employer can veto it. We are one of the few countries in the Western world where there is no right to bargain collectively.

This minister is very tricky. He is the minister who set up a trust fund called Australians for Honest Politics and lied about it. He is the minister who, when asked whether he had met Archbishop George Pell, said he had not. But when challenged about the date and the time, he immediately remembered that in fact he had. This is the now Minister for Health and Ageing, who knew that the cost of the Medicare safety net was blowing out, yet under the Charter of Budget Honesty there was no disclosure that the cost was blowing out. So again he deceived the Australian people. And over the last few days he has been called ‘disgusting’ by his colleagues for his performance in relation to the former opposition leader in New South Wales, Mr John Brogden.

That is the sort of standard set by workplace relations ministers in this parliament. That was the standard that was set by the then workplace relations minister, and that low standard has been continued by the current Minister for Employment and Workplace Relations. On 23 June 2004, I asked a question of the current Minister for Employment and Workplace Relations:

Now that the government has extolled the virtues of collective bargaining for businesses, will the government restore the right to collective bargaining for workers, with the Industrial Relations Commission empowered to direct the parties to bargain in good faith?

The conclusion of the minister’s answer was:

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

That is untrue. The minister made that statement in this parliament, and it is a completely untrue statement. Employees do not
have the choice to collectively bargain, as the minister has asserted on a number of occasions and the Prime Minister has joined him. Under the 1996 legislation, that right was withdrawn.

Let us ponder that for just a moment. Imagine a situation in which, akin to an employer being able to veto a union as the employee’s chosen representative, any government passing legislation that says, ‘In any dispute between two employers or between two businesses, legislation will specify that one has a veto over the other’s chosen representative.’ Imagine if they were represented by two law firms and one business legislatively, legally, could say, ‘We insist that you not be represented by that law firm in this dispute.’ There would be outrage in the business community. Yet when it comes to bargaining between employees and employers, the employer has the right to do exactly that—that is, to veto the employee’s chosen representative, in this case a union.

This legislation is nasty and it is vicious. One of the supreme ironies is that this is one of the last pieces of legislation being debated in this parliament before the introduction of a very large piece of legislation which will abolish the Workplace Relations Act. This legislation amends the Workplace Relations Act, which has been developed over decades—even the far-reaching and very unfair 1996 changes were amendments to the pre-existing Workplace Relations Act. But here the government is amending the Workplace Relations Act in the full knowledge that, around October, it will introduce an entirely new Workplace Relations Act based on a very different constitutional power, the corporations power. The current legislation is essentially based on the interstate dispute-settling powers in the Constitution. The government will scrap that completely and undertake this complete rewrite of the Workplace Relations Act based on the corporations power.

We are advised that this legislation is being drafted by five or six law firms. It is going to be a dog’s breakfast: it will be full of holes, it will be full of anomalies and it will be full of unfairness. When you envisage five different law firms with pieces of legislation lying around the floor, it certainly reminds me of that James Taylor song Fire and Rain. There is a line where he says: Sweet dreams and flying machines in pieces on the ground.

These are the Prime Minister’s sweet dreams and flying machines in pieces on the ground in five or six different law firms. This legislation is John Howard’s dream of ensuring that, in the future, there will be no effective capacity to bargain collectively because his dream is that everyone is placed on an individual contract, an Australian workplace agreement. The Prime Minister does not believe in enterprise bargaining or in collective bargaining. The Prime Minister believes in a single weak employee being confronted by a large powerful employer who says to the employee, ‘Here is an Australian workplace agreement, you sign it or you don’t get the job, or if you don’t sign it you lose the job.’ That is the Prime Minister’s sweet dream, and it is lying in pieces on the ground.

What a supreme irony! We are amending an act that will be trashed in four, five or six weeks and replaced by another act. So why are we debating this legislation at all? Because it is part of the government’s obsession with ensuring that vulnerable working Australians do not have the capacity to exert any bargaining power in their negotiations. This government is philosophically committed to vulnerable Australians entering a race to the bottom, competing against the countries of East Asia, on the basis of wages. This government has not announced that it will re-
move the Industrial Relations Commission from having any role in setting minimum wages in order that minimum wages should rise. It will have its own lap-dog organisation which will ensure that real minimum wages fall.

That is the government’s agenda. Right across the legislation that will come into this parliament at some time this year the unifying theme will be to weaken and remove the capacity of the vulnerable to exert any bargaining power in their negotiations with employers. This is a 30-year dream of this Prime Minister. It is lying in pieces on the ground. When it comes together it will be a dog’s breakfast. It will be challenged in the High Court, because it is completely unfair legislation and it should never see the light of day in this parliament.

The DEPUTY SPEAKER (Hon. AM Somlyay)—Order! Before I call the member for Fisher, I point out to the member for Rankin that, in the course of his remarks, he used a term in relation to the Minister for Health and Ageing, which previous Speakers have ruled unparliamentary. I ask him to withdraw.

Dr Emerson—Mr Deputy Speaker, in deference to you, I will withdraw. But I should also point out that other Speakers have allowed that particular phrase to stand.

The DEPUTY SPEAKER—Thank you.

Mr Slipper (Fisher) (6.07 pm)—When one listens to the contribution made by the honourable member for Rankin, one can really hear the echoes of the class warfare of the 1890s. I see that the member for Rankin is an industrial relations troglodyte, and the fact that he has taken the point of view that he has in this parliament in relation to this very positive piece of legislation, the Workplace Relations Amendment (Better Bargaining) Bill 2005, brings home to me—and, I suspect, to anyone who is listening—how out of touch the Australian Labor Party is in 2005 and how irrelevant it is to the aspirations of the Australian people.

When workers and their employers sit down to negotiate an enterprise agreement it signifies that they have at least tried to put out a governing document that will be acceptable to both parties. There will always be some disagreements, as is the case in all discussions of this nature, but employers and employees, by their decision to negotiate, have indicated a desire for a binding agreement that guides the relationship and responsibilities between them over a specified length of time. It could be for two, three or four years or for a different period. Both the content and the duration of the document are reached through agreement, and that is as it should be.

The Workplace Relations Amendment (Better Bargaining) Bill 2005 intends to confirm that industrial action that calls for modified or additional claims during the life of such an agreement is unlawful. That is a very reasonable proposition to put before the House. The Australian Chamber of Commerce and Industry, in its ACCI Review No. 89, in July 2002, suggested the following: Australian labour relations is revealing two distinct characteristics. On the one hand the big picture is one of co-operative workplace relations, increased agreement-making, fewer disputes, higher productivity, more jobs and better pay. Yet, at the same time, pockets of industry are being beset by industrial action and threats of industrial action by some unions seeking to break down enterprise bargaining and abuse the right to strike. I suggest that the same continues to be true today.

While the ACCI noted its concern about the union abuse of the right to strike, there is also concern about the interpretations of legislation brought about in the somewhat bizarre Emwest decision in February 2002. In Emwest Products Pty Ltd v Automotive,
Food, Metals, Engineering, Printing and Kindred Industries Union, the Federal Court of Australia ruled that protected industrial action—that is, the right to strike—could be taken during a time of enterprise bargaining agreement if the strike was over a matter not in the agreement. This was clearly never the intent of the legislation, because the parties to the agreement sat down and spoke about the matters that they wanted included and excluded from the agreement. In my view, and in the view of the government, it is entirely inappropriate for the union or someone some time down the track to say, ‘Hey, we should have thought about something else. We didn’t include it, so we’re going to strike’—whether it is over something that was not included or that they forgot to include or that they were unsuccessful in having included in the agreement.

The Workplace Relations Amendment (Better Bargaining) Bill 2005 aims to reaffirm the original aims of the Workplace Relations Act 1996, which used to allow protected industrial action only during a bargaining period for a new enterprise agreement. The act also aimed to ensure that industrial action that is protected under the act should not be used as a tool to harm innocent parties. I was just amazed by the member for Rankin suggesting in his speech that innocent parties ought not be protected. The act was written with the purpose of allowing industrial action to be protected during enterprise agreement bargaining. However, it was never conceived or imagined that there would be a need for industrial action once negotiations between employers and their staff had run their course, agreement had been reached and the enterprise agreement finalised. After all, the negotiations and discussions had been held and agreement had been reached.

So this legislation seeks to ensure that unions who sign up to an agreement in fact observe that agreement for its duration. After the negotiation process is completed, it is the responsibility of both parties to uphold the terms of the agreement and not raise fresh claims. If they had wanted different matters to be included, then the opportunity to include those matters was certainly available during the period of negotiation for the enterprise agreement.

The bill also strengthens the guidelines that will give innocent third parties who are hurt by industrial action avenues to seek reparations. In addition, the bill will give the power for the Australian Industrial Relations Commission to order a cooling-off period during industrial relations action. Further, the bill will allow third parties who have been disadvantaged as a result of industrial action to apply to the Australian Industrial Relations Commission for the bargaining period to be put on hold or terminated, to bring such damaging actions to a halt.

Despite the fact that we did not have the numbers in the upper house to always have our legislation carried, without negotiation and compromise, I consider that it is widely recognised in the Australian community that, during the last 9½ years that this government has been office, we have been very successful in our management of workplace relations. The Labor Party would have people believe that we are the enemies of the worker, but nothing could be further from the truth. National unemployment is at its lowest since the early 1970s, at around five per cent. More people are in work than ever before in Australia’s history. Wages have grown by 14 per cent above what they were when Labor was in government and inflation has remained both low and stable. The government is committed to maintaining these positive levels and these positive achievements of the last 9½ years. The Workplace Relations Amendment (Better Bargaining) Bill 2005
supports and further encourages those achievements.

In recent months, Australia has started a voyage into a new era in industrial relations. The fairly disgusting multimillion dollar campaign by the union movement has had the effect of injecting fear and uncertainty into the hearts and lives of ordinary hard-working Australians. The ALP and the unions have been running a scare campaign against the very positive initiatives which will be included in the legislation shortly to be introduced into the parliament. In my own electorate I have been contacted by people who have been scared by this false campaign—and I suspect, Mr Deputy Speaker Somlyay, as my parliamentary neighbour, you have been contacted by people as well.

The new workplace relations system aims to ensure that the positive conditions that we have achieved during the last 9½ years continue. It will establish the Australian Fair Pay Commission to protect fair minimum wages, enshrine minimum conditions in legislation for the first time, introduce the Australian fair pay and conditions standard to protect workers in the bargaining process, simplify the agreement-making process in the workplace and provide modern award protection for those people not covered by agreements. It will also ensure an ongoing role for the Australian Industrial Relations Commission, fix Labor’s unfair unfair-dismissal laws and introduce a national system of workplace relations. It will certainly be much better for Australia. The planned new workplace relations system, as outlined by the Prime Minister on 26 May, comes at a vital time for Australia. The Prime Minister noted:

The Australian economy has performed very strongly in recent years. Our people have enjoyed higher living standards from a combination of prudent economic management, strong jobs growth, higher real wages, low inflation and inter-est rates, lower taxes, increased family benefits and improved government services.

While the government is proud of this record, Australia must press ahead with economic reform if we are to prosper in the 21st century.

The Workplace Relations Amendment (Better Bargaining) Bill 2005 is another important step forward towards a progressive and world-class industrial relations system, and I am pleased to be able to commend the bill to the House.

Mr RIPOLL (Oxley) (6.17 pm)—You hear all sorts of things in this place but, after listening to the member for Fisher, and he is now leaving the chamber, and hearing all the good things he talked about—the great economy we have and all the things that have been delivered in terms of employment; he spoke about quite a number of good things—you would think that the government would wake up to the reality that maybe this is part of the good industrial systems that we currently have. Maybe it does need a little bit of tweaking and improvement. But maybe the government could support that system in trying to improve it for workers, for industry, for everybody, for the economy, and so make it a stronger and better system—not rip it to bits and not make the most ‘radical change’, in the Prime Minister’s own words, in this country’s history, in one hundred years. We have this extreme change that the Prime Minister now denies and walks away from.

You would think that the Prime Minister and the government would be supporting the system that has helped deliver the lowest strike rates on record, the lowest unemployment—all these good things that the government talk about. But obviously the government are more interested in ideology than they are in outcomes—in delivering something further for this economy rather than squandering the great opportunities presented to them, not so much from the nearly 10 years they have been in government but
from the 10 years prior to that when all the foundation work was laid to ensure that the economy would be strong, viable and sustainable into the future. If only the government would understand that basic principle then they might understand that they now need to put in place strong economic, sustainable building blocks for the next decade. But we do not see that. Instead, we hear the sort of rhetoric and see the sort of ideological legislation that have come through this parliament.

I want to start by talking about the title of the bill we are discussing—the Workplace Relations Amendment (Better Bargaining) Bill 2005. It is called the ‘better bargaining’ bill, but of course we all understand that that could not be further from the truth. It has nothing to do with better bargaining; it has all to do with trying to take away power from one group of individuals and give that power to another group of individuals. This is not about better bargaining; it is about tilting the power base—it is about making it an unfair system. This aim has been reflected in the titles of so many other bills that this government has put forward. What it really reflects is just how out of touch this government is on industrial relations, on Telstra and on VSU.

It is still caught up in this old-world view that it has an ideological battle with the unions. If only it could move on—just for a minute—and look at what it can do to help make a more cooperative workplace, as has been taking place under the current system, as the unions have been doing and as workers have been doing. It is about enterprise bargaining, productivity and collective agreements. It is about a harmonious workplace and about trying to deliver productivity. Despite everything this government does and despite all of its ideology, workers, unions and business out there are actually getting on with the job. They are not interested in what this government is on about; they are interested in getting on with the job—they are interested in the productivity of their own businesses. And so are the workers—so are the people who are employed by them—because they understand how the economy works. This government just does not understand that basic principle.

Labor opposed the Workplace Relations Amendment (Better Bargaining) Bill 2003. This bill is almost identical to that 2003 bill because of a number of factors. In particular, that bill unfairly restricted the right of employees to take protected industrial action, it enabled unwarranted third party interference in disputes, it overturned an Australian Industrial Relations Commission decision that enables protected action during the life of certified agreements in certain circumstances and it did not give the AIRC greater powers to resolve disputes. The government are exposed throughout this bill. It is not about resolving disputes and it is not about a more cooperative workplace; it is about taking away power and it is about an ideological bent. Labor still opposes the measures being put forward in this bill today.

I want to go through a couple of key provisions that are contained in the bill—namely, that it extends the capacity for the Australian Industrial Relations Commission to suspend a bargaining period where one or both parties to a collective bargaining process are taking protracted industrial action. Also, where a bargaining period is suspended and industrial action continues, injunctions and damages may be sought. Further, where it does not affect or limit, all forms of bargaining under the act—for example, an employer-initiated lockout—under AWA negotiations are unaffected. It allows a third party to apply to the Australian Industrial Relations Commission to have a bargaining period suspended. It limits protected action to single employers, and it denies access to pro-
tected action during the life of a certified agreement, including over matters not addressed in the certified agreement.

Why does the government want to do these things? Why does the government want to create a disharmonious workplace? Why does it want to promote conflict? Why does it want to take away the powers to resolve disputes? Why is the government determined to go in a direction that actually makes the workplace a contentious place, a place of conflict, when workers, unions and employers are all trying to make it a more productive, cooperative place? The government talks a lot about what it wants to do with regard to Australia’s industrial relations system, but the truth behind all of this talk is that the Prime Minister’s extreme industrial relations legislation, of which this is just one instalment, will destroy the employment conditions for Australian workers. Of that there is no doubt. This bill is part of the Prime Minister’s plans to take away the rights which underpin family life in this country. Do not forget: when you talk about attacking workers and their rights, you are talking about attacking their families and about taking away some of the basics that form the key parts of our lifestyle in Australia. It is about making life harder for families.

This government’s plan is radical, and it will deliver workplace power to business and diminish the rights of every Australian employee. Currently in Australia we have some type of balance of negotiation, cooperation and collective agreements. The government does not want any of these things; it wants to see all power tilted in only one direction. The Prime Minister’s plan will increase the pressure on working families, and it will undermine Australian values of a fair go in the workplace. It is an agenda based entirely on the Prime Minister’s own extreme ideology rather than sound economic management. He is pursuing old ideas instead of looking after Australia’s interest. This plan is bad for Australia.

The government’s whole industrial relations agenda is about forcing workers onto individual contracts and removing any effective safety net for wages and conditions. Let us get that right: what is the government trying to do? It is trying to take away the right of workers to collectively bargain—to pool their resources, capacities and abilities so they can negotiate as one with the employer as one on an even playing field. These are the things that underpin the Australian fair go, and the government wants to take them away. It wants to reduce hundreds or thousands of people, depending on the workplace, to just one unit—themselves—against the employer. This is adversarial; this is not how a productive workplace is achieved. It is all about getting rid of unfair dismissal provisions. This bill is about ending a fair bargaining process for workers.

Nothing the government is doing in this bill is about fairness, equity, better productivity or better conditions for workers and employers. Many employers know that they will be able to drive down wages and conditions if they force their workers to negotiate individually and remove the right to collectively bargain. Not all employers are bad employers—I know many good employers—but the reality is that everybody needs protection from bad corporations and bad employers. That is the government’s role: to protect the vulnerable and the ones who would be exploited by those shonky dealers and big businesses who would exploit them. But to have people individually compete is a race to the bottom of the wages barrel.

What if the same bargaining principles were applied in other areas? What if those same principles were applied in parliament? What if they were applied in areas where
people have fewer skills to negotiate, in areas where people may not be so literate or in areas where they have no negotiating or bargaining power because of their lack of skills? What happens to those people? Is there no consideration by this government of the impact this will have on people whose only real chance in life is to work hard—to work in a factory, work as a tradesman or work wherever they might work—and be diligent in their work, to be productive but to collectively bargain for fair pay and fair conditions in return for really good productivity, for making really good products and for ensuring that their company prospers and thrives, also ensuring that they keep their job? There is nothing wrong with the principles of fair negotiation and bargaining, but the government wants that to end. This is a radical change to industrial relations in this country. As the Prime Minister himself has said, it is the biggest change in 100 years.

The government are running a campaign to mislead Australians. We heard a little bit from the member for Fisher about what he said is some sort of disgusting campaign from the unions. Let me tell you a little story about that. The unions are using their own membership money to defend their own members. That is not taxpayers' money; that is their own membership money. That is the funds they have got there to help protect their membership and their own conditions. What they are doing is actually what their role is. They are carrying out what they are chartered to do. On the other hand, the government—and some people say quite illegally, and we have yet to see; this will go to court—are using your money, taxpayers' money. They have not asked your permission; they have not asked you whether you support this or not. But they are going to use taxpayers' money in filthy campaigns to scare people with those old ideas about the workers and the unions against big business and all those types of things—a very unfair, a very disgusting campaign. You tell me which one is the right campaign: a campaign from the union movement that actually informs people about their rights and about what this government want to do in legislation which will harm them—and about which they need to be informed—or the government's scare tactics, spending $20 million of taxpayers' money to do the type of campaign they have done in the past on Medicare and a whole range of other things.

Everyone well remembers the fridge magnet that would protect us in case there was a terrorist attack. We could all use the fridge magnets, sew them together and use them as some type of shield or something. Where are those fridge magnets today, those many tens of millions of them? Let us make this an issue: where are those fridge magnets today? How many people remember what was contained in the booklet that was sent to every home? Where are those booklets today? What if there were some sort of an attack today? Would everyone rush to the bottom drawer of their desk in their study to get that booklet or run to the fridge to see if the magnet is still there? I do not think so.

The government keeps saying over and over again that the workers will not be forced to negotiate individual agreements. This is only true if you intend to stay in the same job without applying for a promotion and are happy to not receive any pay rises. So, if nothing is going to change, that could be true in some circumstances. If you apply for a promotion, your employer can require you to sign an individual contract. As we have already seen in a number of campaigns, the reality is that there is already a number of big businesses jumping the gun. They are already starting to use the imprimatur that this government is putting forward to force workers onto individual contracts. We have already seen that in a number of areas. With
the removal of unfair dismissal laws for millions of Australian workers, you can imagine what will happen to many existing workers who refuse to sign such a contract—and more than likely an unfair contract.

Under an individual contract, cutting pay and employment conditions will be simple: the employer need only offer employment on the basis of five minimum conditions—that is it, nothing more and nothing less. There is a minimum wage of $12.75 per hour—not enough for people to live on. There is annual leave, two weeks of which can be cashed out—sounds great up front until you start looking at statistics about the workloads of average Australians. Members of parliament understand this: we work a lot of hours—everyone in this place does—and when we think of the pressures that that puts on families we do not think it fair to pass on that burden to average working families. There is sick leave of only eight days. There is the hours of work, the unpaid parental leave—and that is it. If an employee does not like it, they can look elsewhere. That is the message being put forward by this government.

Employer groups have already said that they will draft standard individual contracts. There really will be none of the sort of negotiation that we are told by the government is the key to this. We are given the impression that somehow each worker will walk into the boss’s office and negotiate their own value, their conditions and their pay, but we know that that is absolute rubbish. There will be a standard individual contract, it will be shoved under your nose with a pen and you will be told, ‘Sign this.’ If you do not, then you may not have a job. It means that a host of employment rights will be at risk—redundancy pay, overtime, shift work penalty rates, weekend and public holiday pay rates, work rosters, work and family rights, annual leave loading, casual loading and allowances. Skill based pay increases and a host of other award conditions will be able to be removed from employees without compensation—things that people have worked, rightly, very hard for over many years. They have done that through negotiation. As a company has prospered, people have been able to deliver increased productivity and in return for that increased productivity—for making the company wealthier and making the owners of that company wealthier—they have been able to share in some of that wealth. I cannot fathom or understand why this government refuses to have that sharing principle for workers.

The government say—and they will tell you this—that they are not going to run a scare campaign. They are right, because the facts alone will scare the living daylights out of people. The Prime Minister and his ministers know a thing or two about scare campaigns. In fact, last year the Prime Minister and the Liberal and National parties ran the most deceptive, divisive election campaign based on fear and lies, particularly the interest rates lie—the lie that has now been exposed because we know the government has had no impact on what is happening with interest rates. There were no interest rates skyrocketing after the election. It did not matter who was elected. The whole interest rate bogey has disappeared, because it was always a lie in a scare campaign. But there is a new one coming up—it is just sneaking up on the government and they have not quite worked it out yet—and it is fuel prices. The government does have some control over fuel prices and their impact on the average family. Fuel prices are now, in my view, the new interest rate bogey. People are hurting, average families are hurting, and the government are doing nothing. They are more bent on ideological rhetoric. They are more bent on changing things in the Workplace Relations Act than getting on with actually
making people’s lives better by helping to reduce the impact of high fuel prices.

Do not forget that the government also said that there would never be $100,000 university fees and there would never be a GST. The government cannot just walk away from that. The Prime Minister has got an impressive record of lies, deceit and broken promises—all well documented and none of which is denied by anybody. So when he says, ‘Trust me, I’m the friend of the Australian worker,’ be very, very afraid. On Medicare the government talked about being the friend of the worker, but I do not think there are too many workers out there that actually believe them on this. The Australian Labor Party and the unions do not need to run a scare campaign, because the facts themselves stand alone and the facts themselves are frightening enough.

The Prime Minister also wants to waste $20 million of Australian taxpayers’ money on an advertising campaign to tell everyone it is going to be okay—just get the little fridge magnet and stick it on your fridge; it is all going to be okay. I do not think people need $20 million to be spent on telling them it is all going to be okay. He said that this is not a radical plan and he also said that this is about the most far-reaching change to our industrial relations system since Federation. It cannot be both—it is as simple as that. On the one hand he is telling us a fib or on the other hand he wants to waste taxpayers’ money to continue the lie. This $20 million to $25 million of taxpayers’ funds could be better spent. It is simply outrageous, and it must stop.

When it comes to advertising, the Howard government is well known for its cavalier attitude towards taxpayers’ money, but even this extreme government knows that consolidated revenue is not a Liberal Party slush fund. Under the Australian Constitution, the government can only spend money that has been validly appropriated by parliament. We will be asking the Auditor-General to draw up some new guidelines on an appropriate use of taxpayers’ money. In fact, over a number of years the government has spent many hundreds of millions of dollars on what is just plain party political campaigning. It may be very good for the government to do that, but somewhere down the line there is a price to be paid by everyone.

There are a range of issues which I believe are much more pressing than those being put forward in this bill. Each year around 40,000 Australians, including 15,000 young people, miss out on a TAFE place. This is one of the issues that businesses are actually talking about. They are saying, ‘Help us train young people.’ Young people are saying, ‘Help train us so we can get a job.’ We hear the minister for Work for the Dole come into this place espousing how much Work for the Dole has changed people. Sorry, Minister: wrong. It is getting a job that makes the difference for these people. It is not the Work for the Dole; it is when they get a job—that is the difference. You could do Work for the Dole programs for the rest of your life, but that ain’t going to do a lot for your self-esteem. When you get a job, whether it is through Work for the Dole or another training program, that is the turning point. It is at that point when you feel good about yourself. It is at that point when you are contributing to the system; you are contributing to society. That is the key, but this government seems to miss that. The Work for the Dole minister comes into this place always espousing how great Work for the Dole is, but if that is all that you ever do you ain’t going to be really happy. If you go through a Work for the Dole program—and there are some good programs—and you get a job at the end of it, of course you are going to be happy, and you should be, but I can tell you that there are a lot better ways to ap-
proach it than simply in those terms. A lot of people are missing out. Businesses are telling us quite clearly: ‘Spend some money on training. Let’s skill people up. Let’s get people working. Let’s start investing in young people. Let’s start making that investment in the future.’ This government is simply not doing that.

Labor’s commitments are simple. We need a strong safety net of minimum award wages. We need a strong independent umpire to ensure fair wages and conditions and to settle disputes. We need the right for employees to bargain collectively for decent wages and conditions. We need the right for workers to reject individual contracts which cut pay and conditions and undermine collective bargaining and union representation. We need proper rights for Australian workers who are unfairly dismissed and we need the right to join a union and to be represented by a union. There is nothing unusual in that. There is nothing wrong in that, and there is nothing that this government should do to stop that. This bill is a disgrace, and it should be opposed. (Time expired)

Mr KEENAN (Stirling) (6.37 pm)—This is the second time today that I have spoken in the House following the member for Oxley, and he gets more amusing as the day wears on. Clearly, he talks too much in the chamber. He appears to have only one speech, which he recycles over and over again. When we are talking about the Workplace Relations Amendment (Better Bargaining) Bill 2005, he waltzes into the chamber and talks about fridge magnets, scare campaigns, interest rates, petrol prices, training and Work for the Dole. I suggest that he tell his personal staff they need to come up with new material that relates to the bill that we are discussing in the chamber on any given day. I have listened intently to the debate. In fairness to the members for Perth, Rankin and Gorton, while I do not agree with what they had to say, they at least addressed the issues that were contained in the bill, which is more than I can say for the member for Oxley.

I support the Workplace Relations Amendment (Better Bargaining) Bill 2005 and, like the members from this side of the House who have already spoken, I would like to congratulate the Minister for Employment and Workplace Relations for bringing such an important bill into the House. The reforms we are looking at in this bill today are part of a package of reforms that have led to greater productivity in our workplaces, and that is undoubtedly a positive thing for families in Stirling and throughout Australia. This bill is just one plank in the Australian government’s continuing campaign to improve Australia’s industrial relations system, which we need to keep reforming to ensure that Australia’s prosperity continues.

We on this side of the House believe that, where possible, it makes sense for employers and employees to be able to negotiate at a workplace level with minimal intervention from any third party. To that end, workplace bargaining is essential and should be the primary mechanism for employers and employees to establish wages and conditions. This bill will help achieve this by making workplace bargaining processes as fair and user-friendly as possible. The principle of fairness in the workplace is dear to the hearts of the Liberal and National parties, and we have promoted it through this and other bills since we came to power in 1996.

The Workplace Relations Amendment (Better Bargaining) Bill reaffirms the original intent of the Workplace Relations Act, which went through this parliament in 1996. The intent of that act was to ensure that protected union action be allowed only during bargaining for enterprise bargaining agree-
ments and that it should not be misused to damage innocent third parties. These objectives are achieved by tightening the rules relating to protected industrial action to ensure that the shameful practice of unions using industrial action to unduly damage employers is stopped. It also enables innocent third parties who are suffering damage from industrial action to seek redress.

This bill confirms that industrial action in pursuit of additional claims during the life of a certified agreement is unlawful. This will overturn the controversial Emwest decision of the Federal Court, which allowed unions to take such action. It allows the Australian Industrial Relations Commission to order cooling-off periods during industrial action and it allows third parties who have been adversely affected by industrial action to apply to the Industrial Relations Commission to suspend the bargaining period and bring an end to such action.

I have heard the cries from the opposition, who claim to be protecting workers by sticking by their union mates; but, as we all know, sticking up for unions is not that same thing as protecting workers. It is disappointing to listen to the puppets of the union movement on the opposite side attempt to talk down this bill and claim that it will detrimentally affect Australian workers. Quite frankly, it is about time the Labor Party stopped blindly defending their union mates and started considering what is in the best interests of workers—the many people they appear to have lost touch with. It defies belief that they would oppose this bill, which is essentially a commonsense approach to preventing and resolving industrial disputation. I urge those in the Labor Party who have opposed this bill to get out into the community to see the reality of what union control in some industries means—in particular, the building and construction industry in Western Australia—and then see if they can come into this place, put their hands on their hearts and say they believe that militant unionism is good for the Australian community.

Following the election of a Labor state government in Western Australia, it was only a matter of days before the unions began flexing their muscles. It is obvious to any person who wants to preserve the basic rights of freedom that this muscle flexing does little to assist the average worker. It is aimed only at increasing the power of the unions. When Labor was elected in WA, ‘no ticket, no start’ signs went up at construction sites almost overnight. Mr Deputy Speaker, as you are no doubt aware, the CFMEU in WA are perhaps the biggest bunch of villains on our side of the Nullarbor. They constantly ignore the basic premise of freedom of association and the right of workers to choose whether or not they want to join a union. Forcing a worker to join a union—if they want to get a job—is hardly protecting the rights of workers who are just trying to earn a living. It is not democratic and it is not fair. If the Labor Party were not so controlled by the union movement, it might also try to prevent such standover tactics from continuing. But we have recently seen in this debate and in the debate on voluntary student unionism that when it comes to a choice between freedom of association and protecting the unions the Labor Party will choose the union over the individual every time.

You only have to look through the pages of the Cole Royal Commission into the Building and Construction Industry to see countless examples of unions striking for no good reason and the impact that has on individual workers, their families and businesses people who are trying to go about their lawful business. I could continue for hours outlining some of the skulduggery laid bare by the Cole royal commission but, as my time is limited, I would rather talk about the positive impact that this bill will have on the future of
Australian industrial relations. This bill will go a long way towards preventing a repeat of the shameful history of events uncovered by the Cole royal commission, and it will secure a prosperous future for all Australians.

The Workplace Relations Act 1996 currently allows protected industrial action to be taken during the bargaining period for a new EBA. Such action can be harmful to third parties and can be misused by unions to put pressure on employers with whom they are not currently in negotiations. We have heard about the impact of such damaging tactics within the automotive industry where industrial action at component suppliers has been used to strategically attack the big manufacturers. This kind of industrial strife was not intended to help reach agreement with the component suppliers; it was all about putting pressure on manufacturers and forcing industry-wide outcomes. This bill will give innocent third parties standing to apply to the Australian Industrial Relations Commission to have the bargaining period terminated.

The bill will also allow affected third parties to apply for relief in other circumstances. For example, in the situation of electricity unions threatening power supplies and affecting third parties—including state and federal governments whose essential services are threatened—they will be able to take action in the Australian Industrial Relations Commission, and the commission will be able to order cooling-off periods in which protected action must cease if the action is seriously damaging the parties and shows no signs of resolution. This is necessary in situations where industrial action is no longer being pursued to reach a deal but simply to frustrate the other party. It ensures that action aimed at frustration or damage rather than at resolution has minimal impacts on third parties like the families and businesses that rely on an uninterrupted electricity supply.

The bill will also confirm that industrial action taken in pursuit of new claims during an enterprise agreement is unlawful. The original intent of the Workplace Relations Act was always to allow industrial action to be protected during bargaining for EBAs. However, once agreement is reached between employers and employees to enter into an EBA, it was never envisaged that there should be any further action allowed of that EBA. Once an agreement is reached, each party is obliged to act to uphold the terms of that agreement and not pursue further claims until the next bargaining period at the expiry of that EBA. The Emwest decision undermined that principle by ruling that the AMWU was allowed to take protected action in support of new claims that were not in the EBA. The implications of this decision are clearly undesirable for all employers who have entered into EBAs in good faith with the expectation that the terms will be honoured for the life of that agreement. EBAs have a maximum term of three years and are designed to provide certainty in working terms and conditions during that time. Employers should not be subject to the uncertainty of unions taking industrial action in pursuit of new claims during the life of those agreements. This is breaching the agreement they have agreed to be bound by with the employer. It is fair to assume that when people go through a negotiation period and then make a commitment they should stick to it.

The Workplace Relations Amendment (Better Bargaining) Bill provides a common-sense approach to continuing the work of the Howard government in strengthening the Australian economy—work that has seen jobs grow and unemployment reach historic lows and produced better wages, higher productivity and increased competitiveness. It is a strong indicator of the government’s priorities with regard to industrial relations and better bargaining. It will also act as a useful
deterrent to those in such industries as the construction and manufacturing sectors who consider taking industrial action within the coming months. It honours several long-standing commitments of the government to improve the law relating to enterprise bargaining and to industrial action. It is a bill that continues the government’s good work in securing our future and I am pleased to commend it to the House.

Mr HAYES (Werriwa) (6.49 pm)—The Workplace Relations Amendment (Better Bargaining) Bill 2005 is another manifestation of the government’s extreme and unfair industrial relations agenda, and I am proud to be able to stand before this chamber today and oppose it. While the title of the bill may seem harmless, and it must seem a bit curious that Labor would be opposing a bill that is named ‘better bargaining’, a cursory glance at its details reveal why this piece of legislation must be opposed. The bill is not about producing a more harmonious employment relationship. It is not about promoting a better bargaining environment. This bill is about weakening the bargaining position of working Australians and strengthening the position of their employers. This bill will do nothing to promote good-faith bargaining or to facilitate the better resolution of industrial disputes. The bill merely creates an environment that effectively removes the right of employees to take industrial action but, funnily enough, it will not apply the same degree of discipline to employers.

I note with interest the second reading speech of the Minister for Employment and Workplace Relations in which he outlines that the intent of this bill is ‘to facilitate the use of workplace bargaining processes, to make them more user-friendly and as fair as possible’. After reading the provisions of the bill I have to wonder who the minister might have had in mind when he decided he wanted to make a better and more user-friendly bill. It certainly was not the average, hardworking Australian worker. The minister intends to make the system user-friendly for employers and stack the deck in favour of them when it comes to nutting out the key provisions of the employment relationship. In short, the bill will do a number of things: firstly, it will restrict the right of employees to take protected industrial action; secondly, it will grant third parties the right to intervene in industrial disputes; and, thirdly, it will overturn the decision of the Australian Industrial Relations Commission in the Emwest case which enabled bargaining on matters and protected industrial action during a certified agreement under certain and particular circumstances. It also extends the capacity of the Australian Industrial Relations Commission to suspend a bargaining process where there is protracted industrial action, but it introduces a new provision restricting the same Industrial Relations Commission from acting to become involved in the process of dispute resolution by preventing the commission from exercising powers under section 170MX. It also allows for damages to be sought if a bargaining period is suspended and industrial action continues.

I am sure that all members would have read the report in yesterday’s Australian that indicated that 75 per cent of respondents to an ACTU survey said the government’s industrial relations proposals would not deliver better pay and 62 per cent did not believe more jobs would be created. The most telling aspect of the survey was that 62 per cent of people said they believed they would be worse off under individual contracts. The ‘Save Kevin Andrews’ committee must be working overtime to get the next round of advertising ready to go after these latest results.

I am sure that, once people become aware of the environment to negotiate individual contracts which the government will impose
through this bill, they will have even greater reason to fear negotiations. The most interesting aspect of the bill is the fact that, once again, the government is introducing one rule for one group and a vastly inferior set of conditions for another group.

Recently I brought to the attention of the House the case of Boeing workers in Newcastle, members of the Australian Workers Union. These workers have been locked out for a number of weeks because, after having worked under individual contract arrangements for the last four years, when their agreements were up for negotiation they decided they no longer wanted to be under individual contracts but wanted a collective agreement. They had tried individual contracts and they did not work for them, so they decided that a collective agreement was the way to go. The result of this negotiating effort with Boeing has created an almost intractable industrial dispute, not about terms and conditions; it is intractable because the employer wants to impose individual contracts or in this case Australian workplace agreements and the employees want a collective arrangement. This has resulted in a lockout—an employer initiated industrial action. These people have exercised their choice. They want a collective agreement, but all they have is a locked gate.

Now let us consider the position faced by the Boeing workers in the light of the government’s brave new world of negotiation as introduced under this bill. We have a group of employees exercising their rights to a collective agreement, we have an employer who has decided that that is not the way it wants to go and we have an industrial dispute. Since February this year, Boeing has consistently refused to negotiate a collective agreement. The employees want a resolution to the dispute. They have been locked out of the premises now for in excess of nine weeks. They are quite happy to consent to this matter being arbitrated by the Australian Industrial Relations Commission, the tried and tested industrial umpire. These workers are not militant; all they want is a collective arrangement. How would the provisions of this bill deal with their situation?

One option is to have an application for a suspension of the bargaining period heard by the Australian Industrial Relations Commission. Without a bargaining period in place, any industrial action becomes illegal. This could result in action being taken against individual workers for the recovery of damages. That would be not an insignificant result. Another option is that a third party may intervene in the dispute by applying to the Australian Industrial Relations Commission for a suspension of the bargaining period. If granted, it would have the same effect on the individual employees. Another option is to have the Minister for Employment and Workplace Relations apply to the Australian Industrial Relations Commission to have the bargaining period suspended. But none of these things will occur, for reasons I will outline later.

I am sure that people are wondering, if the FA18 jet fighter planes that Australia relies on to protect its borders are not being serviced, why the minister would not intervene in this one particular dispute. Why would a supplier of Boeing, someone who would be granted rights as a third party to intervene, not apply for a suspension of the bargaining period, one might wonder. The disappointing thing is that none of these options will find their way into the Boeing dispute as the bill specifically excludes employer-initiated industrial action—lockouts—where they have been instigated in pursuit of an Australian workplace agreement negotiation. It seems odd that a better bargaining bill would not contain a provision that would actively bring both parties to the negotiating table to settle the matter once and for all.
This bill gives the go-ahead to companies like Boeing to lock its workers out provided there is an Australian workplace agreement agenda afoot. Under the provisions of this bill, if the dispute occurs during an AWA negotiation, the employer is entitled to lock people out. It seems staggering that a better bargaining bill would not have a provision to initiate better bargaining in a situation like this. It is yet another situation in which the relative bargaining position of the employer is given primacy over the relative bargaining position of the employee.

This is yet another example of the government travelling down the path to the creation of a one-sided industrial relations system. This government has no intention of introducing a system in which disputes are resolved; rather this bill will hinder the genuine bargaining process because its objects are firmly embedded in the government’s extreme industrial relations agenda.

As demonstrated in the Boeing example that I cited earlier, employers will be granted yet another ‘get out of jail free’ card in the bargaining process through the exclusion of employer initiated lockouts under AWA negotiations. This is another example of how the government, even if it does not get its whole industrial relations agenda over the line, will set things up so that, by design through a number of incentives hidden in the system, its obsession with having AWAs introduced on a broad scale will still be achieved. Rational employers will be encouraged to offer AWAs as it will give them the prime bargaining position and all the various rights that go along with it. Under the provisions of this bill employers will be able to initiate lockouts when the negotiations get a bit tough. You can rest assured that they will use this new found bargaining strength, and actions such as those involving Boeing will not be isolated examples.

To prove that, recent research conducted at Sydney University indicates the growing use of lockouts. The research, undertaken by ACIRRT—the Australian Centre for Industrial Relations Research and Training—indicates that, over the period 1994 to 1998, 18,700 days were lost due to lockouts. When the period between 1999 and 2003 is examined, we find that 194,500 days were lost due to lockouts—an increase of some 940 per cent. On the other hand, when examined over the same period, there has been a decrease of 12 per cent in days lost due to strike action initiated by employees. Dr Chris Briggs, the senior researcher for ACIRRT, said:

Lockouts simply would not have reappeared without Government intervention and legislative change at the Federal level.

He went on to note that 91 per cent of lockouts happen under the federal industrial system, and this bill is giving the green light for them to happen more and more frequently. It seems that the government has a view that the ability for working Australians to withhold the one thing that they can withhold during a bargaining period is somehow unfair. The government seems to hold the view that Australian workers will take industrial action at the drop of a hat. That is just not true.

I have been involved in industrial relations for many years in a number of capacities and I have never seen industrial action taken just on a whim. Wages and conditions are key aspects of the employment relationship, no matter on what side of the bargaining table you might find yourself. They are the terms under which an employee decides to supply their labour and under which an employer decides to purchase it. Accordingly, the negotiation of wages and conditions is of paramount importance to both parties. This bill takes away the right of employees to withdraw the biggest card they hold—their labour.
Strikes and other forms of industrial action are certainly not taken lightly. Under the decentralised system of industrial relations that we have, the right to strike and other forms of industrial action are part of the bargaining process. But, from my experience, labour is only withdrawn as a last resort. The right to withdraw labour should remain a basic right for Australian workers. It should remain a basic right because when the negotiations reach an impasse it is virtually the only thing they have left to prompt further action. The right to strike is not only a right that should be preserved; it is a right that was reconfirmed to employees by the Australian Industrial Relations Commission when they handed down their decision in the Emwest case.

The removal of the right to strike and of the capacity to collectively bargain is yet another example of contraventions of ILO conventions. While my opposition to this bill is obvious, I suggest an alternative approach that would improve the position of all involved in negotiations and actually produce a bargaining system that would achieve outcomes, not hinder them. For instance, I do not see the need to remove the consequential effects where a case has been made out for suspension or termination of a bargaining period. Power already exists under section 170MX of the Workplace Relations Act, which provides for the commission, as soon as practicable, to begin to exercise the use of conciliation powers under section 170MY and arbitration, if it determines it necessary to resolve the dispute, under section 170MX. If a case is made that there should be suspension of a bargaining period or a bargaining period should be terminated, there are provisions under the act presently that grant power and jurisdiction to the Australian Industrial Relations Commission to intervene, to conciliate and/or to arbitrate.

In other words, there are powers afoot to allow the Australian Industrial Relations Commission to intervene with a view to resolving a particular dispute—a dispute which, in the nature of this case, would be intractable with little likelihood of being resolved through the negotiating process. Bear in mind that the Australian Industrial Relations Commission—via not only its charter under the act but also its members—is required to act without fear or favour when it comes to exercising those powers. Maybe arbitration by the Australian Industrial Relations Commission is the only reasonable way to resolve the issues between Boeing and its employees at Williamstown.

There is a common theme when it comes to negotiations that have reached a stalemate. It is similar to one of my own reasonably recent experiences with the NRMA. For a period of about 12 months the NRMA and its work force were involved in a long and protracted industrial dispute. Calls were being made on radio—Alan Jones and John Laws were invoked. There were concerns about women not being able to access breakdown facilities if they were caught late at night in their cars. Calls were being made about children being locked in cars. So, whilst it may not have been a threat to the national economy, there were certainly concerns for people who access that service.

The dispute involved workers in more than one state, so on the face of it it was an interstate dispute. The Australian Industrial Relations Commission was approached for assistance. The only thing it could do was render informal mediation. It was restricted because there was a bargaining period in place. The commission was restrained from suspending that bargaining period unless there was a threat to the national economy. Oddly enough, the dispute was resolved through access to the New South Wales industrial relations system. Here is a company
and their employees in the Australian industrial relations jurisdiction, but the only way to resolve this dispute was for both parties to go off hand in hand to the New South Wales Industrial Relations Commission, which in turn decided to impose arbitration, or at least to give notice that it would arbitrate within a period of time. That had a remarkable and sobering impact on that particular dispute that had been going on for over 12 months. It brought the parties together, back to the negotiating table to sit down and resolve their differences before the independent umpire would impose a resolution to the dispute. The fact that there was that facility there caused that—(Time expired)

Mr ROBB (Goldstein) (7.09 pm)—I rise to speak in favour of the Workplace Relations Amendment (Better Bargaining) Bill 2005. I strongly support the reintroduction of this legislation to the House—legislation previously not passed by the parliament for no good reason. This bill is only one part, but one important part, of our workplace relations reform agenda. We are committed to continuing our workplace relations reform agenda to ensure that the economy continues to grow and to ensure the growth in jobs and in real wages that we have enjoyed over the last 10 to 12 years. If we do not continue this reform, the continuation of that prosperity and that growth will be under threat. Any business, any economy and any government that rests on its laurels once it gets in front of the pack soon finds competitors coming up and taking over. That will happen to Australia as surely as it has happened to many other countries around the world if we do not take this opportunity to continue the reform process and build on the success that we have seen over the last few years.

Our workplace relations agenda is underpinned by a focus on direct employer-employee relationships at the workplace level, with minimum third-party intervention. We consider it essential to a modern, growing economy that workplace bargaining be the primary mechanism for employers and employees to establish wages and conditions. The overwhelming majority of Australians in the federal workplace relations system are now employed under enterprise or workplace agreements, either individual or collective. We are reintroducing this bill to improve workplace bargaining processes, to make them more effective, more user-friendly and as fair as possible.

Opposition to these sensible measures by those opposite can only be seen as an attempt to frustrate, to sabotage and to undermine enterprise bargaining—bargaining between employers and employees. It is a clear Labor-union tactic to undermine the bargaining process as a means of frustrating workplace agreements and a means of discouraging employers and employees from sitting down and working out terms and conditions which best meet their circumstances within individual workplaces and which best meet their personal and family circumstances. You cannot be for sensible agreement making in the workplace and be against this bill. That is the bottom line.

That is why I find the opposition to this bill from members on the other side so confusing. I do not find it confusing with the union movement. They have been opposing agreement making at the workplace level and at the individual level from the year dot. The union movement have been consistent. They have sought to frustrate and sabotage bargaining at every possible turn. But, when you look at the members opposite, what did they do in government compared with what they are now saying and supporting—the bidding they are now doing for their union mates? Let us go back to 1993 and look at what the Labor Party under former Prime Minister Keating said and did in government. I quote from Mr Keating in 1993:
Let me describe the model of industrial relations we are working towards. It is a model which places primary emphasis on bargaining at the workplace level within a framework of minimum standards provided by arbitral tribunals. … Over time the safety net would inevitably become simpler. We would have fewer awards, with fewer clauses … We need to find a way of extending the coverage of agreements from being add-ons to awards … to being full substitutes for awards.

That is not John Howard speaking; it is the former Prime Minister Paul Keating. Let us look at what his Minister for Industrial Relations at the time, Mr Laurie Brereton, had to say in 1993:

We are unquestioningly moving towards a system in which the primary emphasis is on workplace bargaining … A system where the majority of employees, wages and conditions of work are covered by workplace agreements — agreements between workplace participants. Agreements that are tailored to the needs of individual enterprises, and based on improving the productive performance of those enterprises.

Again, this is not Kevin Andrews speaking; this is Laurie Brereton in 1993. The reforms that we are discussing today are part of a process that has been going on now for nearly 12 years. This package of reforms over the next two or three months, including this initiative, is really the third stage of a deliberate 12-year process to simplify and to build far more flexibility into our workplaces—including legislation passed in 1993, legislation building on that in 1996 and now further legislation to increase that flexibility and effectiveness of agreement making in the workplace in 2005. It is an evolutionary process, not a revolution. If you listened to the other side you would think some major development was taking place that was unheard of, not thought through, not part of some longstanding developmental process of improving our workplace system. That is not the case. It is an evolutionary process that has already delivered significantly for Australia and which has much more to offer.

Yet we still have a system where third parties of all types can insert themselves too easily into processes to frustrate and work against employers and employees. We still have not yet got to the model of industrial relations described by Paul Keating back in 1993. We are well on the way but we have not yet got there. We still have a system where third parties can insert themselves too easily into processes to frustrate and work against employers and employees. The union movement have seen this as a threat to their existence—stupidly, from my point of view. If they moved with the times their role would be guaranteed. They have adopted a course where they have sought to frustrate this process and not assist it. They have worked against this and they are still working against it—there are still opportunities for them to interpose themselves in a negative and unconstructive way. In the process, major productivity improvements are still seriously stymied and innocent parties can be seriously affected.

This bill clarifies that no industrial action can take place during the life of an agreement. We consider that protected industrial action should not be available during the life of an agreement. This principle again was espoused back in 1993 in the second reading speech of the minister for industrial relations at the time, Laurie Brereton, when he talked about a coherent framework for bargaining and the need for a fairer and more effective regime to regulate industrial actions and sanctions. A right to take action in the negotiation of agreements and a distinction between the negotiation phase and the period when the agreement is in force is the norm in most OECD countries—a norm followed by the Labor Party, supported by the coalition and which continues to be a very important part of effective agreement making.
This bill clarifies that no industrial action can take place during the life of an agreement, consistent with practice over 12 years. We consider that protected industrial action should not be available during the life of an agreement. Parties should stick to their agreements and use dispute resolution provisions within agreements to deal with the disagreements during the life of an agreement. A deal is a deal.

We agree with Mr Keating and Mr Brereton that the facilitation of mutually beneficial agreement making between employees and employers is fundamental to maintaining and growing the prosperity we have enjoyed as a country. This is contrary to the view put by those opposite me, although I think they do not have their hearts in it—it is inconsistent with their actions in government; it is purely a political position adopted to curry favour with their union supporters. You can see that they do not have their hearts in it: they are going around in circles on some of these arguments, they are regurgitating things, they are making things up and they are scaremongering—all in an attempt to present some opposition when in government they did the opposite. They know that mutual agreements can be reached through reasonable and sensible discussions where different and sometimes competing points of view are considered and traded off until consensus is reached. That was at the heart of what was said back in 1993, and it still remains the heart of the productivity improvements and the prosperity that we have enjoyed over the last few years.

There is no need for conflict. There is no need for major confrontation and bloody-mindedness. In fact, the advent of agreements over the last 10 to 15 years being increasingly negotiated at a workplace level has meant that the old them-and-us culture has changed. There is far more collaboration in the workforce than we saw 20 to 30 years ago. The confrontational approach has changed and the unions need to understand and get in front of this. They need to use it to their advantage and not try to frustrate and return to the old them-and-us situation. It is not going to happen.

Overwhelmingly, the majority of enterprise bargain agreements have been concluded without industrial action. But this is no thanks to the involvement of unions. It is due to the fundamentally mature relationship between employers and employees that grows out of agreement making, which has grown and grown over the last 10 to 15 years as employers have been forced to interact with their employees on a daily basis on industrial and workplace issues. They have built the skills, the abilities and the communication channels to see effective, mature, more collaborative relationships occur at a workplace level, where deals are being struck which are in the interests of the employer and the employee to maximise the benefits for all concerned.

British research supports this. Employees in non-unionised workplaces are twice as likely to trust their employers. Since now only 17 per cent of private sector employees are unionised, given the ineffectiveness of unions in the modern workplace, it is not surprising that most agreements are negotiated without industrial action these days. Without the fearmongering of the union movement, employees and employers can generally sit down and work through the points of disagreement in a sensible and mature manner.

However, sensible discussions to achieve mutual benefits are not always the case. Since the introduction of the primacy of enterprise and individual level negotiations, the trade union movement have consistently sought to derail the process and to deprive Australians of the benefits which are derived
from these reforms. We have seen it again over the last few weeks in the extraordinary and deliberate dishonesty in the union campaign that is being run. It is all part of the union movement’s consistent attempts to derail the process of agreement making. They strongly opposed the 1993 reforms. They have opposed them again in 1996 and in 2005 against the background of an unbelievable performance by this economy. For the last four years in a row we have been rated the most robust economy in the OECD. A lot of that derives from the significant development at our workplaces whereby we have nurtured, fostered and developed constructive relationships between employers and employees.

In addition to re-establishing the notion that a deal is a deal, the Workplace Relations Amendment (Better Bargaining) Bill 2005 is designed to promote the goal of enterprise bargaining at the workplace level by removing the bloody-minded thuggery that has typified some union-led negotiations and ensuring that this type of conduct does not unduly damage employers; by providing redress to third parties who are unreasonably suffering damage from industrial action; and by facilitating the resolution of bitter industrial action by allowing the Australian Industrial Relations Commission to order a cooling-off period.

The bill introduces two further amendments designed to ensure that protected industrial action is taken in support of genuine claims—and only genuine claims—at the workplace. We want genuine, effective bargaining to take place. In 2004 the High Court determined that a whole raft of provisions not related to an employment relationship were not permitted to be included in enterprise agreements—for example, union fee deduction clauses. This bill seeks to formally amend the Workplace Relations Act to confirm that unions and employees cannot hide behind protected action where they are trying to reach agreement over matters that are not able to be agreed upon because they do not pertain to the employment relationship. This legislation does no more than clarify the Workplace Relations Act in light of the decision of the High Court.

The second amendment is to define and prohibit protected action from being taken where pattern bargaining occurs. Pattern bargaining is characterised by a one-size-fits all approach to enterprise bargaining across diverse segments of an industry. It has a ‘take it or leave it approach’ where no employer could seek to modify the terms of the agreement without obtaining the consent of all other employees. It is an action in total contradiction to the objectives laid out in 1993 by the Labor Party, reinforced in 1996 by the Howard government and again today in 2005.

The Metal Workers Union has foreshadowed its intention to commence its campaign in early 2006—a process of pattern bargaining which commenced in 2000 and which had a second round in 2003. In many cases during those earlier bargaining rounds, there was no attempt to reach agreement prior to industrial action taking place. Although this type of conduct is unprotected action, the sheer numbers of manufacturing employers involved in the matter—up to 700 in Victoria alone—meant that the arbitration commission simply did not have the resources to deal with each and every case in a proper and considered manner. The things that were being done with pattern bargaining were illegal and in total contravention of the act. It must be addressed.

The object of the Workplace Relations Act is to promote enterprise level agreement making. Without doubt, the practice of pattern bargaining is an attempt to stymie the objects of the act. This approach to work-
place bargaining is a de facto attempt to reintroduce industry-level bargaining and it seeks to return the country to the bad old days of nation-wide stoppages, with industrial blackmail affecting the entire economy from the targeted businesses to the owner of the local milk bar. The 700 businesses in Victoria all went out on the same day on enterprise bargaining. It was a pattern bargaining activity. Most of those businesses had never had the opportunity to engage in effective bargaining. It was a clear case of pattern bargaining, in contravention of the act. If these problems are not addressed and are allowed to profligate, the benefits that have been enjoyed as a result of workplace reform will be lost. It would be irresponsible to the Australian people for this House not to take steps to prevent this conduct from further eroding the benefits that we are seeing in our workplace areas.

In addition to the changes to ensure that protected industrial action is taken only to advance genuine claims that would promote agreement at the workplace level, this bill gives the commission two more strings to its dispute-resolution bow. In order to protect employers and employees when negotiations have become long and bitter, the commission will be able to order a cooling-off period between the parties. Labor would have you believe that the ability for the commission to suspend the bargaining period means the end of the employee’s right to withdraw labour when bargaining with their employer. This logic assumes that the commission would exercise its powers frivolously or at any time when industrial action was taking place. History shows us that the commission has not exercised its discretion to stop unlawful industrial action under section 127 on each and every occasion that industrial action occurs. It defies belief that the commission would suddenly issue cooling-off periods on a whim.

The final amendment to the act is in relation to third parties. The amendment will permit the commission to suspend the bargaining period where it considers that industrial action is threatening to cause significant harm to any person other than the negotiating parties. Contrary to the misleading suggestions of Labor, this is not a carte blanche for any Tom, Dick or Harry to step in and stop industrial actions. The absurdity of this postulation is clear. In reality, the legislation provides that the order will only be made when a third party is likely to suffer significant harm. It is well established that to demonstrate significant harm requires that the commissioner must have some basis for his or her satisfaction over and above generalised predictions as to the likely consequences of the industrial action in question.

What is proposed in this legislation is a set of unexceptional and sensible amendments to make agreement making more constructive and effective. It is an important component of our overall workplace reform agenda. I commend the bill to the House.

Mr GARRETT (Kingsford Smith) (7.29 pm)—I rise to oppose the Workplace Relations Amendment (Better Bargaining) Bill 2005. I reflect on the comments of the member for Goldstein, including his assertion that the industrial relations agenda that has been introduced by the government will see a lessening of the confrontational approach that he maintains has characterised relations between workers and employers over time. I refer the member to the activities taking place at the Boeing plant near Newcastle, where a number of employees—aircraft maintenance engineers who had been performing their tasks with competence and without complaint from the employer—sought to collectively bargain agreements in the workplace and were promptly thrown out onto the street. They are still there on a
picket line. I visited them, and I again pass on my support to them.

Above all, the government’s approach to industrial relations included in the proposals outlined in this bill can be characterised as the pursuit of ideology over genuine political necessity. There has been no substantial argument mounted to advance the proposition that the current industrial relations landscape is holding back Australia, its growth and its prospects. Indeed the statistics offered by members opposite, including the member for Goldstein, that Australia is experiencing a period of economic growth and buoyancy give the lie to the proposition that the industrial relations scheme is an impediment to that growth. Yes, business groups have brought forward an agenda, and the government has embraced their views. But there has been a notable scarcity of hard data which shows clearly that we would be better off if the proposals contained in this legislation were adopted.

The case has simply not been made—neither have the public accepted the case, because the public too smell an ideological crusade. Their lack of confidence and support for the government’s industrial relations agenda is evidence of that fact alone. They certainly are aware of the practical and fair system we currently enjoy, which has served the country well. I think it is worth reviewing in some detail what that system entails and how it has developed so that we can analyse the intention of the government to take it apart, and this will give a clearer indication as to why the opposition is opposed to the government’s agenda.

The member for Goldstein and others referred back to the 1990s, but I want to take the House back much further than that. In Australia for over 100 years fairness at work has been guaranteed by the various checks and balances arising out of the rights and obligations enshrined in state and federal industrial laws. Members would know that these rights and obligations are found in industry awards and that there are specialist tribunals, known as the ‘independent umpires’, that have overseen the preservation of the notion of fairness at work. It is a good system and it works, and it is that system, a system of fairness, that is under attack by the government. The prime ministerial statement of 26 May, subsequent statements in the House and now legislation reveal the government’s plans to take out fairness from the Australian workplace.

The government’s intention to dismantle or modify the industrial relations system at both the federal and state levels, replacing them with a single system that will be a shadow of that which it replaces, is the evidence. The proposed changes are extreme. They come with little prior public debate and with little justification, and critically they remove fairness from the system. The government’s proposals will strip most workers of their right to challenge unfair dismissals, reduce the role of unions in our community, strip away the powers of the Industrial Relations Commission and reduce minimum wages and conditions—that is clear. Yet Australia’s history demonstrates a commitment to fair minimum wages over the period of the federation to today. One hundred years ago the term ‘living wage’ was in fact used, and now we talk of a federal minimum wage. But we have always had labour laws that acknowledge and provide for consultation with, and participation of, all stakeholders in setting those standards; workers have been represented by their unions and employers by their associations. This was part of the great and successful Australian compact that historians refer to.

Yes, the method of setting wages has varied from time to time, but the general principles have always been the same. In 1907
Henry Bourne Higgins, President of the Commonwealth Court of Conciliation and Arbitration set out the sentiments of Australians in the Harvester decision when he said that a minimum wage for an unskilled worker should be fair and reasonable based on the ‘normal needs of the average employee regarded as a human being living in a civilised community’. Justice Higgins believed that that amount must be something more than the wage decided by ‘the usual but unequal contest, the higgling of the market, for labour, with the pressure for bread on one side and the pressure for profits on the other’.

For 100 years, courts and tribunals have considered and set rates for a fair day’s pay. The latest figure, now expressed as the federal minimum wage, set by the Australian Industrial Relations Commission is $484.40 per week. It is worth noting that the Henderson poverty line, a measure for poverty developed in the 1970s to calculate a wage that allows for a minimum standard of living, is $568.11 per week for a family comprising two adults, one of whom is working, and two dependent children.

As is often remarked upon on this side of the House, the federal government has appeared in every wage case since 1996, and on every occasion it has argued that the Australian Industrial Relations Commission award a lower wage increase than has been awarded. The government has been a consistent voice in this place to deny workers award increases in their wages. Had the Industrial Relations Commission done as the government wanted, the minimum wage would be $434 per week, or $134 less than the Henderson poverty line. This is the future for Australian workers under the Howard government’s industrial relations agenda.

The government has announced, amongst other things, that it will introduce a new system for setting minimum wages, that they will be set by the Australian Fair Pay Commission—an Orwellian title, it is true. Clearly the government will no longer allow the Australian Industrial Relations Commission to set the minimum wage. I note the comments of senior commissioners recently in opposition to comments made in this House by members of the government that they had not taken into account the state of the economy when making award determinations. The commissioners were clear: it is part of their brief; they must take the conditions of the economy into account, and they do.

The issue of fairness involves more than just a minimum wage. Minimum working conditions, importantly, are the foundation stone of the workplace. These minimum working conditions are benefits that come on top of the minimum wage, and together they make up what is now known as take-home pay. The benefits include, but are not limited to, overtime, penalty rates, sick leave, annual leave loading, public holiday pay and long service leave. These benefits have been provided to ordinary working Australians through a unique form of regulation known as industry awards. The process of award making has built on the minimum wage and developed industry-specific awards which set fair minimum conditions for working Australians.

Australians have been the beneficiaries of a system where awards are determined industry by industry, and conditions appropriate to each industry are tested against wider community standards. That is how the system has evolved, and it works. The current legislation requires the Australian Industrial Relations Commission to ensure that a safety net of fair minimum wages and conditions is established and maintained. That safety net means that no-one negotiates an agreement which is less than the award entitlements.
Industry awards are an integral component of the industrial relations system, and the resolution of disputes over those conditions has been administered at both state and Commonwealth level through courts and tribunals. Importantly, we now face the prospect of large numbers of Australians negotiating conditions with their employers that are outside the other award conditions. The minimum conditions—the minimum hourly rate of pay, annual leave, sick leave, parental leave and a maximum number of ordinary working hours—are not up for grabs. All other minimum conditions are up for grabs in the negotiating process.

Up to now, a fair negotiating process has emerged. It is called enterprise bargaining, and it was introduced to allow enterprises to meet the needs of a more open and flexible economy. Workplaces have been able to negotiate different working arrangements that suit the needs of that particular business. Those negotiations have been underpinned by award wages and conditions. The parties have been free to bargain away some of those conditions, but enterprise agreements have to meet the ‘no disadvantage’ test. This meant that the agreement, when tested against the industry award, did not leave workers worse off. Workers could vote on an enterprise agreement and the agreement would only apply if a majority approved. The commission had the role of certifying enterprise agreements and anyone affected by an agreement had the right to appear before the commission to raise any complaints about the agreement. That was the way in which the system worked.

With the introduction of enterprise bargaining the award-making process has focused on minimum conditions, and it has allowed better conditions to be gained through enterprise bargaining. Under most enterprise agreements workers do well compared to workers who rely on the award. It is true that not all industries have embraced enterprise bargaining. Some industries, such as the retail, hospitality and health sectors, still rely heavily on the award system. Workers in these industries depend on the award system to ensure they get a fair day’s pay for a fair day’s work. But the intention of the government is that agreements will no longer have to meet the ‘no disadvantage’ test. Instead they will only have to meet the new minimum standards set in the legislation. Those minimum standards will be the minimum wage and the minimum conditions of annual leave, personal leave, parental leave and a maximum number of ordinary working hours.

The Australian Industrial Relations Commission, it seems, will no longer certify the agreements. Instead, the Office of the Employment Advocate will be responsible for ensuring that agreements do not offend the new minimum. Critically, the awards will have no role in setting the minimum standards for new agreements. In more recent years the law has changed again so that employers can offer individual contracts to workers. As the House well knows, in the federal system these contracts are known as AWAs—Australian Workplace Agreements. These agreements, like enterprise agreements, have also been subject to a ‘no disadvantage’ test through the Office of the Employment Advocate.

When you remove the safeguards, as the government proposes to do, then you have a race to the bottom. Wages and conditions are costs to businesses. In some businesses they are the major costs. With appropriate safeguards, a level playing field is created and businesses compete on factors such as know-how, experience, reliability and service. They do not compete on the basis of how little they pay their workers. The concern that the public has, and what we oppose, is the prospect of the government taking away this
level playing field of award wages and conditions—in so doing, employers in industries such as cleaning, hospitality, aged care, security services and the like will be forced into a new race to the bottom.

There is no question that life at the bottom is cruel and difficult. I think we recently had an opportunity to witness what life at the bottom would be like with the industrial relations system that operates in the United States—which is somewhat akin to what is being proposed by the government. I am not suggesting that they are similar, but I am suggesting that there are similarities. It was those low-paid workers—those at the bottom of the wage heap—who were unable to pay for the petrol or who did not have decent motor cars to escape from the terrible travails that faced them when the cyclone hit New Orleans.

In this country we also have an idea what a race to the bottom would mean. I am referring to a book that I commend to the House, *Dirt Cheap: Life at the Wrong End of the Job Market*, by Elisabeth Wynhausen. Elisabeth gave up her job as a journalist at the *Australian* because she was inspired by the account of American writer Barbara Ehrenreich of her time as a minimum wage earner in Nickel and Dimed: On (Not) Getting By in America. She was hired as a breakfast attendant at the Princess Hotel in Melbourne for $11.98 an hour. She worked with a 40-year-old Russian immigrant who lived 30 kilometres out of the city and had to leave home at 4.30 am to be at work on time, which meant that she was 20 minutes early and she would go straight to work.

The staff at the Princess Hotel are required to transfer supplies from one hotel to another in the chain called the Duchess, and at this hotel employees were subjected to surveillance by the owners of the hotels. Elisabeth Wynhausen found that employees were ever fearful of being late for work or returning from meal breaks late and this fear would cause major anxiety, as they believed they would be sacked for the smallest indiscretion. Those indiscretions will be bargained away.

Elisabeth worked two jobs at this time: the first as a cleaner and the second as a breakfast attendant. The cleaning job was in the evening. She was paid by cheque, which was made out in her first name only, and she was told that tax had been withdrawn. Sometime later she found out that she was being underpaid by about $2 per hour, which amounted then to nearly three hours worth of dusting a week.

The story continues. After two days of working two jobs, Elisabeth quit the cleaning job. It is true—and the House should be aware of this—that statistics show that five per cent of all workers and 10 per cent of casual workers in part-time positions work two jobs to make ends meet. Restricting the capacity of workers to bargain within their workplace to ensure that they do not find themselves working unreasonable hours will most strongly apply to those people at the low-wage end of the employment market.

To continue the story, whilst Elisabeth Wynhausen worked full time at the hotel, she did not receive any overtime for working weekends and she was not informed that working weekends was a requirement of her employment. The salary quoted at the time of commencing employment included superannuation. Two weeks into her employment, Elisabeth was informed that the conditions of her contract allowed the company to ask her to work flexi hours, which could be any time during a 24-hour period and which could demand that she work 40 hours a week without advance consultation. Those terms and conditions that rightly have been a part of the Australian industrial relations landscape for
many years will no longer be, under the industrial changes that are proposed by the government. It is those members of the work force who do not necessarily have the capacity or the high skills who will be the most vulnerable, and it is to them that the government owes the greatest responsibility.

The story finishes something like this: after discovering that she was not entitled to the tax-free threshold earnings of about $24,918 per annum, and after the rate adjustment was taken into account—she was earning just $57.09 a day, or about $7.14 an hour—Elisabeth found that she could barely cover her living expenses. Needless to say, she spoke up. She had a run-in with management regarding another employee doping her in for using some milk, and she was pushed to resign from her job.

The tale is an apposite one. There are only two ways that we can compete with a country like China, for example, as it builds its industrial capacity and continues to export into our market: we can be smarter and more innovative and we can apply the imagination and the intelligence of the country and come up with better ways of producing materials in competition with the Chinese or we can bring the unit costs of labour down. I suggest that is one of the agendas that lies behind the so-called industrial relations reforms that the Howard government is proposing. At a time when the economy is buoyant, these changes may on the surface not seem—at least from the point of view of the government—to be damaging and deleterious to the social fabric, but I take no delight at all in saying to the House that I hold grave fears and concerns in the event that the economy has less robustness than it is showing at the present time.

There has been no substantial argument mounted to advance the proposition that the current industrial relations landscape is holding back Australia, its growth or its prospects—none whatsoever. What is at stake underneath the range of measures the government is committed to in its so-called industrial reforms is something fundamental to democracy, something that those in the past have aspired to and won in their long marches to freedom—that is, the right to associate, to join together and to take industrial action to remove their labour if necessary in the interests of fairness. Freedom of association is a fundamental human right; hence the freedom to strike has emerged as an essential tool for the implementation of such a basic freedom. That is why Labor oppose the government’s agenda in this House and that is why the community does, too. It does not trust the Howard government on this issue and, as long as we stand and can draw breath, we will argue for the fair rights of Australian workers in this Federation.

Mr HARTSUYKER (Cowper) (7.49 pm)—I welcome the opportunity to speak tonight on the Workplace Relations Amendment (Better Bargaining) Bill 2005. I note that the member for Kingsford Smith very much focused on the issue of fairness, and I remind him that there is no fairness in unemployment. There is no fairness in denying opportunity, and there is certainly no fairness in an industrial relations system that belongs in the past. The Australian Labor Party would want to persist in running this country through the rear-view mirror. They have no real leadership; they have no real vision for this country. They seek to retain the status quo, a status quo that they have actually opposed in many instances. We see fairness in creating 1.6 million jobs, we see fairness in creating strong growth in real wages and we see fairness in providing opportunity. The ALP want to peddle a fear of change out there in the community. The government want to focus on opportunity.
The bill we are discussing tonight will further improve the framework to provide a flexible and fair industrial relations system that will provide that very opportunity. The bill will deliver greater certainty for Australian employers and employees. The bill proposes amendments to the Workplace Relations Act which will improve workplace relations in four key ways. Firstly, it will ensure that industrial action cannot be taken from the time an agreement or an award made under section 170 comes into operation until the nominal expiry date of the agreement or award has passed. Secondly, it will allow the suspension of a bargaining period to allow for a cooling-off period during the negotiations for a certified agreement. Thirdly, it will allow the suspension of a bargaining period on application by a directly affected third party where industrial action is threatening to cause significant harm. Fourthly, it will also clarify that, where parties negotiating a certified agreement and parties outside the agreement take industrial action in concert, this is not a protected action.

I would like to expand on those four key points and take the opportunity to identify to members opposite the importance of this bill and why it is vital to the integrity of a modern, proactive and effective workplace relations framework. The Workplace Relations Amendment (Better Bargaining) Bill 2005 is intended to reaffirm the original intent of the Workplace Relations Act 1996. The intention of the act was that protected action be allowed only during negotiations for enterprise bargaining agreements, EBAs. If an enterprise bargaining agreement is to be valued by all parties involved, it is essential that the agreement is honoured without industrial action during its duration.

There is very little use for an agreement whereby substantial disagreement on the terms and conditions could occur during its course. Retaining the integrity of any agreement is essential if both the employees and the employers are going to invest their time and resources in the growth and productivity of a workplace. If you undermine the terms of an EBA, you are creating instability for all parties. Instability is not good for either worker or employer. The amendments in the Workplace Relations Amendment (Better Bargaining) Bill 2005 will remove the current insecurity which is holding jobs and productivity to ransom. They will ensure that the terms of a bargaining agreement are valid for the life of the agreement and that no protected industrial action can take place during the term of that agreement. It is essential that all parties stick to the agreements and use the dispute resolution processes within the provisions of any agreement to deal with such disputes. This bill will ensure that that occurs by making industrial action during the life of an agreement unlawful. Effectively, it will prevent industrial action taken in pursuit of new claims until the life of the current agreement expires. This will address the uncertainty which resulted from the Federal Court ruling on what became known as the Emwest decision.

The Emwest decision undermined the principle of the binding obligations of an enterprise bargaining agreement by ruling that the AMWU was allowed to take protected action in support of new claims that were not included in the EBA. The implications of this decision are clearly undesirable for all employers who have entered into EBAs with the expectation that their terms will be honoured for the life of the agreement. Employers should not be subject to the uncertainty of unions taking industrial action in pursuit of new claims introduced during the life of agreements. This bill will remove that uncertainty and deliver the security necessary for workplaces to be productive, efficient and competitive.
The second essential component of this bill allows for a cooling-off period during the bargaining period of a new certified agreement. It is a simple fact that, during disputes, negotiating parties often lose sight of their original objectives. The introduction of a cooling-off period will allow all parties the opportunity to step back and refocus on reaching a solution which works for both the employer and the employees in question. Under the present legislation, the Australian Industrial Relations Commission cannot order a cooling-off period in the case of a protracted dispute. Although the commission has used provisions under the Workplace Relations Act to order a de facto cooling-off period in some cases, particularly in difficult bargaining disputes, it is not able to do this in all situations where a cooling-off period may benefit the parties.

This bill will give the commission the ability to suspend the bargaining period for a period of cooling off if it is believed it would assist the parties in resolving the issues in dispute. It will be up to the commission to determine the length of the cooling-off period. Under the bill, the commission will be able to extend the cooling-off period once only. This could only be applied following an application from one of the negotiating parties and after the other parties involved in the negotiation have been heard. Cooling-off periods will play a valuable role in the negotiation process and will allow the parties further time to negotiate without the pressure of continued industrial action. Cooling-off periods will also give the parties time to investigate and consider the use of alternative means for resolving a stalemate situation—for example, with the assistance of voluntary conciliation. It is a sensible and practical solution to addressing points of difference in future enterprise bargaining agreements.

In any negotiation for new enterprise bargaining agreements, the risk remains that third parties can suffer as a result of industrial action which is occurring in another workplace. The act currently allows protected industrial action to be taken during a bargaining period for a new enterprise bargaining agreement or EBA. However, such action can be harmful to third parties and can be misused by unions to put pressure on employers with whom they are not currently in negotiations. This can have a substantial impact on the competitiveness and the profitability of many third party businesses.

Under the current act, during bargaining periods third parties cannot apply to the AIRC for relief from threatened or ongoing significant harm due to industrial action occurring during the bargaining period. It is true that the commission can provide some indirect relief to third parties in some circumstances. However, this is dependent on the commission using its own initiative or otherwise depending on an application from the minister or a negotiating party. The bill will redress the damage that such circumstances can impose on third parties. The bill would allow the commission to suspend the bargaining period for a specified period following an application by an organisation directly affected by industrial action, other than one of the negotiating parties or the minister. Such a suspension may be extended in a similar manner to the extension of cooling-off periods under the bill.

The commission would be required to consider a number of factors to determine whether a suspension is appropriate, including whether the action is threatening to cause significant harm to any person other than a negotiating party. Again, the commission would be required to inform the negotiating parties of opportunities for voluntary mediation or conciliation by the commission. This measure is important in protecting third parties who are not directly involved in a dis-
pute, while still maintaining the existing rights of employees to take industrial action.

The amendments included in this bill will reduce the underhand tactics used by some organisations to create industry-wide disruption. Such tactics have been particularly damaging in the automotive industry, where industrial action at a component supplier has been used to strategically attack large manufacturers. In such circumstances, the intention of the unions is not to reach agreement with the component suppliers but rather to put pressure on manufacturers and force industry-wide outcomes. In a sector such as the automotive industry, this has the potential to have substantial adverse consequences. The automotive industry is an extremely competitive industry, which means any industrial action can have a significant impact on its profitability, on its sustainability and on our reputation as an exporting nation. Therefore, all businesses associated with a specific business may be at risk of being severely disrupted as a result of any union which pursues an agenda that has a broad industry focus.

This bill will give innocent third parties the right to apply to the Australian Industrial Relations Commission to have the bargaining period terminated. The bill will also allow affected third parties to apply for relief in other circumstances. For example, in the situation of electricity unions threatening power supplies, affected third parties, including state and Commonwealth governments whose essential services are threatened, will be able to undertake action in the Australian Industrial Relations Commission. Industrial action taken in concert is unprotected. That is the final key component of this bill, which ties in with the agenda that some unions may seek to pursue. There are numerous examples of where unions have attempted to organise industry-wide bargaining by conducting negotiations across a range of employers or an industry, rather than conducting negotiations through individual enterprises. This is contrary to the objects of the Workplace Relations Act. The objective of the act is to provide genuine agreement making between employers and employees at the individual workplace or enterprise level. The amendments in this bill will ensure industrial action is deemed unprotected action where it is taken in concert with employees of different employers. Furthermore, the bill will provide that two or more employers cannot be treated as a single employer for the purposes of identifying a protected action.

In conclusion, this bill includes several policy priorities of the government which have previously been rejected by the Senate. The bill largely mirrors the provisions of the Workplace Relations Amendment (Better Bargaining) Bill 2004 and is part of the plan to modernise our workplace relations framework. The coalition has a clear vision as to how to achieve an Australian workplace that meets the needs of the 21st century. This vision involves vital reforms which will include simplifying the agreement-making process at the workplace, establishing a Fair Pay Commission to protect minimum and award classification wages, enshrining key minimum conditions in legislation for the first time, introducing a fair pay and conditions standard to protect workers in the bargaining process, providing a modern award protection for those not covered by agreements, ensuring an ongoing role for the Australian Industrial Relations Commission, reforming our unfair dismissal laws and also introducing a national system of workplace relations to replace the multiplicity of systems which currently exists.

The Workplace Relations Amendment (Better Bargaining) Bill 2005 is very much about simplifying the agreement-making process and providing a more productive workplace. This bill will reaffirm the original
intention of the Workplace Relations Act. It will ensure that industrial action cannot be taken during the term of an existing agreement, it will provide a cooling-off period for negotiations for a certified agreement, it will allow support for third parties affected by industrial action and it will shore up the integrity of enterprise-bargaining agreements by ensuring negotiating parties uphold the terms of the agreement for its entire duration. I commend the bill to the House.

Mr CREAN (Hotham) (8.03 pm)—Labor oppose the Workplace Relations Amendment (Better Bargaining) Bill 2005. We oppose it because it is bad policy, it is un-Australian, and it undermines the very basis on which this nation’s sustained prosperity has been built. We oppose the bill for three key reasons: it undermines collective bargaining, it limits the role of the independent umpire and it tilts the playing field towards the employer. Specifically, it unfairly restricts the right of employees to take protected industrial action. Why restrict protection? That is un-Australian, but it is John Howard’s Australia. The bill enables third party interference in disputes. For that, read ‘government interference’ as in the Patricks dispute: the balaclavas, the rottweilers, the midnight cabinet meeting at which they authorised the stripping of company assets to deny workers their entitlements. That is un-Australian, but it is also John Howard’s Australia.

The bill legislates away a decision of the Australian Industrial Relations Commission which was upheld by the Federal Court. Here we have an example of when the government disagrees with the umpire it overrules it. That is also un-Australian, but it is also John Howard’s Australia. The bill reduces the flexibility of the Australian Industrial Relations Commission to resolve disputes. That is just plain stupid, but it is in this bill. Finally, the bill restricts pattern bargaining but restricts it only for collective agreements. It allows employers to duplicate, or pattern, individual AWAs. So here we have entrenched in this bill one rule for the employers and a different rule for unions and their members. That is also un-Australian, but it is John Howard’s Australia. So let us understand what this involves. This is not about creating a better working environment; this is about pursuing the Prime Minister’s ideological obsession that he has had for more than 30 years in public life.

Through this bill the government is undermining a fundamental right in a democratic society—the right to collectively bargain. It is a right which is enshrined in International Labour Organisation convention No. 98, a convention which Australia ratified more than 30 years ago. Now that the Prime Minister has control of the Senate, he wants to pursue his ideological drive against unions and collective bargaining, because he has never understood the huge potential to turn that collective representation to the advancement of the nation and its prosperity. How do I know this? I know it because I was the President of the Australian Council of Trade Unions when John Howard was not the Leader of the Opposition but the opposition’s spokesman for industrial relations. He came to my office and sought to understand what the accord was about. It having been explained to him, he sat there and hardly asked a question. Clearly, he did not want to understand it. I invited him, because of the complexity of the circumstances, to at any stage come back and talk to us if he had problems. Did I get a call from him? No. He was going through the motions; he was not genuinely interested in trying to understand the potential that was there. Why is that? Because he is threatened by groups that he does not understand or that he cannot control. In effect, he wants them out of the way. Not great on tolerance and inclusion our Prime Minister!
The advancement of the nation’s prosperity that I have been speaking of was most notably on display during the Hawke-Keating era through the accords. That period unquestionably laid the basis for this nation’s sustained economic prosperity—and we have now had 14 years of it. It did not begin when this government got into office; it began under Labor because Labor laid the basis for it. It is interesting also that the Prime Minister’s proudest boast is that real wages have gone up during his term, but the fact is that he has opposed every national wage increase since he has been in office. It was the independent umpire, the one that is being gutted in this legislation, that actually delivered those increases. So John Howard not only claims credit for someone else’s work but wants to undermine the very mechanism that delivered the real wage increases he boasts about and claims credit for.

It is very interesting that the shadow minister for workplace relations highlighted in a recent speech the extent of what workers would have been missing out on if what the Prime Minister had been pursuing in terms of minimum wages had been realised. For those on the minimum wage it would have meant $50 a week less than they are getting now. That is what the Prime Minister really wants. He does not agree with the umpire, so he sacks it. We are waiting to see the new body that will be created, but we already know that the Australian Industrial Relations Commission is going to be stripped of its power to set minimum rates and be replaced by a so-called low-pay commission. We know what the Prime Minister has in mind for that: he wants something that he can more directly control. Rather than give independence to an arbitral body, he wants to control it.

That argument aside, what has delivered real wages growth in this country is the combination of low inflation and increased productivity. But the question that has to be asked is: who locked in low inflation? It was the Labor Party through the accord. Through wage moderation, compensated through the social wage, there were initiatives such as the introduction of Medicare—it was not introduced by the Howard government. In fact, they gutted Medibank, its precursor—again introduced by a Labor government. That was one aspect of the social wage. Superannuation was another. We heard Minister Brough in a Dorothy Dix question today seeking to claim credit for the growth of superannuation in this country. Who introduced compulsory superannuation in this country, the most significant intergenerational policy this government has seen? It was the Labor Party—and it was fought every inch of the way by the Liberal Party. So do not come in here with this cant and hypocrisy and claim credit for it. The Australian public know who is responsible. The Australian Labor Party was the party of the pensioner; it is now the party of the superannuant. The sorts of initiatives the government talks about having introduced have not added much to it at all.

Another initiative associated with the social wage was the tax cuts under Labor—seven of them in 13 years, a return of more than bracket creep to every wage earner in this country. That was under a Labor government. But compare it to what ordinary wage and salary earners have got under this government: $10 and a GST in 10 years. That is what they have got. Labor was able to develop the wage moderation that underpinned low inflation because of a judicious mix of wages policy, tax policy, superannuation, Medicare and family payments.

It was also Labor that modernised the wage-fixing system. Labor ended comparative wage justice, ended the centralised wage-fixing system and introduced enterprise bargaining to drive cooperation in the workplace, built on productivity. That was a
Labor initiative, but it was built around the collective, ensuring that the trade union movement worked constructively through collective responsibilities and discipline. That is what is going to be stripped away. This bill is a precursor of what is to come. That is why every employer in this country needs to understand what it is buying through this government’s ideological obsession. I know that the trade unions and their members understand what they are getting, but I think the employers of this country need to understand it better too.

I mentioned that the real wage increases came about not just through locking in low inflation through the mechanisms I have talked about but also through increased productivity. Which party has overseen the biggest step up in productivity this country has effectively seen? Again, it is the Labor Party. We did it through investment in education, skills and innovation, through hugely lifting school retention rates, through massively expanding university and TAFE funding, through ensuring a huge increase in expenditures on research and development and through investing in the nation’s infrastructure. In other words, it was a government prepared to invest in the drivers of economic growth to sustain the prosperity that this nation continues to experience.

You would have thought that out of all of that the government would have got the message that this actually works and it is built through cooperation; it is built around the very mechanisms that we put in place. But rather than continue the legacy, the government has disinvested in those areas. That is why we are experiencing falling productivity and the government is presiding over that falling productivity. Labor’s wave of reforms sustained rising productivity—this government has just trashed it. It now wants to undermine collective bargaining and collective action because it believes that the nation is best served by division and conflict, not cooperation for economic and social cohesion. It is dead wrong, but the nation will suffer as a consequence.

The country had better get ready for this because, as I said before, what we are seeing in this bill is a precursor of more to come. We still have not seen the legislation. I understand the government is having awful difficulties getting it together. Why? Because it is not relying on the constitutional head of power that has seen the development of our system under the banner of all sorts of governments for more than a century since Federation—the tried and unique conciliation and arbitration system. It is seeking to modernise it, and by all means do that—make it more relevant for the times—but do not scrap the basis upon which this country and its prosperity have been built. This government wants to now rely on another head of power—the corporations power. The trouble with this is that it will cause difficulties for many unincorporated businesses: family businesses, small businesses, trusts and family owned farms. They employ people, and apart from the costs of incorporation for these bodies—and we are told by the minister, apparently in the Liberal party room, that they will have three years to get this under control—they will lose other concessions such as tax averaging and the Farm Management Deposit Scheme, which has been much in the news recently because of the drought, a scheme the precursor of which I introduced when I was Minister for Primary Industries and Energy.

The NFF have raised concerns and have sought a no disadvantage guarantee from the Prime Minister. I ask the minister when he responds to this bill to answer this question: will they get one? The Prime Minister will not give such a guarantee to the Australian workforce. I say to the NFF, ‘If he gives it, read the fine print because if you get one it
effectively will be worthless.’ Why do I say that? Because it was the Prime Minister, when he introduced the Australian workplace agreements stream, who promised John Laws, amongst others—he promised the whole of the work force; he just happened to do it on the John Laws program—that no worker would be worse off. That is what he went to the last election promising: no worker would be worse off. After the election he will not give the same guarantee.

To highlight how ineffective that promise was, one that he will not repeat—and that is why I say to the NFF to read the fine print—I go again to a case that I have referred to in previous debates in this parliament: the circumstances of a young girl, a year 10 student, Deanna Renella, employed by Bakers Delight in South Australia. She was a year 10 student who was found by the South Australian Industrial Relations Court to be grossly underpaid. If anything exposes the vulnerability of workers forced onto AWAs and the worthlessness of the Prime Minister’s word about no disadvantage, this case does it best of all. This year 10 student was someone who the government would have us believe was able to negotiate as an equal with her employer. The court found otherwise. She was required to sign a two-page pattern or duplicate AWA—an AWA which underpaid her to the tune of half the adult rate and an AWA that provided for no annual leave, no annual leave loading and no sick leave. More than 50 identical AWAs were also required to be signed.

Members on the other side should understand this: unions are not allowed by this legislation to bargain in a pattern sense collectively, but an employer—in this case Bakers Delight—can require a pattern application of AWAs for the whole of their work force. What is fair about that? And, more importantly, the court was able to order restitution for this girl—she was able to get paid properly. Why? Because the employer in her case had failed to register the AWA properly; therefore, the AWA was invalid and she was able to get protection through the state industrial system. Not so the other 50 employees because for them the AWAs were validly signed. So understand this, Madam Deputy Speaker: the court says she is underpaid and it clearly breaches the Prime Minister’s no disadvantage test, but the court has no ability to order payment for the other 50.

I heard the other day the Prime Minister saying when it was alleged that employers would abuse the system, ‘I am going to ensure that employers do not abuse the system.’ I ask this simple question: what has the Prime Minister done to ensure that Bakers Delight pays those other 50 their fair entitlements? What has he done? The court has been able to order it in the case of Deanna Renella because of the failure to validly lodge an AWA, but there is no capacity to order restitution in the case of all those others who have been underpaid.

This is bad law and the AWA system that the Prime Minister has introduced exposes it as very bad law. But if what happened to Deanna Renella can occur when the Prime Minister gives a guarantee of no disadvantage, what is the system going to be like when there is no guarantee that there will be no disadvantage? That is the proposition. That is the unfairness. That is the un-Australian nature of this legislation. I say to this House, think very carefully of the sort of society to be introduced by this type of law. By all means, have the view that the system can be improved, but do not tear up the system completely. (Time expired)

Mr HENRY (Hasluck) (8.23 pm)—It is certainly a great opportunity to respond to some of the comments from the member for Hotham as he was a former president of the ACTU. The Workplace Relations Amend-
The Workplace Relations Amendment (Better Bargaining) Bill 2005 will provide a better environment for all Australian workers with respect to bargaining provisions with the unions on a collective basis or otherwise. The reality is that a lot of the agreements that employers have entered into with unions are worthless. They are worth less than the paper they are written on.

Mr Murphy—Worthless.

Mr HENRY—Absolutely worthless. The conditions—the no industrial action clauses during the term of this agreement, the clauses about invoking the dispute resolution settlement agreements—are often ignored totally by the union as they go out on strike. The employers and enterprises make applications to the Australian Industrial Relations Commission. The commission often directs the unions back to work and they ignore the direction of the umpire. So those agreements, as they have been made in the past, have been worthless. The Workplace Relations Amendment (Better Bargaining) Bill is an important part of a raft of much-needed legislation required to protect Australian industry and, in particular, the many thousands of small and medium sized businesses that are the backbone of our economy from a union movement seemingly hell-bent on confrontation and willing to hold Australian business and their employees to ransom.

Since I have been appointed the Western Australian representative on the task force on workplace relations reform in July 2005, a clear message in terms of workplace relations has emerged for the Howard government from small and medium sized business owners within my own state. That message is simply, ‘Do not waver; stay the course and get the job done.’ I have been able to reassure them that this government will not waver, that it will stay the course and ultimately this government will continue getting on with the job of making Australia more productive, making employers and employees more productive and more effective in their workplaces and ensuring the benefits of their efforts.

By taking the Workplace Relations Amendment (Better Bargaining) Bill forward this government is demonstrating that it has the will and indeed the strength of resolve—that only the coalition is capable of showing—needed to keep Australia’s economy healthy and on course for future success and to ensure that workplaces provide a productive and profitable environment for employers, employees and ultimately Australia. This legislation will play a part in helping to deliver the industrial relations reforms required to ensure that Australia’s economy remains strong, that workers continue to benefit from real increases in their take-home pay and that, as the economy grows, jobs are created for those seeking work. The Howard government’s record clearly demonstrates that reform as epitomised by the Workplace Relations Amendment (Better Bargaining) Bill works for the benefit of all Australians. Since taking power in 1996, the government’s reforms have delivered real wage increases of around 14 per cent, created over 1.7 million new jobs and delivered an unemployment rate that is at a near 30-year low.

The ACTU’s $8 million advertising campaign opposing workplace relations legislation such as this workplace relations amendment bill based, as it frequently is, on lies, innuendo, wild assumptions and half-truths will not derail the effectiveness of these measures, nor, I am sure, will it deter this government from moving forward and doing what is required in the national interest. In the words of the Prime Minister as quoted in the Canberra Times on 12 July this year:

The Australian people know that when a government acts in the national interest, the path of roll-back is a road to nowhere.
The reality is the government’s reform measures and this bill will not cut award wages, will not abolish awards, will not remove the right to join a union, will not take away the right to strike, nor indeed will it outlaw union agreements. However, the problem that this bill will resolve is the absolute lack of integrity shown by the union movement to comply with its agreed commitments and its repeated failure to comply with the bargaining agreements that they are more than happy to coerce employers into.

Thanks to the actions of the unions, Australian workplace relations history is literally strewn with the wreckage and debris of many enterprise agreements that have not been maintained or adhered to. The union movement must be made to come to terms with the concept that a bargaining period is just that and that the agreements should not be dismissed or ignored on the whim of a disgruntled union official. It seems to me that the culture of enterprise bargaining is so foreign and so far removed from many unions here in Australia that they have no understanding or grasp of the need to comply. A commitment to taking no industrial action should mean just that, whatever the supposed cause or apparent justification.

We now see the ACTU organising a day of strike action across Australia in opposition to the industrial relations reforms of a rightly, properly elected Howard government. These are the sorts of activities that unions indulge themselves in led by presidents of the ACTU. We see some former presidents sitting on the other side who have been involved in that total lack of integrity in the industrial process in Australia.

This bill mirrors in many ways the provisions of the better bargaining bill of 2003. However, on this occasion I and my colleagues on this side of the House have some confidence that, unlike its predecessor, this time it will have the support of the Senate. At its heart, the bill is intended to reaffirm and re-establish the original intention of the Workplace Relations Act 1996. The intent was that protected industrial action only be allowed during negotiations for enterprise bargaining agreements and that such industrial action should not be used as a form of blackmail—and blackmail aimed at damaging innocent third parties as a form of leverage during negotiations is what we are talking about here.

The Workplace Relations Amendment (Better Bargaining) Bill 2005 achieves a number of very desirable outcomes. Indeed, there should be no doubt that industry across the country welcomes and supports this bill. That is certainly the case in my electorate of Hasluck, as it will effectively tighten the rules to ensure that unions do not continue to misuse industrial action to achieve their aims. It will also provide for blameless third parties that suffer damage as a result of inappropriate industrial action to seek redress and some welcome restitution for their losses—a very important balance that this bill introduces into the industrial environment.

I am pleased that the bill will also provide a mechanism through the offices of the Australian Industrial Relations Commission to introduce some commonsense to the bargaining process by allowing the Australian Industrial Relations Commission to order a cooling-off period during industrial action. This will be a particularly useful tool when the AIRC is faced with a union taking industrial action not because it wishes to reach a deal with an employer but simply as a means of frustrating or punishing the employer for opposing it.

Very importantly, this bill will overturn two controversial and, in my view, very flawed decisions of the Federal Court in the Emwest case of 2002 and the Electrolux case.
of 2004. These two cases introduced uncertainty and confusion once again into Australia’s industrial relations framework and could not and should not be ignored by this government. Indeed, Sydney university’s workplace and training institute found that the effect of the Federal Court’s Electrolux ruling was to render up to a third of all enterprise bargaining agreements invalid within the construction, manufacturing and retail sectors.

As highlighted in an article that appeared in the *Australian Financial Review* on 7 November 2003, employer groups, including the Australian Chamber of Commerce and Industry, have given a warm welcome to the Workplace Relations Amendment (Better Bargaining) Bill, arguing that this bill would have the welcome effect of helping to keep unnecessary and costly industrial disputes at low and manageable levels. It will do so by encouraging negotiation rather than confrontation—can we believe it?—between employees and employers. It removes an unwelcome element of fear and apprehension from the bargaining process and fosters an atmosphere that was enshrined by the immortal words of the late American President John F Kennedy:

Never negotiate out of fear, but never fear to negotiate.

This bill reinforces the principle that the Workplace Relations Act 1996 should protect industrial action that is taken in support of bargaining for an agreement about the parties’ working relationships. It also reinforces very strongly that the act does not allow and was never intended to allow protected industrial action where it is taken in concert with employees of different employers. As it stands, the uncertainty introduced by the Federal Court to the Workplace Relations Act 1996 means that protected industrial action can be misused by unions to impact on third parties. In doing so, the unions are seeking to put further pressure on employers to leverage unwelcome concessions. In the case of, say, a vehicle manufacturer, that means that a key component supply company could be targeted for industrial action by the unions. In such a case, the supply company would suffer loss and disruption to its business over negotiations that it was not even a party to. Clearly, commonsense must dictate that to allow such a situation to continue unchallenged would be an absolute nonsense and not in the best interests of Australia. The Workplace Relations Amendment (Better Bargaining) Bill 2005 will rectify this situation by giving third-party companies standing to apply for relief before the Australian Industrial Relations Commission.

Despite this emphasis on a commonsense approach to workplace relations, this bill will be opposed as a matter of course by the Labor Party—not because it is an unnecessary measure or because it does not seek to achieve some important outcomes for industrial relations in Australia but rather out of political dogma and the need for Labor to appease its union paymasters. We heard the member for Hotham, a former president of the ACTU, outlining exactly the relationship that the unions and the Labor Party have. They do not represent the workers of Australia; they represent union officials and unions, not their members. If they represented their members they would be happy to support this bill, which will provide greater productivity in the Australian workplace.

In an article that appeared in the *West Australian* on 10 May 2005, the Leader of the Opposition is quoted as warning his troops that the government’s push to reform industrial relations was a ‘blood fight’ he would contest out of principle, not because the reforms were not in the country’s best interests but rather because in Mr Beazley’s own words, which speak volumes for his priorities:
We—that is, the Labor Party—should be standing beside our trade union colleagues.

The Labor Party’s support of the unions has undoubtedly damaged this country’s economic performance in the past, in spite of the claims of the member for Hotham. On a state level, it has emboldened unions to defy the government and, indeed, the law of the land, introducing reckless lawlessness into the industrial relations equation. Take my state of Western Australia as an example, where mass sickies in the form of so-called ‘blue flu’ strikes are prevalent, where union bosses such as Kevin Reynolds of the Construction, Forestry, Mining and Energy Union say they are prepared to declare some kind of Dickensian class war over industrial relations and where the Labor controlled state government fails time after time to control cost blow-outs on major infrastructure projects—again, a vast contradiction of the words of the member for Hotham—due in large part to its total inability to control the rampant unions that contribute significant sums to the Labor Party’s coffers.

Unions such as the CFMEU and CEPU are on record as saying they intend to continue with a program of industrial sabotage irrespective of any of the agreements they have entered into with employers or enterprises or of the requirements of the Workplace Relations Act. The union movement’s entrenched 19th century mentality is well illustrated by an article that appeared on 8 August 2005 in the West Australian headed ‘Reynolds warns of class war over IR’. In that article the redoubtable Mr Reynolds predicted that union members were prepared to go to jail to defy the government and that, ‘It’s absolute class warfare. It is them and us.’ I have a message for Mr Reynolds and his ilk: grow up and move on. It is long overdue and it is time for a change and they need to get into step with the needs of modern highly successful 21st century economies such as we currently enjoy in Australia.

There is a real question that has to be asked with respect to this bill and similar legislation. Should a Labor government actually come to power in the remote and distant future, in what is admittedly an unlikely event—and I shudder to think of such a prospect—the Australian public has a right to ask: would the Labor Party seek to nullify or roll back our reforms? I think not, because these reforms, as history will judge, are right for Australia and in the best interests of ordinary Australians and their families. We live in a democracy and this is a government elected by the people with a mandate to take forward its workplace relations reforms. The unions and the Labor Party, in seeking to impose industrial anarchy on this nation as a means of opposition, stand condemned for ignoring the wishes of Australians and for what they truly have become. They are an anathema. They are dinosaurs, becoming increasingly irrelevant to the working people of Australia. That is demonstrated by the membership of unions today.

The introduction to this House of the Workplace Relations Amendment (Better Bargaining) Bill 2005 is a strong expression of the Howard government’s determination to progress industrial relations reform within this country. It is also a necessary deterrent to those unions within the construction and manufacturing sectors considering industrial unrest as a means of opposing the government’s reform agenda. That agenda will see this administration delivering on many long-standing commitments to the Australian business community, to the public at large and to the many employers and employees who have benefited from the strong economy over the last 9½ years of the Howard government. We as a government want to see
that continue. Given that this is such a very desirable outcome for the future of our country, I support this bill and I strongly commend it to the House.

Mr LAURIE FERGUSON (Reid) (8.40 pm)—Previous speakers on both sides have summarised the major provisions of the Workplace Relations Amendment (Better Bargaining) Bill 2005: the cooling-off periods, the blockage of industrial action against more than one employer, the right of third parties to intervene to obtain cooling-off periods et cetera. The Treasurer is inclined on occasion to lament his social life in Canberra and sometimes says that he is condemned to watching Labor speakers on Lateline and occasionally reading their works. I unfortunately have had a similar experience today. I guess I have not had enough alternatives today and I did listen to the contributions of the member for O’Connor and the member for Fisher. The member for O’Connor very much stressed the issue of sticking to deals and sticking to commitments. This is the same man, of course, who told national television, much to the chagrin of the Prime Minister, that he had plotted, conspired and sneakily lied with regard to leadership difficulties on the opposite side. Now we hear him today lecturing about commitments and keeping to agreements.

He had the usual stream of contradictions. On the one hand, he talked of a fantasy world where the only industrial action that occurs is because of encouragement and dissatisfaction precipitated by union officials. He told us all that everyone in the work force is happy and then turned around to say that one of the problems of this country was that the system has been too soft for the union officials, that they had not been out there in workplaces enough. On the one hand, as I say, he is bemoaning the supposed agitators who go out there causing all these problems and, on the other hand, he says the system means they do not have enough contact with their members.

The reality of this legislation—not this bill alone but the whole agenda of the government—is that it will minimise that contact, reduce the rights of access and the ability of unions to organise and compel people into individual agreements. Despite all the rhetoric about pattern bargaining being so dreadful, as one previous speaker indicated, on the employer side of things this bill will quite clearly give them the right to force pattern conditions on all employees, who have absolutely no power of resistance because of the threat of the sack. The member for O’Connor also talked about the global economy and the just-in-time system.

The member for Fisher talked about the opposition being characterised by echoes of class war in the 19th century and went on with a lot of hyperbole about the voyage into a new era and the creation of fear and uncertainty. He talked rhetorically about the simplicity of agreements, modern protection for employees, better protection for them from dismissal et cetera and fair pay. He wants to talk about the 19th century. A book I read recently titled English Society in the Eighteenth Century, by Professor Roy Porter, perhaps gives a better indication of what this industrial relations policy is about. Daniel Defoe, the author of Robinson Crusoe but also of A Tour Through the Whole Island of Great Britain, said this of the work force:

When wages are good they won’t work any more than from hand to mouth; or if they do work they spend it in riot or luxury, so that it turns to no account to them. Again as soon as trade receives a check, what follows? Why then they grow clamorous and noisy, mutinous and saucy another way, and in the meantime they disperse, run away, and leave their families upon the parishes, and wander about in beggary and distress.

The book similarly quoted Joseph Townsend, who said:
Hunger will tame the fiercest animals, it will teach decency and civility, obedience and subjugation to the most perverse ... In general, it is only hunger which can spur and goad the poor on to labour; yet our laws have said that they shall never hunger.

The reality of this of course is to reduce wages and conditions in this country. The main mechanism for doing that is to reduce the say of the unions within the system. The legislation is accompanied by very nice—some people have described them as Orwellian—titles. The reality was displayed by the Department of Employment and Workplace Relations in the way that they conduct themselves towards their employees. The corporate manager of that department, Mr O’Sullivan, said in the *Herald Sun* on 29 June 2005:

People can decide where they work. In this department, new employees will only be offered AWAs.

That is the reality of the rhetoric about individual rights, freedom and the fact that this government is supposedly giving people a reasonable go.

This bill will essentially reduce wages and conditions in this country. Much is made over there about the supposed real wage increases over the last decade of Liberal government. Quite frankly, it has not been because of them; it has been in spite of them. It is because of the Industrial Relations Commission that those increases have resulted and despite the opposition of the government in those cases.

It was interesting to note today that the actual real wage increases in this country are perhaps not as pronounced as even the government has claimed. A University of Sydney study cited today said that non-managerial workers, who comprise around three-quarters of the work force—approximately six million employees—have only gained around a quarter of the real wage rise of 14 per cent that the Prime Minister has repeatedly claimed. This means that most working Australians have gained an average real pay rise of only about $5.50 a week each year for the past six years—an extra $33 overall. That does of course contrast with some other people. In the last two budgets higher income earners have gained more than $130 a week in tax and superannuation relief while more than 75 per cent of working people—everyone earning less than $58,000—got between zero and $6 a week.

The reality of the wage movement was perhaps indicated by the Governor of the Reserve Bank, Ian Macfarlane, on 16 August in the *Canberra Times*. Unlike the rhetoric from those opposite, he looks at the wage movements in the context of a tight labour market and the realities rather than whether this is precipitated by the kindness of the government towards workers. In that article he noted what was essentially a very low wage rise in this country, given those conditions:

... workers have now lost most of that ability to cash in on labour shortages. As last measured by the Australian Bureau of Statistics, hourly pay rates in the March quarter were only 3.9 per cent higher than a year earlier.

It was barely faster than the 3.6 per cent average of the five preceding years.

So that Reserve Bank meeting that looked at this situation actually said that, if we look at the conditions in this country, the wage increases have really not been that pronounced. It has been accompanied by very significant labour shortages in crucial areas, the same labour shortages that have led this government to next year contemplate bringing in 97,000 skilled workers. It is a very steep rise from the 25,000 intake when the government was elected.

All of these speeches about the kindness of the government have to be seen both in the context of the labour market, the reality
of a government that has resisted these wage increases and which now seeks to abolish the independent umpire that has determined those wage increases—not because of the government but in spite of the government.

The government are so perturbed about the power of unions, and so keen to bring equity to the labour marketplace, yet they do not do anything about the question of lock-outs. Earlier there was a citation of Minister Abbott, who, when confronted with workers in the notorious Morris McMahon dispute, said that the workers had every right to go to the union and seek the union’s help:

You have every right to go to the union and seek the union’s help. You have every right to do that, and you have every right to ask for a collective agreement ... But what he left out of course was the fact that they can only ask for it and, in a one-sided process in this country, the employer can equally refuse. That decision involved a situation where an employer was unwilling to enter into negotiations for a registered collective agreement, protected industrial action occurred in support of the agreement and the employer refused to negotiate a certified agreement and instead offered employees AWAs et cetera.

Similarly, we know that there has been a major dispute at New South Wales Boeing since September, when aircraft engineers once again maintained their supposed rights and resisted the employers’ determination. They rejected individual contracts and of course were stood down—that is, not paid—et cetera. That is the new horizon. Those are the conditions that will characterise the way employees in this country have to operate.

We all know that, in unison with Colombia, Nepal and a number of countries that are not usually compared to Australia, the system in this country has been questioned at the reputable tripartite ILO in regard to people’s rights to bargain collectively and freedom of association. I actually think that is somewhat embarrassing. We hear people with major concerns about our refugee policy and how we are shamed in Europe et cetera, but I would have thought that it is a more worrying thing that the conditions of Australian permanent residents are such that they can be seriously viewed as having rights that are similar to Third World countries, many of them, as in Colombia, characterised by the assassination of union leaders and a virtual civil war.

As other speakers have indicated, this bill will be abolished by the government in the future. It is presented in the context where the same protest about human rights and individual rights et cetera is accompanied by template proposals for employees to have no real bargaining power, no ability to resist an employer’s position. The horizon for people in this country is the deterioration of their conditions, the driving down of their rights, their inability to organise collectively, and the restriction of the rights of their elected officials to attend their workplaces. In the area of occupational health, there will be a demand that individual employees, terrified about their own future, give their name when calling people onto the site to deal with safety issues.

This bill is a significant attempt to restrict union rights. It is not in any way a new horizon in the sense that most people would think of legislation doing something for the vast majority of Australians.

Ms BURKE (Chisholm) (8.53 pm)—I also rise tonight to oppose this bill with the wonderful name of Workplace Relations Amendment (Better Bargaining) Bill 2005. I am not sure how you can have better bargaining when you are not allowed to have a dispute during the bargaining process. Bargaining is about give and take; it is also
about manoeuvring and negotiating. The only right employees have is the right to withdraw their labour.

It is quite interesting that in many encyclicals, the Pope has recognised the right for unions to exist, the right for employees to collectively bargain and the right for individuals to strike. I am sure that Minister Andrews, who is at the table tonight, has read that encyclical and would know of this recognition of the power imbalance in the employer-employee relationship. This bill is dragging all the power to the people who already have all the power and investing nothing in those who are powerless.

We can suspend collective bargaining. We can even have a third party suspend collective bargaining, but we are not going to do the same thing with lockouts. When I read this bill, I thought: ‘Why are we doing this now? Why not wait until the great bill comes before us and tears asunder everything we know in industrial relations?’ It is because we have had two court decisions and we have to overturn those decisions.

The government talk about unions not being able to interfere in the relationship between employee and employer but they are more than happy to interfere time and time again in that relationship. The government have intervened in more industrial relations cases than any government in previous years. They see themselves as the great arbiter—the one who should intervene; the one who should be there. Unions cannot come between employers and employees; the government can—but never on behalf of the employees, though. The government have opposed every national wage case increase, all negotiations and even certification of agreements reached between employers and employees.

The really entertaining thing about all of this is that it was the Labor Party, in conjunction with the trade union movement, that introduced enterprise bargaining, that recognised way before this government ever did—when this government was in opposition—that the only way to increase productivity was to enshrine a situation of enterprise bargaining. I am fairly confident that the minister at the table has never negotiated an enterprise bargaining agreement. I and many of my colleagues on this side of the table have. It is not a process you do overnight; it is a process that generally takes months and months. And you generally start way before the expiry of an agreement. Why would you do that? Because, if the agreement expires, you have nothing to go by. And of course that leaves you falling back onto the award. When the government get their way in a couple of months time and awards are pared back and there is no safety net, there will be nothing to fall back on. Nothing will exist for employees and employers to say, ‘These are the terms and conditions we go by.’

This bill is yet another extreme, draconian step to enshrine all the power with employers. There is no need to introduce this legislation; there is no need to have this measure. Those powers are already here; most of them already exist. The power is always with the employer. They can just pull the pin at any time. The Australian Industrial Relations Commission cannot umpire because there is no ability for it to insist that people bargain in good faith. There is no provision in any legislation anymore that says that people have to bargain in good faith. This reminded me yet again of everything that I have said in this place for the seven years that I have been here. The government keep saying that it will not come true, that we are ‘dog whistling’—I think that is quite cute—and that we are scaremongering. But it will come true; it has come true. I have seen lockouts happen time and time again with one employer in particular in my electorate.
This bill will make it easier for employers to lock people out. Most of the major disputes in the last couple of years where people have been out in the streets have not been strikes; they have been lockouts where the boss has said: ‘Okay, I’m not talking. I’m taking my bat and ball and going home. I’m not negotiating with you.’ The union and the employees have nowhere to go. They cannot go to the commission and ask it to bargain in good faith, because that does not exist anymore. They are locked out. In my electorate of Chisholm, ACI have locked out their employees not once, not twice but three times—and each time it gets worse and worse. It always occurs around Christmas, because that is when the EB comes up. And it is always around the time when there is a drop-off in production. They do not need all the staff and they can do massive imports from China.

Every two years when a new EB comes up we know that we have to get the fighting fund together for the employees at ACI because their employer will lock them out. The first time it was four months; the second time it was six months; and the third time it was nine months—nine months without pay. Think about that. They were not on strike. They took no industrial action at any time. The boss locked them out. Why? It was not over the pay rise, because they were never in dispute about the pay. It was because each time the boss came up with some great idea about new rosters or new conditions and all the rest of it, nine times out of 10 the nice 76 blokes at this site said, ‘Yeah, we’ll sit down and we’ll negotiate,’ but the boss said, ‘No, I am locking you out.’ At least four of those people lost their homes because they could not meet mortgage repayments. I am not talking about their going on the latest trip to downtown Queensland. They lost their homes.

Debate interrupted.

ADJOURNMENT

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

That the House do now adjourn.

Work Force Participation

Ms GEORGE (Throsby) (9.00 pm)—After nine long years, the Howard government still have not come up with a sensible plan to assist people to move from welfare into paid employment. Their proposals in relation to people with a disability and sole parents show how out of touch this government have become. Improving work force participation requires proper assistance and the right financial incentives, not the punitive cost-cutting approach being pursued by the government. Simply moving people with a disability and sole parents from one welfare payment to a lesser one does nothing at all to assist these groups to find meaningful employment. Simply cutting payments by $77 a fortnight for people with disabilities and by $44.30 for sole parents is really just about making savings at the expense of people who can least afford it.

I am very concerned that the government has decided to treat sole parents with school-age children just like other unemployed people in future. Barring a few concessions sole parents, once their children turn six, will be forced to look for work. They will receive the same Newstart allowance as unemployed people, which is an immediate reduction of $44.30 per fortnight. This is a reduction in disposable income for those people who are amongst the most vulnerable in our community. Once they find a job, and invariably that job will be part time, they will suffer very steep withdrawal rates, losing around 60c of their allowance for every dollar they earn in paid employment.

You have to ask yourself: why have this punitive approach? Is it because the govern-
ment thinks it can get away with this, and that sole parents and their children are hardly a powerful lobby group? I have to say to the government that recently I shared a platform with Elspeth McInnes, the President of the National Council of Single Mothers and their Children, and full marks to Elspeth and the other officers of her association for ensuring that the community has a better understanding of precisely what this government intends to do.

I think this government is still racked with stereotypes about sole parents. Statistics show that 42 per cent of sole parents on parenting payment with school-age children now have paid employment. So it is not as if sole parents as a group have failed to move with the times. In fact, through a combination of wages and welfare payments, many sole parents have inched their way out of a lifetime of poverty. So I say to the government: why are you going to put new sole parents with school-age children on a meaner benefit once their children turn six, which will make them poorer while they look for work and poorer after they find work? This relates to a situation where, allegedly, the government is embarking on a process of welfare reform. It just makes no sense to leave people worse off in the future than their current plight.

A recent analysis by the authoritative organisation NATSEM, which looked at the government’s proposals and their impacts on sole parents, came up with some very revealing data. The modelling undertaken by NATSEM shows that a sole parent, once they are on the reduced Newstart allowance and working for 15 hours a week on the adult minimum wage, which many of them would do, would keep just $81 out of a weekly pay packet of $195. That means that the government will be the big winner because it will take $114 away from sole parents by way of changes to the income test and taxes. What we will see is many sole parents facing effective marginal tax rates of between 65 per cent and 75 per cent.

In the context of the debate going on about the need to reduce the top tax rates of 47c in the dollar that many millionaires pay, where is the justice when sole parents will be facing effective marginal tax rates of between 65 per cent and 75 per cent? The government is effectively asking sole parents to work for $5.40 an hour. Where is the incentive for sole parents to move into the workforce when they face losing 65c in every dollar they earn? Welfare reform that makes such a vulnerable group of mothers and children worse off is not progress; it is a travesty. (Time expired)

Zimbabwe

Dr JENSEN (Tangney) (9.05 pm)—I would like to speak about a regime that is raging out of control. I am talking about Robert Mugabe’s regime in Zimbabwe. I recall in 1980, when I was in South Africa, there was much celebration when Mugabe was elected. However, he has shown himself to be a low-grade tyrant, to the cost of his population. It is appalling that the world has not done more to censure this dictator. The world rightly condemned the UDI Ian Smith government in the former Rhodesia, as well as condemning the apartheid regime in South Africa. But why is the Western world now not applying similarly strong censures and sanctions, as they did to the two aforementioned regimes? I have to say that I am pleased that South Africa has given up on the soft approach to Zimbabwe that they had attempted to use, to little or no effect.

Let us have a look at the litany of crimes and human rights abuses that petty dictator Robert Mugabe has perpetrated on his own nation. He has enacted laws to suppress criticism of the government and public debate. He has introduced repressive laws such as
the Public Order and Security Act and the Access to Information and Protection of Privacy Act, with a view to suppressing any form of dissent or discovery by those who want to find out more about his nefarious ways.

He has also tabled legislation regulating the operations of NGOs. This is appalling given that starvation is occurring in a nation, and it is a nation that should be a breadbasket. It was not short of food in the UDI days, despite a terrorist border war and strictly applied economic sanctions. The reason for the starvation is a lack of food due to the policy of forcibly removing white farmers from their farms. Why is the world ignoring this? It is racial discrimination in reverse—it is still racism. His so-called elections are nothing of the sort. They are a weak sop to the world that are no more democratic than were the UDI or apartheid-era elections. In fact, they are less democratic. In 2004 this criminal against humanity went so far as to say that Zimbabwe would not require general food aid from the international community or, indeed, food imports for 2004-05.

Mugabe is a despot of the worst type. He will do anything to remain in power, to the constant disadvantage of his own people. He is now involved in urban cleansing—Operation Murambatsvina—whereby people already destitute and living in shantytowns are having what little shelter is available to them and their few necessities of life destroyed. There are an estimated 300,000 displacements. This is within a nation that had a formal housing backlog of two million prior to this policy.

However, this is not unprecedented for this monster. In the early 1980s he launched a gukurahundi campaign that resulted in the massacre of an estimated 10,000 civilians. This is a nation where the life expectancy at birth is a mere 36.7 years—less than half that of Australia. I found it quite interesting to read in the paper today that this dictator is so paranoid that he now thinks that Sean Penn and Nicole Kidman are working for the CIA. I can just imagine the trepidation that Mugabe has of Sean Penn rowing up the Limpopo River in a leaky boat with his personal entourage and personal photographer. However, given the defence budget he must have now that he has decimated his economy, he might do well to be living in fear.

This is a nation that has riches that many other nations dream of: abundant arable land and significant mineral resources. Yet GDP growth is running close to double figures in the negative. Seventy per cent of people are below the poverty line, inflation was running at 133 per cent but apparently is now running at 47 per cent per month and purchasing parity power is a mere $US1,900. I cannot condemn the actions of this thug strongly enough, and I urge other members of the House to do the same.

Fuel Prices

Mr HAYES (Werriwa) (9.10 pm)—While the member for Wentworth might think that everyone is thinking about tax reform and tax cuts for high-income earners, nothing could be further from the minds of the motorists in the south-west of Sydney as they fill their cars up. Over the last week, petrol prices have hit $1.30 a litre in most service stations in and about my electorate. Today Wizard Home Loans reported that results from a survey which it commissioned show that petrol prices have now overtaken mortgage repayments as the No. 1 concern of Australian home owners. With family budgets stretched to breaking point, rising petrol prices are expected to add about $38 to the average monthly petrol bill. It is not just families and individuals who are facing increases; sustained increases will ultimately be passed on to prices, to recover the increas-
ing costs of transport and production for goods and services. This will have a particular impact on the price of food, given the significance of fuel costs for primary production.

The government might find it convenient to dismiss this as a short-term phenomenon, but at some point something has to give. Businesses will only be able to absorb additional costs for so long. With more of the household budget being taken up with paying for fuel, less is going to be spent in local businesses. Major retailers are already reporting that they are feeling the pinch. For small business operators, who have had to absorb the increases in fuel prices in a bid to stay competitive, a downturn in retail spending will be a double whammy. It is a bleak scenario, but one which has been allowed to happen on this government’s watch. The government’s response to this situation was partly shown by the response by the member for Macarthur to a question in a local newspaper. When asked about what suggestions he had for dealing with the rise in petrol prices, he indicated that state governments could subsidise the cost of petrol. This is the sort of arrogant, ill-considered and out of touch response that has come to characterise this government.

The solution to the problem of rising petrol prices is not an easy one; nevertheless steps have to be taken. It has been reported that the world has about 40 years of oil supply left. This is certainly not a long time, and much needs to happen if we are to tap into other resources to meet our growing fuel and energy demands. We cannot allow this government to continue to ignore the problem as it has done for the last 10 years. It is easy to dismiss the current price increases and blame them on the impact of Hurricane Katrina or to say that supply and demand have been affected by events in the Middle East, but it is the primary responsibility of the Commonwealth government to protect us in this particular situation. While the world is running out of oil, we should not forget that Australia has abundant natural gas reserves. If the time were taken to develop them, we would have the potential to make ourselves self-sufficient well into the future. It is about time this government stepped up to the plate and helped industry develop these resources.

Companies are trying to commercialise these gas fields in Northern Australia but are finding it increasingly difficult because of the government’s neglect of some significant and fundamental issues. They face a chronic lack of infrastructure, because the government has failed to make the necessary investments, and they are finding it difficult to attract skilled staff because of the evident skills shortages. Both are a product of the government’s neglect and the lack of investment in the productivity and the capacity of the Australian economy. Steps have to be taken now to reduce the impact on Australian motorists, Australian families and the Australian economy before our oil stocks are depleted—(Time expired)

Nuclear Waste Storage

Mr TOLLNER (Solomon) (9.15 pm)—I rise tonight to report on the Commonwealth government’s list of three proposed sites for a future Commonwealth radioactive waste management facility. Firstly, the decision by the Commonwealth to propose sites for the nuclear waste facility in the Northern Territory has, as one would expect, created a lot of discussion in the Northern Territory. In particular, a public forum was held in Darwin last Wednesday night by a group calling themselves the Darwin No Waste Dump Committee. Speakers included people from the Australian Conservation Foundation, the Environment Centre Northern Territory, the Labor Party—both federal and local—and of course the Australian Greens.
Unfortunately, very little of the discussion at the public forum was rational or even scientific. In fact, most of the discussion was based on misinformation, scaremongering, emotion and downright lies. The term ‘nuclear’ seems to send certain sections of the community and particular interest groups into a frenzy. Any mention of the words ‘radioactive’, ‘waste’, and ‘dump’ sees these people frothing at the mouth and their eyeballs rolling back in their head. Sadly, it is these people and the particular groups whom they represent that seem to make the most noise on these issues. This noise drowns out any sort of reasonable and rational debate and that is a real shame. I felt the forum was a total disappointment. Instead of a vehicle where fears and concerns could be aired and discussed, it became merely a hotbed of conspiracy theories and total antinuclear sentiment. This does nothing to contribute to the issue.

At this stage, I put on the record my disappointment concerning the government’s decision—a government of which I am a part—to break an assurance that was given during the most recent federal election campaign that no nuclear waste facility would be situated on the Australian mainland. However, I am a pragmatist and I believe there are options open that I will be pursuing.

Firstly, since the announcement by the Minister for Education, Science and Training on 15 July 2005, the Territory branch of the Australian Labor Party has engaged in a campaign of deliberate political game playing. This does not help the Territory community at all. This is not standing up for the best interests of the Northern Territory. It is simply playing cheap political games for the benefit of the Territory Labor government, and I do not believe that these games are in the best interests of Territorians at all. For instance, Territory ministers have talked about the killing off of the Northern Territory’s agricultural industry, stating that a nuclear waste facility would mean the end of live cattle exports et cetera and the end of our great tourism industry in the Northern Territory. That is absolute bunkum. Instead, the NT government should be looking at other options. If the Territory government is so against the waste management facility being placed in the Northern Territory then it should come up with alternative sites. The fact is that nuclear waste exists. It exists now and it needs to be stored responsibly. It may be fine to state that you do not want a nuclear waste facility, but it is completely irresponsible to then offer no real alternative at all. That is just playing cheap political games.

My colleague in the Senate Senator Nigel Scullion has begun putting forward real solutions that the NT government should consider, including that if the Territory Labor government is so against radioactive waste facilities in the Northern Territory then it should start lobbying other state governments, such as the South Australian government, to have the waste facility located in another state. The site at Woomera was identified as being the best possible location for a waste facility, and the Territory government could easily lobby the South Australian government to have it housed there. Secondly, if an alternative site is not found and the waste facility goes forward on Territory land then I will be working with the Howard government to ensure that the best possible outcome for Territorians is achieved. (Time expired)

**Deer Park Bypass**

Ms KING (Ballarat) (9.20 pm)—I would like to ask the Minister for Local Government, Territories and Roads to imagine that he was a manufacturer or a commuter living in my electorate who travels or needs to get goods to Melbourne on a daily basis. If he did, it would not take him long to understand
why so many local businesses, residents and councils are frustrated with the Howard government. There are many reasons why people are frustrated with the Howard government, but for those people who use the Western Highway there is one particular issue—that is, the Deer Park bypass, or the lack of the Deer Park bypass.

If the minister’s powers of imagination are too limited, I extend an invitation to him to visit Deer Park so he can see first-hand the thousands of cars that come to a virtual standstill every day. However, if this is still too much for the minister’s imagination, I simply ask him to listen to the words of his predecessor, who, last year in his AusLink speech, said:

… although there’s a lot of local interest in these sort of local projects - and there will be significant employment spin-offs from this investment - as much as the Deer Park ... project is important to Victorians who live between Ballarat and Melbourne, it’s also vital to people who live in Perth and Adelaide, because hold-ups and traffic lights going around the suburbs in Deer Park have a cost in terms of congestion, a cost in terms of greenhouse gas emissions, fuel and efficiency of transport. So the beneficiaries of Deer Park are effectively all of the people who live to the West of Deer Park. So it’s as much a project for the nation as it is for the people who live in Ballarat.

Unfortunately, the words of the previous minister, John Anderson, did not match his actions when it came to actually funding the project. The then minister was right: the Deer Park Bypass is a road of local, state and national importance. The analysis of the minister’s own Department of Transport and Regional Services rates the Deer Park Bypass as providing some of the best cost-benefit ratios in the entire state of Victoria.

The benefits of the Deer Park Bypass are undeniable. It is an absolute tragedy that now, in 2005, we are still waiting for the construction of the bypass to even commence. If the new minister continues to go down the track of his predecessor, under this government my constituents will not see the completion of this key infrastructure project until 2013 at the very earliest. I fear that it will be delayed well beyond this. As my constituents will tell you, I have been a strong advocate, along with the Western Highway Action Committee, for the construction of the Deer Park Bypass and we have a new player, the Committee for Ballarat, also strongly advocating for this project. The Howard government has chosen to ignore the voices of Ballarat families, manufacturers, businesses, local governments and the Western Highway Action Committee. I hope it does not ignore the voice of the new Committee for Ballarat.

I stand here today with the hope that the new minister will listen to the people of Ballarat and Bacchus Marsh and fully commit to the immediate construction of the Deer Park Bypass. Frankly, it is not as if the government does not have any options in relation to this. One solution, of course, is to reallocate part of the $520 million from EastLink, which is currently frozen in the dispute between the minister and the state government. We all know that this government is refusing to hand over this money because of politics and politics alone. The Victorian government intends to put a toll on EastLink. It has been very clear about that, and the road has already commenced construction. People living in those areas may not like the tolls, and I do not blame them for that, but their project is getting built and will be well and truly finished before the first sod of soil is even turned on the Western Highway.

The Liberal Party in Victoria has made the unfunded promise to buy back the contract for tolling this road. The federal Liberal government is now hamstrung until after the state election in 2006. Instead of backing up a ridiculous and undeliverable promise by
the Liberal opposition in Victoria—one that is, frankly, reminiscent of the Western Australian Liberals’ channel promise—wouldn’t it be better, instead of letting the money collect dust in the Treasury coffers, to use it to fund the Deer Park Bypass?

The minister’s only comments so far on Deer Park can be found in the local Ballarat Courier, an obviously cobbled together statement from a meeting the minister held, with the proponents having to travel down to Geelong to see him. The minister said that the government is prepared to make a further commitment in the next round of AusLink. The next round of AusLink negotiations are not until after this round has finished in 2009 and 2010. The minister well knows that it is impossible for a project to even start unless you have got the money to finish it.

Given its importance to the people who live between Ballarat and Melbourne and through to Adelaide, who experience daily traffic congestion, I urge the minister to actually fund this project and to bring forward the construction of the project in AusLink. I urge the minister to use his first comments on the Deer Park Bypass in this place to fully fund the project and bring the project forward to commence in this financial year. (Time expired)

National Security

Mr WOOD (La Trobe) (9.25 pm)—In 2004 the Anti-terrorism Bill 2004 was passed in this House. It amended part 1C of the Crimes Act 1914, permitting the fixed investigation period applying to the investigation of federal terrorism offences to be extended by a maximum of 20 hours. The overall total investigation times, if granted by the courts, would be 24 hours including breaks, allowing for interpreters and making overseas inquiries. In Australia it must be remembered that ASIO has strong powers. In fact, it has seven days in which to interview to gather intelligence on suspects. This was pushed through by the Howard government. However, in the event of a terrorist attack, ASIO will not be the lead investigating authority. It will play an important role, but it will not be in charge of the investigation or presenting the case to court. That role will be the responsibility of the state and territory police working with the Australian Federal Police.

In my previous role as a senior sergeant in the Victorian Police Counter Terrorism Unit, I was greatly concerned that the detention period of 24 hours was insufficient when considering the complexity of a terrorist attack. If you look internationally, multiple offenders—at times 15 terrorists—have been involved at once. Then, for non-English-speaking suspects, interviews would be even further extended when using interpreters, as every conversation must be repeated twice. Importantly, we are also dealing with the most barbaric and hideous crime. A terrorist attack is an attack against our freedom, democracy and what we believe in. Remember that terrorists target women and children, and they do not distinguish between rich and poor, race or religion.

If we compare our current interview times with those of British authorities under the British Terrorism Act 2000, British investigators have an initial investigation period of 48 hours—double the period currently in Australia. Also, prior to the completion of the 48 hours, British investigators can apply for extensions of up to two weeks, prior to laying charges—a period 14 times longer than the Australian authorities have. After the London bombings, British antiterrorist authorities are now seeking for this time to be extended to three months. If this was the case, that would be 90 times longer than the Australian authorities currently have. As reported in the Chicago Sun-Times on 10 August this year, Britain’s chief legal officer,
Lord Chancellor Charles Falconer, told the British Broadcasting Corporation on radio:

What is being suggested is ... just a sensible period to detain suspects while a sensible investigation is going on.

I will be interested to know whether the Australian Labor Party support their British counterparts.

It should also be remembered that French authorities have detention times of up to three years led by Judge Jean-Louis Bruguier, who has spent the past two decades fighting the international war on terrorism and who is hailed as a key player in the global war on terror. He will also be remembered by Australians for the information he obtained on Willie Brigitte who was captured in Australia and taken back to France. The French judge was able to acquire from Willie Brigitte information that he was planning terrorist attacks in Australia.

As in the September 11, the Bali and the Australian Embassy bombings, and now in the London bombings, numerous terrorists have been involved in each attack, requiring extended periods of time during the interrogation process to build a case. One of the most difficult aspects of police interrogations is determining the truth, especially when there is more than one suspect in custody, as the investigator will build the case by searching out the truth and eliminating the lies of suspects. It takes time to even get the pieces of the jigsaw together, let alone the whole puzzle.

On balance, detaining a terrorist suspect in custody longer than 24 hours is greatly outweighed by the real possibility of a terrorist walking free from a court as investigators run out of interview time. I strongly recommend that the investigation times be greatly increased for Australian investigators to be given every assistance to do their job and not be impeded by restrictive legislation.
National Roads Program
(Question No. 187)

Mr Kelvin Thomson asked the Minister for Local Government, Territories and Roads, in writing, on 29 September 2004:

(1) What is the projected expenditure under the National Roads Program for (a) 2004-5, (b) 2005-06, (c) 2006-07, (d) 2007-08.

(2) Have any of the National Roads Program funds been allocated for works associated with level crossings in 2004-2005; if so what are the details.

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

(1) Commencing from 1 July 2005, the former National Highways and Roads of National Importance Programme was replaced by the AusLink Investment Programme. The Programme provides funding to projects on the AusLink National Network and to existing projects off the Network. The National Network includes road, rail and intermodal links.

Projected expenditure for the AusLink Programme on National Projects over five years is provided in the table below.

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(2) Under the AusLink Investment Programme, in 2004-05, funds were allocated to the Fremantle Port North Quay rail loop project in Western Australia which included a level crossing among other works. The Australian Government commitment to this project is $14 million, of which $10.72 million was paid in 2004-05.

The Australian Government also contributed $300m towards maintenance of the AusLink Network in 2004-05. It is open to States and Territories to apply maintenance funding to maintenance of level crossings.

Firearms
(Question No. 490)

Mr McClelland asked the Attorney-General, in writing, on 8 February 2005:

(1) How many individual firearms were legally imported during 2003-2004.

(2) How many individual handguns were legally imported during 2003-2004.

(3) How many individual firearm parts were legally imported during 2003-2004.

(4) How many individual handgun parts were legally imported during 2003-2004.

(5) What sum was spent advertising the National Handgun Buyback program during 2003-2004.

(6) Why did the administered expenses for the Handgun Buyback Program increase from $224,000 in 2003 to $84,407,000 in 2004 as reported on page 148 of his department’s report for 2003-2004.

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

(1) 36,980 individual firearms were legally imported during 2003-2004.

(2) 8,714 individual handguns were legally imported during 2003-2004.
(3) Customs does not record data on the number of individual firearms parts imported, but rather the number of consignments imported and their total value. In 2003-2004 there were 1,616 consignments of firearms parts legally imported, with a Customs Value of $19,920,382.

(4) Customs does not record data on the number of individual handgun parts imported, but rather the number of consignments imported and their total value. In 2003-2004 there were 131 consignments of handgun parts legally imported, with a Customs Value of $1,083,190.

(5) A total of $150,436 was spent advertising the National Handgun Buyback program during 2003-2004. Advertising took the form of the development and maintenance of the National Handgun Buyback website and development of communication resources for State and Territory implementation of the program.

(6) The increase in administered expenses for the National Handgun Buyback between 2002-03 and 2003-04 reflects the formal commencement of the Buyback in most States and Territories on 1 July 2003. Prior to the formal commencement date, jurisdictions were not able to receive surrendered firearms, parts and accessories, and were not able to claim reimbursement and administration payments from the Commonwealth. The expenditure in 2002-03 represents administrative costs incurred in establishing the Buyback.

Detainees
(Question No. 754)

Mr Laurie Ferguson asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, in writing, on 9 March 2005:
How many detainees have been in detention for over (a) 4 years, (b) 3.5 years, (c) 3 years, (d) 2.5 years, (e) 2 years, (f) 1.5 years, and (g) 1 year.

Mr John Cobb—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable member’s question:
As at 1 July 2005, there were 276 people who had been in immigration detention for 1 year or longer. Of these:
(a) 70 people had been in immigration detention for 4 years or more.
(b) 21 people had been in immigration detention for over 3.5 years, but less than 4 years.
(c) 13 people had been in immigration detention for over 3 years, but less than 3.5 years.
(d) 19 people had been in immigration detention for over 2.5 years, but less than 3 years.
(e) 29 people had been in immigration detention for over 2 years, but less than 2.5 years.
(f) 52 people had been in immigration detention for over 1.5 years, but less than 2 years.
(g) 72 people had been in immigration detention for over 1 year, but less than 1.5 years.

The new Removal Pending Bridging Visa (RPBV) came into effect on 11 May 2005. It was introduced to enable the release, pending removal, of people in immigration detention who have been cooperating with efforts to remove them from Australia, but whose removal is not reasonably practicable at the time. The RPBV allows a person to live in the community while the Department of Immigration and Multicultural and Indigenous Affairs continues to organise their removal from Australia.
As at 14 July 2005, the Minister has offered the RPBV to 58 people, 42 of whom have accepted. These people are all long-term detainees in immigration detention Facilities or in alternative detention.
Asylum Seekers
(Question No. 818 amended)

Mr Georganas asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, in writing, on 15 March 2005:

(1) What has happened to Mr K S Masoud, a Christian Iranian asylum seeker, who has been returned to Iran under Australia’s Memorandum of Understanding (MOU) with the Islamic Republic of Iran.
(2) Under the MOU, in what circumstances is a detainee (a) returned and (b) not returned to Iran.
(3) How many Iranian asylum seekers have been returned to Iran since the introduction of the MOU.
(4) How many Iranians have sought asylum in Australia since the introduction of the MOU.
(5) How many Iranian asylum seekers were returned to Iran in the 12 months prior to the signing of the MOU.
(6) How many Iranians sought asylum in Australia in the 12 months prior to the signing of the MOU.

Mr John Cobb—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable member’s question:

(1) The Department does not monitor returnees. The only effective way to protect refugees is to have a reliable process in place to test people’s claims and to identify refugees so they are not sent home in the first place. Australia has such a process – a world class process – and the people in question have been through that process and been found not to need protection.
(2) My Department is obliged to arrange the removal as soon as reasonably practicable of any person who has no legal right to remain in Australia, including failed asylum seekers.
(3) 35 failed Iranian asylum seekers have returned. There have been 28 voluntary returns and 7 involuntary returns.
(4) Ten.
(5) 46 failed Iranian asylum seekers were returned to Iran in the 12 months prior to the signing of the MOU on 12 March 2003.
(6) Four.

Broadband Services
(Question No. 937)

Mrs Irwin asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 17 March 2005:

(1) Is it the case that Broadband service is not available in all areas of the electoral division of Fowler; if so, which regions or areas do not have access to Broadband.
(2) Is the Minister aware that a substantial number of commercial enterprises in the electoral division of Fowler are unable to obtain Broadband services.
(3) Is the Minister aware that the owners of these businesses are being advised that the reason is that they are either (a) too far from the Exchange, (b) the service is not available due to insufficient pair gains or copper cable, or (c) they are on a rim that does not support ADSL.
(4) Is the Minister aware that of the numerous approaches made to Telstra by business owners in the electoral division of Brand regarding their inability to obtain Broadband services.
(5) What has been the response from Telstra and what action is Telstra taking to address this situation.
(6) Can the Minister say when Broadband services will be available throughout the electoral division of Fowler.
Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question, based in part on information provided by Telstra:

(1) Broadband services are available in all areas of the electoral division of Fowler via one or more broadband access technologies.

All telephone exchanges within the electoral division of Fowler have been ADSL enabled. Technical limitations associated with ADSL mean that not all customer premises connected to an ADSL enabled telephone exchange are able to receive an ADSL service.

Hybrid Fibre Coaxial (HFC) cable and wireless broadband services are also available to a number of customers within the electoral division of Fowler. Customers that do not have access to broadband services via either ADSL, HFC cable or wireless can access broadband services via a two-way satellite connection.

From early 2006 the Government’s $50 million Metropolitan Broadband Blackspots Program will assist customers in metropolitan areas where affordable broadband access is not available. This program builds upon the success of the Government’s $242 million Higher Bandwidth Incentive Scheme which is assisting customers in regional Australia.

(2) As noted in part (1), all business are able to access broadband services through either one or more technologies.

(3) Telstra has advised that a number of business customers are currently unable to receive ADSL services due to technical barriers such as the distance customers’ premises are from their local exchange, and the presence of pair gain equipment or Remote Integrated Multiplexers (RIMs) in the customer access network. Normally, Telstra would notify individuals and businesses who have applied for an ADSL service and are impacted by one of these barriers of the reason why an ADSL service cannot be supplied, and advise them of alternative broadband services.

(4) Telstra has advised that it has received requests for ADSL services from businesses in the electorate of Brand.

(5) As noted in part (3) where ADSL is not available, Telstra advises business customers of alternative broadband services.

Telstra has advised that it is committed to an ongoing program of improving the availability of ADSL services. In August 2004, Telstra announced that it will be spending $28 million to extend ADSL services to an extra 250,000 lines by upgrading and replacing Remote Integrated Multiplexers and other pair gain systems, mainly in metropolitan areas.

In the electoral division of Brand, Telstra has undertaken major network enhancement projects in Rockingham, Medina and Mandurah. Further, Telstra advises that upgrades have been planned within the Mandurah Exchange Service Area (ESA) in the areas of Halls Head, Coodanup, Falcon and Dudley Park. Upgrades have also been planned within the Medina ESA for the areas of Leda, Oakford and Casuarina.

(6) As noted in part (1), broadband services are already available throughout the electoral division of Fowler.

People with Disabilities

(Question No. 958)

Mr Kerr asked the Minister for Workforce Participation, in writing, on 10 May 2005:

(1) Is the Minister aware that, according to Human Rights and Equal Opportunity Commission data, people with disabilities experience a higher unemployment rate than other Australians’ (8.6% com-
pared to 5%) as well as lower incomes, and that these figures have failed to improve notably over the last decade and in some areas have become worse.

(2) How many people with disabilities are currently employed by Commonwealth Departments.

(3) Is the Minister able to provide statistics revealing patterns of employment of people with disabilities by Commonwealth Departments over the last decade.

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

(1) The Government is aware that people with disabilities experience a higher rate of unemployment than other Australians. However, according to data from the Australian Bureau of Statistics (2003) unemployment amongst people with disabilities decreased by 2.9% between 1998 and 2003.

As part of the Welfare to Work package, the Government is investing $550 million over four years to assist even more people with disabilities to move from welfare to work. This includes an increase of 101,000 employment assistance and rehabilitation places to help people into work in keeping with their capacity.

The Government is also working with employer groups and industry representatives to increase employment opportunities for people with disabilities. An Employer Roundtable has been established to provide high level advice to the Government on ways to increase workforce participation for people with disabilities.

In addition, a new jobs accommodation service will be developed during 2005-06 which will include a website and advice on a range of issues for employers and employees with disabilities. An additional $29 million over four years is being provided to boost the Workplace Modification and Wage Subsidy schemes for people with disabilities.

These changes will assist in increasing the rate of workforce participation of people with disabilities.

The Minister Assisting the Prime Minister for the Public Service, the Hon Kevin Andrews MP, has provided a response to parts (2) and (3)

(2) As at June 2004, 3.8% of ongoing employees of the Australian Public Service (or 4,613 people) identified as having a disability. It should be noted that identification of a disability, whilst encouraged, is entirely voluntary. In 2004, there was 31.5% of all ongoing employees who either chose not to reveal whether or not they have a disability, or for whom no relevant data was available.

(3) The proportion of employees with a disability in the APS has declined steadily over the last decade. The 2003/04 State of the Service Report showed a general decline from 5.8% of ongoing employees in 1994-95 to 3.8% in 2003-04. Table A below shows the percentage of ongoing APS employees who identified as having a disability each year since 1995.

Action is being taken to improve employment opportunities in the public sector for people with disabilities.

All agencies are required to have a Disability Action Plan for improving accessibility for people with a disability, and are required as part of the Commonwealth Disability Strategy to remove barriers for people with a disability by ensuring access to buildings, services, information, employment, education, sport and recreational activities.

The Public Service Commissioner’s Directions require that Agency Heads put in place measures to prevent discrimination in their workplace and recognise the positive advantages of diversity in the workplace.

Agencies are active in this area. The 2004 State of the Service Report showed that 85% of agencies have measures in place to recruit people with a disability, including:

- Provision of assistance during the application process;
Adjustment to working environments; and
- Staff networks.

Pleasingly, the number of agencies with measures in place for the retention of people with a disability has grown significantly, with 90% of agencies now using initiatives such as:
- Network participation;
- Disability awareness training;
- Access to contact officers;
- Flexible working arrangements; and
- Access to skills development programmes.

The APS Management Advisory Committee agreed in July that its next project would address the employment of people with a disability in the APS and would draw on relevant aspects of the work currently being undertaken in the area by the Department of Family and Community Services and the Human Rights and Equal Opportunity Commission.

The Australian Public Service Commission is continuing to monitor the employment of people with disabilities in the Australian Public Service through its annual State of the Service Report.

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</table>

* Respondents were offered three options; ‘Yes’, ‘No’ and ‘Choose not to give’. ‘No data’ indicates none of these options were selected.

Source: APS Employment Database

**Australian Federal Police**

(Question No. 959)

Mr Byrne asked the Minister representing the Minister for Justice and Customs, in writing, on 10 May 2005:

(1) What additional tasks and deployments have been assigned to the Australian Federal Police (AFP) over the past five years.

(2) What proportion of the AFP workforce is deployed offshore.

(3) From which areas have the officers deployed overseas been removed.

(4) Have the vacancies caused by the officers deployed overseas been filled.

(5) How many sworn officers (a) does the AFP (i) have now and (ii) expect to have in 2010 and (b) did the AFP have in 1988.

(6) How long does it take for a recruit to become internationally deployable.

(7) How many people does the AFP expect to recruit this year.

Mr Ruddock—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:
(1) The AFP has received additional funding for a number of new activities and deployments in the past five years. The following table shows new activities and deployments:

<table>
<thead>
<tr>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Police presence in the United Nations (UN) in East Timor</td>
</tr>
<tr>
<td>Protection of the National Information Infrastructure</td>
</tr>
<tr>
<td>Unauthorised arrivals in Australia / People Smuggling</td>
</tr>
<tr>
<td>Protective Security &amp; Counter Terrorism Crime Capacity</td>
</tr>
<tr>
<td>Enhanced aviation security</td>
</tr>
<tr>
<td>Expansion of AFP presence in Melanesia</td>
</tr>
<tr>
<td>Back capture of DNA from Federal prisoners</td>
</tr>
<tr>
<td>Expansion - Law Enforcement Cooperation Program</td>
</tr>
<tr>
<td>Double the strike team capacity of the AFP</td>
</tr>
<tr>
<td>Extension of Project Axiom</td>
</tr>
<tr>
<td>E-security national agenda</td>
</tr>
<tr>
<td>AFP rapid response capability</td>
</tr>
<tr>
<td>Expand research &amp; development capability of AFP</td>
</tr>
<tr>
<td>Enhancement of protective security services</td>
</tr>
<tr>
<td>PNG Deployment</td>
</tr>
<tr>
<td>Solomon Islands - Regional Assistance Mission</td>
</tr>
<tr>
<td>Bali Investigation costs</td>
</tr>
<tr>
<td>Combating trafficking in persons - whole of government strategy</td>
</tr>
<tr>
<td>Aviation Security enhancement</td>
</tr>
<tr>
<td>Safer Australia - enhanced check aviation security cards</td>
</tr>
<tr>
<td>Solomon Islands - Health Service Aust Personnel</td>
</tr>
<tr>
<td>Investing in Australia's Security - rapid deployment capability</td>
</tr>
<tr>
<td>Investing in Australia's Security - Jakarta Centre Law Enforcement</td>
</tr>
<tr>
<td>Investing Australian Security - Air Security Officer Program</td>
</tr>
<tr>
<td>Surveillance - enhanced capabilities &amp; oversight</td>
</tr>
<tr>
<td>Melbourne 2006 Commonwealth Games Contribution</td>
</tr>
<tr>
<td>Aviation Security enhancement</td>
</tr>
</tbody>
</table>

(2) As at 1 June 2005 the AFP had 6.9 % of its workforce, including Protective Service Officers, deployed overseas. This figure includes both the AFP's International Network as well as the AFP's peacekeeping and enhanced cooperation programs. In addition, a further 67 State Police were deployed overseas as part of AFP initiatives.

(3) Resources for the AFP's overseas deployments are made up of staff selected from the AFP's National area, ACT Policing and from State Police forces.

(4) AFP staff do not move to the IDG permanently, but for an agreed period of deployment. This arrangement allows for a fixed term allocation, which in turn is covered through a backfilling strategy.

(5) The following table shows sworn staffing levels now and in 1988. Due to the uncertainty of future operational activities and the changing environment in which the AFP operates, the AFP is unable to forecast sworn staff levels for 2010.

<table>
<thead>
<tr>
<th>Date</th>
<th>Sworn Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 July 1988</td>
<td>2532</td>
</tr>
<tr>
<td>Currently</td>
<td>2317</td>
</tr>
</tbody>
</table>
(6) For deployment on IDG missions to Papua New Guinea, Solomon Islands, Jordan and Nauru the minimum policing experience required is set at four years. For deployment to UN armed missions, the minimum policing experience required is eight years. For deployment to UN unarmed missions, the minimum policing experience is five years.

(7) Recruitment decisions of full time staff approved for the 2005 calendar year are shown in the following table:

<table>
<thead>
<tr>
<th>Recruited from 1 January to 1 June 2005</th>
<th>Expected Recruitment from 2 June 2005 to 31 December 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>179</td>
<td>315</td>
</tr>
</tbody>
</table>

**Depleted Uranium**

(Question No. 961)

Mr Fitzgibbon asked the Minister representing the Minister for Defence, in writing, on 10 May 2005:

(1) Which weapons systems currently in service with, or proposed for acquisition by the Australian Defence Force (ADF), incorporate the use of depleted uranium.

(2) In respect of each weapons system which uses depleted uranium, what amount of depleted uranium is used and for what purpose.

(3) Which types of aircraft operated by the ADF incorporate the use of depleted uranium for ballast or other purposes.

(4) In respect of each type of aircraft which uses depleted uranium, what amount of depleted uranium is used and for what purpose.

(5) For what other purposes does the ADF or the Department of Defence use depleted uranium.

(6) What safety precautions are laid down for maintenance and other personnel who may come into contact with depleted uranium used by the ADF or the Department of Defence.

(7) What provision has been made for public health and safety in the event of dispersal of depleted uranium from ADF or Department of Defence activities.

Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the honourable member’s question:

(1) None.

(2) Not applicable.

(3) and (4) See my response to Senate Question on Notice No 1855, part (1), published in Hansard on 9 October 2003.

(5) None.

(6) Screening for exposure to depleted uranium following deployment is offered to ADF personnel considered at increased risk and to those who request it. The testing is completed by the Australian Nuclear Science and Technology Organisation, utilising the latest industry methodology available. Defence uses SAFETYMAN, which includes Australian Defence Force Publication 724 Defence Ionising Radiation Safety Manual, as the key policy document to provide guidance to workers who may be exposed to depleted uranium.

(7) As the only depleted uranium used in the ADF is in counterweights, the likelihood of dispersal is negligible.
Recruitment Agencies  
(Question No. 1107)

Mr Bowen asked the Minister representing the Minister for Defence, in writing, on 10 May 2005:

(1) What sum was spent on recruitment agencies in (a) 2001, (b) 2002, (c) 2003, and (d) 2004 by each department and agency in the Minister’s portfolio.

(2) Will the Minister provide a list of the recruitment agencies which are used by the department and agencies in the Minister’s portfolio.

Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the honourable member’s question:

(1) Defence Force Recruiting:
   (a) 2001-02 - Accurate data is not available;
   (b) 2002-03 - $9.9 million;
   (c) 2003-04 - $11.3 million; and
   (d) 2004-05 - $46.5 million (the rise in expenditure represents the gradual roll-out and national transition of Australian Defence Force recruiting services to a commercial provider).

Defence Signals Directorate:
   (a) 2001 - Nil;
   (b) 2002 - Nil;
   (c) 2003 - Nil; and
   (d) 2004 - $14,799.

Defence Housing Authority:
   (a) 2001 - $449,832;
   (b) 2002 - $833,899;
   (c) 2003 - $654,266; and
   (d) 2004 - $320,373.

(2) Defence: Manpower Services (Australia) Pty Ltd.
   Defence Signals Directorate: Effective People Pty Ltd.
   Defence Housing Authority: Effective People Pty Ltd; Hudson; Hays; and Julia Ross.

Recruitment Agencies  
(Question No. 1116)

Mr Bowen asked the Minister for Industry, Tourism and Resources, in writing, on 10 May 2005:

(1) What sum was spent on recruitment agencies in (a) 2001, (b) 2002, (c) 2003, and (d) 2004 by each department and agency in the Minister’s portfolio.

(2) Will the Minister provide a list of the recruitment agencies which are used by the department and agencies in the Minister’s portfolio.

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

Note: Preparation of a complete response would involve an exhaustive search through a vast number of financial records and a significant diversion of resources. Accordingly, the scope of the response has
been limited to include only the main recruitment agencies used by the Department and agencies within the portfolio.

Department of Industry, Tourism and Resources

(1) Total payments made to recruitment agencies by the Department during the period from 2000-01 to 2003-04 (based on data extracted from the Department’s financial management system) are as follows:

(a) 2000-01, $5.12m
(b) 2001-02, $5.80m
(c) 2002-03, $3.07m
(d) 2003-04, $4.99m

These amounts include payments such as agency fees, reimbursement of salaries and entitlements for agency staff, and payments for scribing services.

(2) A list of recruitment agencies used by the Department is provided in the following table.

<table>
<thead>
<tr>
<th>Recruitment Agency</th>
<th>Recruitment Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>2R Services Pty Ltd</td>
<td>Kowalski Consulting Pty Ltd</td>
</tr>
<tr>
<td>Adecco</td>
<td>Manpower Services (Australia) Pty Ltd</td>
</tr>
<tr>
<td>Alliance Recruiting Australia</td>
<td>Morgan and Banks Ltd</td>
</tr>
<tr>
<td>Allstaff</td>
<td>Omega Personnel</td>
</tr>
<tr>
<td>Ambit Recruitment Group / Ambit Group</td>
<td>One Umbrella</td>
</tr>
<tr>
<td>Careers Unlimited</td>
<td>Oz Jobs</td>
</tr>
<tr>
<td>Diversiti Pty Ltd</td>
<td>Paxus Australia Pty Ltd</td>
</tr>
<tr>
<td>Drake</td>
<td>Peoplebank Australia Pty Ltd</td>
</tr>
<tr>
<td>Dunhill Management Services</td>
<td>PR Placements</td>
</tr>
<tr>
<td>Effective People</td>
<td>Professional Careers Australia Pty Ltd</td>
</tr>
<tr>
<td>Employment National</td>
<td>Quesa Consulting Pty Ltd</td>
</tr>
<tr>
<td>Green and Green Group</td>
<td>Quest Consulting Pty Ltd</td>
</tr>
<tr>
<td>Hays Accounting Personnel</td>
<td>Searson and Buck Pty Ltd</td>
</tr>
<tr>
<td>Hays Personnel Services (Australia) Pty Ltd</td>
<td>Select Appointments</td>
</tr>
<tr>
<td>ICON Recruitment Pty Ltd</td>
<td>Select Australasia</td>
</tr>
<tr>
<td>iGate Australia Pty Ltd</td>
<td>Spherion Recruitment Solutions</td>
</tr>
<tr>
<td>Informed Source Pty Ltd</td>
<td>Staffing and Office Solutions</td>
</tr>
<tr>
<td>Julia Ross Personnel</td>
<td>Tarakan Consulting</td>
</tr>
<tr>
<td>Kelly Services Australia</td>
<td>TMP Worldwide / Hudson Global Resources (Aust) Pty Ltd</td>
</tr>
<tr>
<td>Komscreen</td>
<td>Westaff</td>
</tr>
<tr>
<td>Korn/Ferry International</td>
<td>Wizard Information Services Pty Ltd</td>
</tr>
<tr>
<td></td>
<td>Wizard Personnel &amp; Office Services Pty Ltd</td>
</tr>
</tbody>
</table>

IP Australia

(1) Total payments made to recruitment agencies by IP Australia during the calendar years from 2001 to 2004 are as follows:

(a) 2001, $63,176
(b) 2002, $45,334
(c) 2003, $76,537
(d) 2004, $43,765

QUESTIONS IN WRITING
(2) A list of recruitment agencies used by IP Australia is provided in the following table.

<table>
<thead>
<tr>
<th>Recruitment Agency</th>
<th>Recruitment Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective People Pty Ltd</td>
<td>Careers Unlimited Pty Ltd</td>
</tr>
<tr>
<td>Allstaff Australia Pty Ltd</td>
<td>Adecco Australia Pty Ltd</td>
</tr>
<tr>
<td>Green and Green Group Pty Ltd</td>
<td>Patriot Alliance Pty Ltd</td>
</tr>
<tr>
<td>Wizard Personnel and Office Services</td>
<td>Spherion Outsourcing Solutions</td>
</tr>
<tr>
<td>Drake Office Overload Pty Ltd</td>
<td>Hays Personnel Services (Australia)</td>
</tr>
<tr>
<td>Recruitment Management Company</td>
<td>TMP Worldwide eResourcing Ltd</td>
</tr>
</tbody>
</table>

Geoscience Australia

(1) Total payments made to recruitment agencies by Geoscience Australia during the period from 2000-01 to 2003-04 are as follows:

(a) 2000-01, $1.56 m  
(b) 2001-02, $1.51 m  
(c) 2002-03, $2.49 m  
(d) 2003-04, $2.34 m

(2) A list of recruitment agencies used by Geoscience Australia is provided in the following table.

<table>
<thead>
<tr>
<th>Recruitment Agency</th>
<th>Recruitment Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Technology Associates P/L</td>
<td>Stratagem Computer Contractors Pty Ltd</td>
</tr>
<tr>
<td>Interim Technology Solutions</td>
<td>ICON Recruitment Pty Ltd</td>
</tr>
<tr>
<td>Proteshay Pty Ltd</td>
<td>Adecco</td>
</tr>
<tr>
<td>GIS Mapping Pty Ltd</td>
<td>Professional Careers Australia</td>
</tr>
<tr>
<td>Weststaff (Australia) Pty Ltd</td>
<td>Green and Green</td>
</tr>
<tr>
<td>Kreynear Pty Ltd</td>
<td>Hays Accountancy Personnel Pty</td>
</tr>
<tr>
<td>Effective People Pty Ltd</td>
<td>Catalyst</td>
</tr>
<tr>
<td>Frontier IT Recruitment Consulting</td>
<td>Quadrate Solutions</td>
</tr>
<tr>
<td>Spherion Recruitment Solutions Pty Ltd</td>
<td></td>
</tr>
</tbody>
</table>

Tourism Australia

(1) Total placement fees paid to recruitment agencies by Tourism Australia during the period from 2000-01 to 2003-04 are as follows:

(a) 2000-01, $142,000  
(b) 2001-02, $288,000  
(c) 2002-03, $199,000  
(d) 2003-04, $251,000

(2) A list of recruitment agencies used by Tourism Australia (both overseas and within Australia) is provided in the following table.

<table>
<thead>
<tr>
<th>Recruitment Agency</th>
<th>Recruitment Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinity People</td>
<td>Reddin Consulting</td>
</tr>
<tr>
<td>First Choice Placements</td>
<td>A J Walker and Associates</td>
</tr>
<tr>
<td>Watermark Search</td>
<td>Dunhill Management</td>
</tr>
<tr>
<td>The Credit Recruitment</td>
<td>Jocellin Jansson</td>
</tr>
<tr>
<td>Travel Personnel</td>
<td>The Credit Recruitment</td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
<table>
<thead>
<tr>
<th>Recruitment Agency</th>
<th>Recruitment Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lindy Williams Ltd</td>
<td>Hay Accountancy</td>
</tr>
<tr>
<td>KForce.com</td>
<td>Red Rock Consulting</td>
</tr>
<tr>
<td>Crone Corkhill UK</td>
<td>Rickard Stanhope</td>
</tr>
<tr>
<td>Clifton &amp; Associates</td>
<td>TreArda</td>
</tr>
<tr>
<td>Equatorial Recruitment</td>
<td>Alectus Recruitment</td>
</tr>
<tr>
<td>Zenith Management</td>
<td>Bligh Appointments</td>
</tr>
<tr>
<td>Select Appointments</td>
<td>ABL Appointments</td>
</tr>
<tr>
<td>First Call</td>
<td>Michael Page</td>
</tr>
<tr>
<td>Australian eJobs</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td></td>
</tr>
<tr>
<td>Hamilton James &amp; Bruce</td>
<td>Drake Overload/International</td>
</tr>
<tr>
<td>Consultus Recruitment</td>
<td>Dunhill Management</td>
</tr>
<tr>
<td>JKM Consulting</td>
<td>Jocellin Jansson</td>
</tr>
<tr>
<td>TreArda</td>
<td>The Credit Recruitment</td>
</tr>
<tr>
<td>Trinity Group</td>
<td>Hay Accountancy</td>
</tr>
<tr>
<td>Adcorp</td>
<td>Red Rock Consulting</td>
</tr>
<tr>
<td>Futurestep</td>
<td>Rickard Stanhope</td>
</tr>
<tr>
<td>KPMG</td>
<td>ADIA L&amp;M Personal</td>
</tr>
<tr>
<td>ABL Appointments</td>
<td>Bligh Appointments</td>
</tr>
<tr>
<td>Parker Bridge</td>
<td>TMP Worldwide</td>
</tr>
<tr>
<td>Anderson Hoare</td>
<td></td>
</tr>
<tr>
<td>2002-03</td>
<td></td>
</tr>
<tr>
<td>KPMG</td>
<td>Assessment Edge</td>
</tr>
<tr>
<td>Hamilton James &amp; Bruce</td>
<td>Ball &amp; Hoolahan</td>
</tr>
<tr>
<td>Coddington Corporation</td>
<td>Freeman Adams</td>
</tr>
<tr>
<td>Adcorp Australia</td>
<td>One Umbrella</td>
</tr>
<tr>
<td>I.T Matters Recruitment</td>
<td>Options Consulting</td>
</tr>
<tr>
<td>The Next Step</td>
<td>Bligh Appointments</td>
</tr>
<tr>
<td>XP and IT</td>
<td>C2 International</td>
</tr>
<tr>
<td>Event Recruitment</td>
<td>Recruitment Solutions</td>
</tr>
<tr>
<td>Infopeople Recruitment</td>
<td>RelyStaff</td>
</tr>
<tr>
<td>Command Recruitment</td>
<td>Adecco</td>
</tr>
<tr>
<td>Select Appointments</td>
<td>Traveller Co Ltd</td>
</tr>
<tr>
<td>Genesis IT Search</td>
<td>Tourist Experts</td>
</tr>
<tr>
<td>2003-04</td>
<td></td>
</tr>
<tr>
<td>Adecco Korea Ltd</td>
<td>Recruitment Solutions</td>
</tr>
<tr>
<td>Assessment Edge</td>
<td>Seek Communications</td>
</tr>
<tr>
<td>Ball &amp; Hoolahan</td>
<td>Select Appointments</td>
</tr>
<tr>
<td>Blue Stone</td>
<td>The Next Step</td>
</tr>
<tr>
<td>CCS Index</td>
<td>Travel Management</td>
</tr>
<tr>
<td>HARP Wallen Ltd</td>
<td>Upgrade Recruitment</td>
</tr>
<tr>
<td>Hughes-Castell</td>
<td>Watermark Search</td>
</tr>
<tr>
<td>Interpro Australia</td>
<td>Workventures Group</td>
</tr>
<tr>
<td>Jocellin Jansson</td>
<td>Options Consulting</td>
</tr>
<tr>
<td>Michael Page Intl</td>
<td>Equatorial Recruitment</td>
</tr>
<tr>
<td>Neilson Int'l</td>
<td>Reception Administration</td>
</tr>
<tr>
<td>One Umbrella</td>
<td>Upgrade Recruitments</td>
</tr>
<tr>
<td>Prize Placements</td>
<td>Appointments Bi-language</td>
</tr>
<tr>
<td>PWC</td>
<td></td>
</tr>
</tbody>
</table>
Telstra Mobile Online Short Message Service
(Question No. 1153)

Mr Martin Ferguson asked the Minister for Transport and Regional Services, in writing, on 10 May 2005:

(1) In respect of the provision of Telstra Mobile Online SMS Business Services or similar services to the Minister and the Minister’s staff, (a) does the Minister’s department provide such a service to the (a) Minister and (b) Minister’s staff; if so, when was the service first made available to the (i) Minister and (ii) Minister’s staff.

(2) What has been the cost of providing the service to the (a) Minister and (b) Minister’s staff since it was introduced.

Mr Truss—The answer to the honourable member’s question is as follows:
The Department of Transport and Regional Services does not provide Telstra Mobile Online SMS Business Services or similar services to Ministers or to Ministerial staff.

Telstra Mobile Online Short Message Service
(Question No. 1174)

Mr Martin Ferguson asked the Minister for Ageing, in writing, on 10 May 2005:

(1) In respect of the provision of Telstra Mobile Online SMS Business Services or similar services to the Minister and the Minister’s staff, (a) does the Minister’s department provide such a service to the (a) Minister and (b) Minister’s staff; if so, when was the service first made available to the (i) Minister and (ii) Minister’s staff.

(2) What has been the cost of providing the service to the (a) Minister and (b) Minister’s staff since it was introduced.

Ms Julie Bishop—The answer to the honourable member’s question is as follows:
(1) and (2) The Department of Health and Ageing does not provide Telstra Mobile Online SMS Business Services or similar services to me or my staff.

Media Monitoring and Clipping Services
(Question No. 1281)

Mr Bowen asked the Minister representing the Minister for Defence, in writing, on 11 May 2005:

(1) What sum was spent on media monitoring and clipping services engaged by the Minister’s office in (a) 2002-2003, (b) 2003-2004, and (c) 2004-2005 to date.

(2) What was the name and postal addresses of each media monitoring company engaged by the Minister’s office.

Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the honourable member’s question:
(1) (a) 2002-2003 - $20,050;
    (b) 2003-2004 - $10,039; and
    (c) 2004-2005 - $10,965.

(2) Media Monitors, PO Box 2110, Strawberry Hills NSW 2012; and
    Rehame, PO Box 533, Port Melbourne VIC 3207.
Media Monitoring and Clipping Services  
(Question No. 1290)

Mr Bowen asked the Minister for Industry, Tourism and Resources, in writing, on 11 May 2005:

(1) What sum was spent on media monitoring and clipping services engaged by the Minister’s office in (a) 2002-2003, (b) 2003-2004, and (c) 2004-2005 to date.

(2) What was the name and postal addresses of each media monitoring company engaged by the Minister’s office.

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

(1) (a) 2002-03, $7,914 (ex GST)  
(b) 2003-04, $12,909 (ex GST)  
(c) 2004-05 (to 30 April 05), $13,631 (ex GST)  

(2) Media Monitors Australia P/L  
PO Box 2110  
Strawberry Hills, NSW 2012  
Rehame Australia  
PO Box 537  
Port Melbourne, Victoria 3207

Media Monitoring and Clipping Services  
(Question No. 1315)

Mr Bowen asked the Minister for Industry, Tourism and Resources, in writing, on 11 May 2005:

(1) What sum was spent on media monitoring and clipping services engaged by the Department and agencies in the Minister’s portfolio in (a) 2002-2003, (b) 2003-2004, and (c) 2004-2005 to date.

(2) Did the Department or any agency in the Minister’s portfolio order newspaper clippings, television appearance transcripts or videos, radio transcripts or tapes on behalf of the Minister’s office in (a) 2004 and (b) 2005; if so, what sum was spent by the Department or agency on providing this service.

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

(1) (a) 2002-03, $504,045 (ex GST)  
(b) 2003-04, $460,242 (ex GST)  
(c) 2004-05 (to 30 April 05), $429,971 (ex GST)  

(2) An electronic newspaper clipping service is provided to the Department. This service provides copies of portfolio related newspaper clippings which are available to my office, at no additional cost. From the records held by the Department and portfolio agencies it is not possible to determine what portion, if any, of the transcripts, audio and video tapes ordered by the Department and agencies, may have been ordered on behalf of my office.

National Food Industry Council  
(Question No. 1331)

Mr Bowen asked the Minister for Agriculture, Fisheries and Forestry, in writing, on 12 May 2005:
(1) Who are the members of the Board of the National Food Industry Council.
(2) What was the date of appointment of each member.
(3) What is the remuneration of each member.
(4) How many times in 2004 did the National Food Industry Council meet.

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

(1) and (2) The current members of the National Food Industry Council and their appointment date are:

<table>
<thead>
<tr>
<th>Member</th>
<th>Date Appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Peter McGauran, MP (Chairman)</td>
<td>6 July 2005</td>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td></td>
</tr>
<tr>
<td>The Hon Tony Abbott, MP</td>
<td>2 June 2002</td>
</tr>
<tr>
<td>Minister for Health and Ageing</td>
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<tr>
<td>The Hon Kevin Andrews, MP</td>
<td>24 November 2003</td>
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<tr>
<td>Minister for Employment and Workplace Relations</td>
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<tr>
<td>The Hon Ian Macfarlane, MP</td>
<td>2 June 2002</td>
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<tr>
<td>Minister for Industry, Tourism and Resources</td>
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<tr>
<td>The Hon Dr Brendan Nelson, MP</td>
<td>6 December 2004</td>
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<tr>
<td>Minister for Education (Represented by Gary Hardgrave,</td>
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<td>Minister for Vocational Education and Training)</td>
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<td>The Hon Mark Vaile, MP</td>
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<td>Minister for Trade</td>
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<td>Ms Joanna Hewitt, Secretary, Department of Agriculture, Fisheries and</td>
<td>26 October 2004</td>
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<tr>
<td>Forestry</td>
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<tr>
<td>Mr Enzo Allara, Chairman, CPC/AJI (Asia) Ltd</td>
<td>12 July 2005</td>
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<tr>
<td>Ms Jane Bennett, Managing Director, Ashgrove Cheese</td>
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<tr>
<td>Mr Charles Burke, Vice President, National Farmers’ Federation</td>
<td>12 July 2005</td>
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<tr>
<td>Mr Ben Clarke, Vice-President and Area Director, Kraft Foods Australia/New Zealand</td>
<td>29 March 2004</td>
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<tr>
<td>Ms Wendy Erhart, Director Withcott Seedlings</td>
<td>12 July 2005</td>
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<tr>
<td>Mr Peter Fraser, Managing Director, Lobster Australia</td>
<td>12 July 2005</td>
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<tr>
<td>Mr Nigel Garrard, Managing Director, SPC Ardmona</td>
<td>12 July 2005</td>
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<tr>
<td>Mr Terry O’Brien, Managing Director, Simplot</td>
<td>12 July 2005</td>
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</table>
(3) Members of the National Food Industry Council receive no remuneration.

Australian Communications Authority
(Question No. 1407)

Mr Melham asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 23 May 2005:

(1) What is the role of the Australian Communications Authority (ACA) in relation to the authorisation of telecommunications carriers’ actions in the inspection of land for, and the installation of, low-impact telecommunications facilities.
(2) Does the ACA have a role in the determination of whether a telecommunications facility is a low impact facility; if so, what is it; if not, which agency has that responsibility.
(3) Are there Guidelines for the roll out of telecommunications base stations; if so, do they provide details indicating where a proposed base station would not comply with (a) State legislation, (b) Council regulations, and (c) the Telecommunications (Low-Impact Facilities) Determination.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

The response in part is based on advice from the Australian Communications and Authority (ACA), now part of the Australian Communications and Media Authority (ACMA):

(1) ACMA has a role in regulating carriers who are acting under powers and immunities established by the Telecommunications Act 1997 (the Act) and its subordinate instruments. ACMA is responsible for ensuring that carriers comply with the Telecommunications Code of Practice 1997 (the Code of Practice) when inspecting land or installing low-impact facilities. Where a carrier has breached the Code of Practice, ACMA has advised that it may take enforcement action. Carriers deploying mobile phone infrastructure must comply with the Australian Communications Industry Forum Deployment of Mobile Phone Network Infrastructure Code (the ACIF Code) which

<table>
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<th>Date Appointed</th>
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<tr>
<td>Mr Peter O’Byrne, Managing Director, Austrade</td>
<td>12 July 2005</td>
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<tr>
<td>Mr Stephen O’Rourke, Managing Director, Murray Goulburn Cooperative</td>
<td>12 July 2005</td>
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<td>Mr Bob Orth, Managing Director, Australian Bakels</td>
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<tr>
<td>Professor Alastair Robertson, Chief Executive Officer, Food Science Australia</td>
<td>12 July 2005</td>
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<tr>
<td>Ms Alison Watkins, Chief Executive Officer, Berri Ltd</td>
<td>1 March 2004</td>
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<tr>
<td>Mr Warwick White, Chairman, Australian Food and Grocery Council</td>
<td>1 March 2004</td>
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</table>
is registered by ACMA under Part 6 of the Act. ACMA has the power to issue formal warnings and directions to carriers to comply with the ACIF Code.

(2) ACMA has no role in determining whether a facility is a low-impact facility or not. Low-impact facilities are defined in the Telecommunications (Low-impact Facilities) Determination 1997 (the Determination). The Determination specifies certain facilities that are of low visual impact and specifies their size, colour and zoning limitations.

Only a court of competent jurisdiction may make a ruling on the interpretation of the Determination and whether a facility complies with this Determination.

(3) Yes. The Telecommunications (Low-impact Facilities) Determination 1997 (the Determination) specifies certain types of facilities that may be installed under the Telecommunications Act 1997 (the Act). The Determination defines where facilities may be installed based on the zoning of the site as commercial, industrial, residential or rural under State or Territory planning laws. Telecommunications installations that are not low-impact facilities, or for which a carrier does not hold a facility installation permit, can only be installed with approval under State and Territory Government planning laws. Development approvals for new infrastructure are generally dealt with at the local council level. Individual State and Territory Governments or Councils may issue their own guidelines relating to these facilities.

Carriers must also comply with the Australian Communications Industry Forum Deployment of Mobile Phone Network Infrastructure Code (the ACIF Code) when installing mobile telecommunications facilities, whether installed under Commonwealth or State and Territory law. The ACIF code requires that carriers apply a precautionary approach to the design, operation and selection of sites for communications facilities.

In addition, The Mobile Carriers Forum (MCF) publishes the Guidelines for Better Visual Outcomes: Low-impact Mobile Facilities. The MCF states that the ‘guidelines have been prepared to assist in the siting and design of low-impact mobile telecommunications facilities.’ These guidelines have no legislative authority.

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**De Silva Family**

(Question No. 1442)

Mr Gibbons asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, in writing, on 24 May 2005:

(1) Is the Minister aware that Mr Remigeus (Wayne) De Silva and his family from Sri Lanka have been prevented from applying for a substantive visa while in Australia because he has previously applied for, and been refused, a substantive visa.

(2) Is the Minister aware that Mr De Silva has been advised that he can apply for a visa, but only from another country.

(3) Is the Minister aware that (a) Mr De Silva has gained a position as the only White Goods Repair Mechanic with Hardingham's Plumbing and Electrical in Donald through the Regional Sponsored Migration Scheme, (b) Mr De Silva’s wife volunteers at the local aged care facility and (c) they have one child in primary school and another in High School.

(4) Can the Minister explain what advantage would be obtained for Australia by requiring Mr De Silva to leave Australia before applying for a visa to re-enter the country.

(5) Can the Minister understand that the disruption, not only for this Sri Lankan family, but also for the community of Donald, is totally untenable.

(6) Would the Minister grant the De Silva family visas to enable them to remain in Australia without having to leave the country to do so.
Mr John Cobb—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable member’s question:

(1) Yes. Mr De Silva was refused an application for a substantive visa on 3 January 2002 after initially entering Australia on a Visitor visa. He applied for and was refused a Protection visa. He unsuccessfully appealed this through to the High Court. This meant that he fell within the provisions of section 48 of the Migration Act, which did not allow him to make any further substantive visa application while in Australia because he had been refused a visa since arriving and no longer held a substantive visa.

(2) Yes. This is the effect of section 48 of the Migration Act. Officers of the Department worked with Mr De Silva to minimise the effect of this provision by completing much of the processing before his departure.

(3) (a) Yes.  
(b) Yes.  
(c) Yes.

(4) The section 48 provision was put in place in 1994 to combat the practice of people temporarily in Australia repeatedly applying for further visas, particularly Protection visas, in order to prolong their stay.

(5) and (6) Officers of the Department worked closely to assist Mr De Silva to apply for an appropriate visa to return to Australia. Processing was finalised and he was granted a temporary business visa to enable him to return to Australia quickly. He and his family returned on 20 July 2005 on a temporary business (long stay) visa (subclass 457) valid for four years. In that time he will be able to apply for a permanent resident visa, including an employer sponsored permanent visa.

Mr Hayes asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 25 May 2005:

(1) Is it the case that Broadband service is not available in all areas of the electoral division of Werriwa; if so, which areas do not have access to Broadband.

(2) What reasons does Telstra give for not providing access to Broadband.

(3) What action is Telstra taking to address this situation.

(4) Is the Minister able to say when Broadband services will be available throughout the electoral division of Werriwa.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question, based in part on information provided by Telstra:

(1) No. Broadband services are available in all areas of the electoral division of Werriwa via one or more broadband access technologies.

All telephone exchanges within the electoral division of Werriwa, with the exception of the Kemps Creek exchange, have been ADSL enabled. The Kemps Creek exchange is scheduled to be ADSL enabled in September 2005. Technical limitations associated with ADSL mean that not all customer premises connected to an ADSL enabled telephone exchange are able to receive an ADSL service.

Hybrid Fibre Coaxial (HFC) cable and wireless broadband services are also available to a number of customers within the electoral division of Werriwa. Customers that do not have access to broad-
band services via either ADSL, HFC cable or wireless can access broadband services via a two-way satellite connection.

From early 2006 the Government’s $50 million Metropolitan Broadband Connect program will assist customers in metropolitan areas where affordable broadband access is not available. This program builds upon the success of the Government’s $157.8 million Higher Bandwidth Incentive Scheme which is assisting customers in regional Australia.

(2) See answer to Part (1).

(3) See answer to Part (1).

(4) See answer to Part (1).

Agriculture, Fisheries and Forestry: Grants
(Question No. 1477)

Mr Bowen asked the Minister for Agriculture, Fisheries and Forestry, in writing, on 25 May 2005:

Has the Minister’s department or any agency in the Minister’s portfolio made any grants for any purpose to the national or state or territory branches of:

(1) (a) the Australian Chamber of Commerce and Industry,
(b) the Australian Industry Group,
(c) the National Farmers Federation,
(d) the Business Council of Australia,
(e) the Motor Traders Association of Australia,
(f) Employers First,
(g) Australian Business Limited,
(h) the National Retailers Association,
(i) the Australian Liquor Association,
(j) the National Electrical Contractors Association,
(k) the State Chamber of Commerce (NSW), and

(2) What the purpose and amount of each grant and on what date was each grant awarded.

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

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QUESTIONS IN WRITING
Transport and Regional Services: Staffing  
(Question No. 1609)

**Mr Bowen** asked the Minister for Transport and Regional Services, in writing, on 31 May 2005:


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

(1) For the dates required the numbers of persons employed by the Minister’s department were:

- At 30/6/97 – 722 *
- At 30/6/99 – 829 *
- At 30/6/00 – 879 *
- At 30/6/01 – 861 *
- At 30/6/02 – 970 *
- At 30/6/03 – 923 *
- At 30/6/04 – 901 *
- At 30/06/05 – 1,154 *

* Numbers include actual permanent and temporary, full-time and part-time staff (not including inoperative or Indian Ocean Territories staff)

(2) The rate of staff turnover in the Minister’s department was:

- 1996-1997 #
- 1997-1998 #
- 1998-1999 - 21.1 per cent
- 1999-2000 - 9.1 per cent
- 2000-2001 - 15.6 per cent
- 2001-2002 - 11.27 per cent
- 2002-2003 - 12.5 per cent

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**QUESTIONS IN WRITING**
2003-2004 - 19.0 per cent

# Due to changes in reporting systems this information is not readily available for 1996-1997 and 1997-1998 and cannot be obtained without devoting substantial resources to the task. The department is therefore unable to provide that information.

Note: The staff turnover rate includes data for on-going and non-going staff.

Agriculture, Fisheries and Forestry: Staffing
(Question No. 1617)

Mr Bowen asked the Minister for Agriculture, Fisheries and Forestry, in writing, on 31 May 2005:

Mr McGauran—The answer to the honourable member’s question is as follows:
(1) (a) 3971 full time equivalent – Department of Primary Industries and Energy (DPIE)
(b) 3907 full time equivalent – Department of Primary Industries and Energy (DPIE)
(c) 3069 full time equivalent – Department of Agriculture, Fisheries and Forestry (DAFF) [Administrative Arrangement Orders of 21 October 1998 abolished DPIE – formation of the Department of Agriculture Fisheries and Forestry (business name AFFA)] transferring resource and energy functions and associated scientific and research programs, together with a number of rural and regional service programs from AFFA. Food industry related functions were transferred into the Department.
(d) 2925 full time equivalent
(e) 3033 full time equivalent
(f) 3635 full time equivalent
(g) 3757 full time equivalent
(h) 3828 full time equivalent
(i) 3871 full time equivalent (as at 30 April 2005) – not including staff of Biosecurity Australia, which became a “Prescribed Agency” from 11 February 2005.

(2)

<table>
<thead>
<tr>
<th>Year</th>
<th>Engagements (1)</th>
<th>Movement In (3)</th>
<th>Total Gain</th>
<th>Cessations (2)</th>
<th>Movement Out (4)</th>
<th>Total Loss</th>
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<td>32</td>
<td>1019</td>
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<td>(g) 2002/03</td>
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<td>44</td>
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<td>(h) 2003/04</td>
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<td>35</td>
<td>628</td>
<td>194</td>
<td>57</td>
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</table>
(1) Engagements = staff recruited to the APS under section 22 of the Public Service Act 1999.
(2) Cessations = terminations under sections 29 and 30 of the Public Service Act 1999.
(3) Movement In = employees who have transferred to the Department on promotion or at the same classification.
(4) Movement Out = employees who have transferred from the Department on promotion or at the same classification.

^ Department of Primary Industries and Energy (DPIE).
+ Administrative Arrangement Orders (21 October 1998) abolished DPIE creating Department of Agriculture, Fisheries and Forestry (business name AFFA).
# Figures @ 30 April 2005.
> Biosecurity Australia created from 11 February 2005 as a “Prescribed Agency”.

### Defence Force Retirement and Death Benefits Scheme

**(Question No. 1669)**

Mr McClelland asked the Minister representing the Minister for Defence, in writing, on 14 June 2005:

2. Has the Minister’s department undertaken any research on the current life expectancy of defence personnel retirees.
3. Has the Minister’s department considered amending the relevant legislation to ensure it is consistent with other comparable superannuation schemes in Australia.
4. To what extent is post-commutation pay under the Defence Force and Retirement Death Benefits Scheme derived by reducing the pre-commutation pay by an amount calculated by dividing the service person’s commutation lump sum by the person’s life expectancy as set out in Schedule 3 of the Defence Force Retirement and Death Benefits Act.
5. Is it the case that there is no mechanism in place to restore the pension to the pre-commuted entitlement once the ex-service person has reached their life expectancy.
6. What action if any has been taken to ensure that the Defence Force Retirement and Death Benefits Scheme complies with section 41B of the Sex Discrimination Act 1984.

Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the honourable member’s question:

1. No. The actuarial tables used in Schedule 3 were sourced from Australian Life Tables 1960-1962, and cannot be updated under the Defence Force Retirement and Death Benefits Act 1973.
2. No.
3. No. When announcing the review of ADF superannuation which led to the creation of the Military Superannuation and Benefits Scheme (MSBS), the then Minister for Defence Science and Personnel, the Hon David Simmons, made the following undertaking on 29 August 1989:

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**QUESTIONS IN WRITING**

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<tr>
<th>Year</th>
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<th>Movement In (3)</th>
<th>Total Gain</th>
<th>Cessations (2)</th>
<th>Movement Out (4)</th>
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“The Government has given an iron clad guarantee that the benefits for which members are currently contributing will continue to be available to them when they leave the Defence Force”.

The undertaking ensured members who elected to remain in the Defence Force Retirement and Death Benefits (DFRDB) Scheme would not be disadvantaged by any changes to the Scheme made after their decision to remain in the Scheme. It also enabled members to make the decision whether to remain in the DFRDB Scheme, or join the MSBS, while being certain of their entitlements under each Scheme, and the basis and method by which they would be calculated.

The DFRDB Scheme is not comparable to other Australian schemes. Even if the Scheme was able to be reviewed, all of the Scheme would need reviewing, rather than elements in isolation. This may not result in a favourable outcome for all members of the Scheme, opening the ability for members to raise concerns regarding the Government’s guarantee.

(4) 100 per cent.

(5) Yes. It is a common misunderstanding that pensions are reduced after commutation in order to repay the amount commuted. This is not the case. The repayment is a notional concept used to explain the process by which life expectancy factors are used to ensure that members electing to commute part of their pension do not receive more than they would in usual pension payments over their expected lifetime. That is, the amount commuted and the residual pension should not exceed the amount of pension a member would receive if they had chosen not to commute their pension. As well, the view that the commutation has been 'repaid' does not take account of the benefits the member may drive from the commuted amount.

(6) The Department of Defence has researched the DFRDB Scheme and has responded to questions posed by the Human Rights and Equal Opportunity Commission regarding section 41B of the Sex Discrimination Act 1984. This was in response to a complaint against the DFRDB Authority, Commonwealth Superannuation Administration and the Department of Defence. The Commission has found in favour of the respondents.

Government Services

(Question No. 1710)

Ms Hoare asked the Minister for Human Services, in writing, on 16 June 2005:

(1) Can he confirm that part of his brief as Minister for Human Services is to streamline the delivery of government services to the Australian people; if so, can he confirm that this includes (a) improving the lines of communication and (b) eliminating policy inconsistencies between the Government’s various service delivery agencies.

(2) Is he aware that where Centrelink needs to take into account the child support and maintenance actions of its clients serious problems often arise because information is not communicated between, or is assessed differently by, Centrelink and the Child Support Agency.

(3) Can he outline the specific measures he is undertaking to address these communication deficiencies and inconsistent approaches, it not; why not.

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

(1) My responsibility as the Minister for Human Services is to improve the delivery of government services to the Australian people. That includes ensuring services are as streamlined as possible, with clear and straight forward access to these services.

My aim as minister is to maximise coordination of the delivery of services across the six agencies, to the benefit of the Australian people. The Department of Human Services is consulted in the development of policy options by policy departments.
(2) I am aware that Centrelink considers Child Support information in determining entitlements to Family Tax Benefit (FTB) and therefore accurate exchange of information is essential.

The Child Support Agency (CSA) sends information to Centrelink via an electronic interface on a regular basis to inform Centrelink of customer entitlements to FTB. Information provided includes details of child support entitlements and payments needed for the purposes of the maintenance action tests and maintenance income test.

Centrelink and CSA necessarily apply different criteria for assessment because they are administering different legislation. The test applied by Centrelink for receipt of benefits is based on the principles of need and equity. The resources a person has available to them must be considered and, as such, the total household income is taken into account when determining eligibility. Consequently, the joint incomes of both partners of a relationship are considered when assessing entitlement to any payment.

The Child Support scheme is based on the principle that parents of children are primarily responsible for their financial care, and that children continue to share in the financial circumstances of their parents following separation. I note that the government is currently considering the recommendations of the Parkinson Report.

(3) Specific actions to improve communication and information exchange between Centrelink and CSA include:

- CSA and Centrelink commenced a joint initiative on 1 June 2005 to offer parents the option of a phone transfer directly to a client service officer in the other agency. This is aimed at improving service to mutual clients;
- A three month trial to extend the concept for a broader range of clients is scheduled to commence November 2005. The transfer option should assist in resolving some of the issues parents have around the child support/family assistance interaction;
- Client data is exchanged electronically, under a joint information protocol between CSA and Centrelink via a secure network link. The data exchanged includes a weekly entitlements file, a three-monthly payment file as well as daily client information updates. CSA provides weekly information to Centrelink through an alternative delivery channel about parents who are ineligible to apply for child support. Centrelink and CSA are communicating regularly to seek improvements in data exchange;
- A joint agency working group, comprising Centrelink and CSA officers, meets regularly to deal with operational issues;
- A Centrelink / CSA computer system enhancement is scheduled for September 2005, which will improve the accuracy and timeliness of child support payments and Family Tax Benefit; and
- Centrelink’s Child Support Steering Committee meets regularly to monitor the development and direction of the delivery of the child support program.

Further, if a customer is not satisfied in relation to Centrelink’s assessment of their child support information they can request clarification or review. If the customer is not satisfied with the explanation they can also appeal against the decision.
Mr Laurie Ferguson asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, in writing, on 20 June 2005:

(1) For each of the last three years, how many complaints by Immigration detainees have been lodged with the Ombudsman’s Office.

(2) What is the process for determining these complaints.

(3) What is the average time taken to determine a complaint.

(4) How many complaints have not been finalised within a year of lodgement.

(5) Do detainees have any appeal rights on the determination of a complaint.

(6) Do detainees have access to (a) legal advice and (b) legal representation when lodging a complaint.

Mr John Cobb—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable member’s question:

(1) The Ombudsman has advised as follows:
   The Ombudsman’s office does not record complaints by the nature of the complainant; therefore we cannot say how many complaints immigration detainees have lodged for any period.

(2) The Ombudsman has advised as follows:
   The Ombudsman’s office conducts investigations impartially and in private. Under the Ombudsman Act 1976 (the Act), the Ombudsman has wide powers to investigate a complaint within his jurisdiction in the manner in which he sees fit. The legislation gives the Ombudsman the discretion not to investigate certain complaints.

   Where the Ombudsman’s office decides to investigate a complaint, staff follow processes established within the office. These processes can include seeking more information from the detainee; seeking information from the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA); examining DIMIA files, policies and procedures; and viewing footage of alleged incidents, if available. The Ombudsman is also able to exercise formal powers under s(9) of the Act to inspect or obtain DIMIA documents or interview anyone with information relevant to an investigation.

(3) The Ombudsman has advised as follows:
   The average time taken by the Ombudsman’s office to finalise a complaint about the Department of Immigration and Multicultural and Indigenous Affairs in 2003-04 was 61.2 days.

(4) The Ombudsman has advised as follows:
   The Ombudsman’s office received 865 complaints about the Department of Immigration and Multicultural and Indigenous Affairs in 2003-04. Of these, 19 were not finalised within a year of lodgement.

(5) The Ombudsman has advised as follows:
   A detainee who has made a complaint to the Ombudsman’s office has the same review rights as any other complainant. He or she may seek an internal review, conducted under processes established within the Ombudsman’s office. There is a right for anyone affected by a decision by the Ombudsman to seek judicial review of that decision under the Administrative Decisions (Judicial Review) Act 1977.

(6) (a) Detainees do not require legal advice when lodging a complaint with the Ombudsman’s office.
   If a detainee chooses to seek legal advice when lodging such a complaint, he or she may do so. However, this legal advice will be at the detainee’s own expense and will be arranged by the
(b) The response concerning legal advice provided at (6)(a) above also applies to legal representation for detainees who lodge complaints with the Ombudsman’s office.

**Media and Communications Officers**  
*(Question No. 1781)*  

Mr Bowen asked the Minister for Human Services, in writing, on 23 June 2005:

(1) How many media and communications officers are employed in the Minister’s department.

(2) How many media and communications officers were employed in the Minister’s department in 1996.

(3) What sum was allocated to the media and communications unit in (a) 1996-1997, (b) 2004-2005, and (c) 2005-2006.

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

(1) The core Department of Human Services employs 3 media and communications officers.

(2) The Department of Human Services did not exist in 1996.

(3) (a) The Department of Human Services did not exist during this period.

(b) The Department of Human Services was established on 26 October 2004. The sum allocated in the core department to the media and communications unit in 2004 – 2005 from 26 October 2004 to 30 June 2005 was $451,650.

(c) The sum allocated to the media and communications unit in 2005 – 2006 is approximately $850,000, however, internal department funding allocations may vary over the course of the year.

**Human Services: Staffing**  
*(Question No. 1784)*  

Mr Bowen asked the Minister for Human Services, in writing, on 23 June 2005:

(1) How many of the Minister’s department’s staff are employed at the Senior Executive Band 1 level in (a) 2004 and (b) 2005.

(2) How many of the Minister’s department’s staff were paid at the Senior Executive Band 1 level in (a) 2004 and (b) 2005.

(3) How many of the Minister’s department’s staff were employed at the Senior Executive Band 2 level in (a) 2004 and (b) 2005.

(4) How many of the Minister’s department’s staff were paid at the Senior Executive Band 2 level in (a) 2004 and (b) 2005.

(5) How many of the Minister’s department’s staff were employed at the Senior Executive Band 3 level in (a) 2004 and (b) 2005.

(6) How many of the Minister’s department’s staff were paid at the Senior Executive Band 3 level in (a) 2004 and (b) 2005.

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

The Department of Human Services was established on 26 October 2004. For (a) 2004 the period used is 26 October 2004 to 31 December 2004 and relates to the core department. For (b) 2005 the period used is 1 January 2005 to 30 June 2005.

QUESTIONS IN WRITING
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**HMAS Kanimbla**

(Question No. 1806)

Mr McClelland asked the Minister representing the Minister for Defence, in writing, on 23 June 2005:

(1) Did the Department of Defence or the Office of the Minister for Defence issue a direction to personnel onboard HMAS Kanimbla, including the Commanding Officer prohibiting them from speaking to family members and others about the crash of the SeaKing helicopter on the island of Nias in the hours immediately following the helicopter crash; if not, who issued the direction and on whose authority and direction was it issued.

(2) Is such a direction a standard occurrence in the event of potential loss of life.

(3) Did the department or the Minister’s office consider the impact that such an order would have on the family members of those personnel onboard HMAS Kanimbla.

(4) Is Defence considering a change to the protocols so that family members are notified more expeditiously of the welfare of personnel should such a situation arise in the future

Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the honourable member’s question:

(1) No. However, a decision to close e-mail and telephone lines was made by the Commanding Officer in an attempt to ensure that family members of the deceased and injured were provided accurate information by appropriate means, rather than through hearsay from unauthorised sources. Once the Commanding Officer became aware that media representatives ashore covering the earthquake disaster had issued press reports on the crash he, by necessity, re-opened the telephone and e-mail lines of communications and advised the ship’s company to let their families know they were well.

(2) There is no formal direction of this nature. However, any ships Commanding Officer would be expected to make similar judgements in such circumstances.

(3) The Commanding Officer’s primary concern was with protecting the families of the deceased and injured. The immediacy of the release of the press report on the crash to the public was unforeseen and occurred due to the presence of media on Nias covering the earthquake relief effort.

(4) The timeliness and correctness of notifying the next-of-kin of the deceased and injured will be investigated by the Board of Inquiry. Protocols for advising other family members will be reviewed once the findings are handed down.

**Pine Gap Defence Facility**

(Question No. 1807)

Mr Melham asked the Minister representing the Minister for Defence, in writing, on 23 June 2005:

(1) Further to the answer to question No. 175 (Hansard, 8 February 2005, page 104), in respect of the visits to and briefings on the Joint Defence Facility Pine Gap (JDFPG), what was the security classification (Top Secret, Secret, Confidential or Unclassified etc) of the briefing/access provided to (a) Senator the Hon Robert Hill on 16 August 2002, (b) Mr Mark Latham MP, Leader of the Opp-
sition, on 23 February 2004, (c) Mr Kevin Rudd, Opposition Foreign Affairs Spokesman, on 23
February 2004, (d) Senator Chris Evans, Opposition Defence spokesman, on 28 July 2003, (e)
eight Members of the Defence Sub-Committee of the Joint Standing Committee on Foreign Affairs
Defence and Trade and a Member of the Parliamentary Joint Committee on Australian Security In-
telligence Organisation, Australian Secret Intelligence Service, and Defence Signals Directorate, on
21 July 2004, (f) two members of the committee staff of the Joint Standing Committee on Foreign
Affairs Defence and Trade and one member of the committee staff on the Parliamentary Joint
Committee on Australian Security Intelligence Organisation, Australian Secret Intelligence Service,
and Defence Signals Directorate, on 21 July 2004, (g) seven Members of the United States House
of Representatives Permanent Select Committee on Intelligence, on 3 July 2002, (h) a Member
of the United States Senate Select Committee on Intelligence, on 8 August 2002, (i) a committee staff
member of the United States Senate Select Committee on Intelligence, on 8 August 2002, (j) eight
Members of the United States House of Representatives Permanent Select Committee on Intelli-
gence, on 16 August 2003, (k) ten committee staff members of the United States House of Repre-
sentatives Permanent Select Committee on Intelligence, on 16 August 2003, and (l) a committee
staff member of the United States Senate Select Committee on Intelligence, on 28 to 29 June 2004.

(2) What specific agreement or agreements between the Australian and United States Governments
govern access to and briefings on the JDFPG by (a) Members of the Australian Parliament and the
United States Congress; and (b) committee staff of Australian Parliamentary Committees and
United States Congressional Committees.

(3) Is it necessary for the Australian Government to (a) notify and (b) obtain the agreement of the
United States Government before (i) visits to and/or briefings on the JDFPG for Members of the
Australian Parliament, and (ii) visits to and/or briefings on the JDFPG for Committee Staff of Aus-
trian Parliamentary Committees.

(4) Is it necessary for the United States Government to (a) notify and (b) obtain the agreement of the
Australian Government before (i) visits to and/or briefings on the JDFPG for Members of the
United States Congress, and (ii) visits to and/or briefings on the JDFPG for Committee Staff of
United States Congressional Committees.

Mrs De-Anne Kelly—The Minister for Defence has provided the following answer to the
honourable member’s question:

(1) (a) to (l) Briefings and access provided to visitors to the JDFPG are given at a level appropriate to
their level of security clearance and the requirement of their position.

(2) The Agreement between Australia and the United States of America Relating to the Establishment
of a Joint Defence Space Research Facility, 9 December 1966, Treaty Series 1966, No.17, governs
access to and security measures for the JDFPG.

(3) (a), (b), (i) and (ii) No. However, the United States Chief of Facility is informed of visitors to the
JDFPG as a matter of protocol and management purposes.

(4) (a), (b), (i) and (ii) No. However, the Australian Deputy Chief of Facility is informed of all visitors
to the JDFPG as entry to the JDFPG requires advance notification through security channels, and
control of entry to JDFPG is an Australian Government responsibility.

Temporary Travellers Loans

(Question No. 1844)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 23 June 2005:

(1) What are the criteria for the grant of temporary travellers loans and are they available for the in-
formation of the travelling public.
(2) How many Australians were (a) granted and (b) refused temporary loans by Australian missions in 2004-2005.

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

(1) Decisions to issue emergency loans are made on a case-by-case basis, and only when it has been established that the concerns for an individual’s welfare warrant such assistance and that the individual has no alternative means to access funds, including through family members in Australia. The Consular Services Charter notes that limited financial assistance can be provided in real emergencies, and eligibility is discussed with consular clients on a case-by-case basis.

(2) 387 Australians were issued with traveller emergency loans in 2004-2005. Records are not kept of loans refused.

PricewaterhouseCoopers Consulting
(Question No. 1885)

Mr Bowen asked the Minister for Agriculture, Fisheries and Forestry, in writing, on 9 August 2005:

(1) Is he aware his department entered into a contract on 31 May 2005 with PricewaterhouseCoopers Consulting to the value of $800,000.

(2) What services are being provided by PricewaterhouseCoopers under the terms of this contact.

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

(1) Yes I am aware the Department of Agriculture, Fisheries and Forestry entered into a contract with PricewaterhouseCoopers consulting. The contract was entered into on 24 May 2005.

(2) PricewaterhouseCoopers has been contracted by the Department of Agriculture, Fisheries and Forestry to assist seven Regional Advisory Groups complete the development of regional sugar industry reform plans as part of the Sugar Industry Reform Program 2004.

Family and Community Services: Consultants
(Question No. 1887)

Mr Bowen asked the Minister representing the Minister for Family and Community Services, in writing, on 9 August 2005:

(1) Is the Minister aware that the Department of Family and Community Services engaged ZOO Communications at a cost of $22,104.50 to provide consultants’ advice on updating the department’s corporate image.

(2) What services will be obtained under the terms of this contract.

(3) When was the decision taken to update the department’s image.

(4) What is the total costing of the project to update the department’s image.

(5) How many stages does the project have and what is involved at each stage.

(6) Have any other consultants been engaged for this project; if so, what are the names of the companies engaged and the value of the contracts.

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

(1) The Minister was advised by the Department of Family and Community Services of its intention to amend its graphic design standards to improve compliance with Australian Government branding and to assist in communicating new organisational priorities after the 2004 Machinery of Government changes. The Minister was not advised of the cost or that ZOO Communications was the consultant engaged.
(2) ZOO Communications was engaged to update the existing graphic standards and to provide a range of detailed design templates for publications, website and other departmental products.

(3) The decision to update the department’s graphic design standards was taken in March 2005.

(4) The total cost of the project to update the department’s image is $46,958.50.

(5) There were two stages to the project to update the department’s graphic design standards. The key deliverables for the first stage of the project were to provide a range of options for consideration; the second stage required the production of an updated set of style guidelines in electronic format.

(6) There were no other consultant’s engaged in the project to update the department’s image.

Global Oil Production
(Question No. 1925)
Mr Tanner asked the Minister for Industry, Tourism and Resources, in writing, on 9 August 2005:

(1) Does the Government have an estimate of when global oil production is likely to hit its peak level; if so, in what year does the Government expect it to occur.

(2) Does the Government have an estimate of the likely rate of the annual decline in production after global oil production passes its peak.

(3) Does the Government have estimates of the impact on global oil prices of the continuing decline in global oil production; if so, what are they.

(4) Has the Government undertaken any economic modelling to determine the consequences for the Australian economy of very large and sustained increases in global oil prices; if so, what are the outcomes of the modelling.

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

(1) No. As the size of the world’s total oil reserves are not known with any certainty, a specific year cannot be readily identified as the ‘peak point’. However, my Department monitors research/publications on the issue to remain informed of the wide range of industry forecasts.

(2) No. The rate at which production will decline following the ‘peak point’ is subject to a wide range of factors, including global oil extraction and consumption rates, and the extent of substitution between oil and other energy sources. The government does not have estimates of the likely annual rate of global production decline following the peak point.

(3) No. The government has no specific estimates of the impact on global oil prices from declines in production.

(4) Yes. My Department is currently involved in a study on ‘the Impact of Oil Prices on Trade in the APEC Region’, which is being undertaken by Australian Bureau of Agricultural and Resource Economics, on behalf of the Asia Pacific Economic Cooperation Energy Working Group. The study will undertake detailed economic modelling to quantify the effects of sustained increases in oil prices on macroeconomic indicators and patterns of trade in the APEC Region, including Australia, and will be completed in October, with key findings reported to the 7th Meeting of APEC Energy Ministers on 19 October 2005 (which I will be attending). At that meeting, I will discuss the issue of recent sustained increases in the world price of oil with my APEC counterparts, and we will consider a regional coordinated response.

Nuclear Non-Proliferation Treaty
(Question No. 1955)

Mr Kelvin Thomson asked the Minister for Foreign Affairs, in writing, on 9 August 2005:
(1) Did the Government take any action to have the implementation of non-proliferation treaty com-
mitments incorporated onto the agenda of the Non-proliferation Treaty Convention in New York.

(2) Did the Government make representations to the Government of the United States of America to
achieve this objective.

(3) Does the failure to have discussion of these commitments added to the agenda of the New York
meeting represent a significant diplomatic setback for global efforts for non-proliferation.

(4) Is he aware that the United States uses concerns about the existence of weapons of mass destruc-
tion as rationale for its foreign policy but refuses to adopt equivalent measures for its own stockpile
of nuclear arsenal.

(5) Is the task of persuading all of the international community to support the non-proliferation of
weapons of mass destruction made more difficult by the refusal of the United States to disarm.

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

(1) A review of the implementation of Nuclear Non-Proliferation Treaty (NPT) provisions is a standard
agenda item for NPT review conferences and was part of the agenda for the 2005 NPT Review
Conference. Australia supported this.

(2) No. See (1) above.

(3) See (1) above.

(4) The NPT does not prohibit possession of nuclear weapons by the five nuclear weapon states (the
United States, Russia, the United Kingdom, France and China) which existed when the Treaty was
concluded. However, the NPT nuclear weapon states have given a commitment to advance and
eventually achieve nuclear disarmament. The United States has substantially reduced its nuclear
arsenal, including through the 2002 Treaty of Moscow. Upon completion of the Moscow Treaty
reductions in 2012, the United States will have reduced by about 80 percent the number of strategic
nuclear warheads it deployed in 1990.

(5) Australia believes that progress on nuclear disarmament is a core NPT obligation, vital to the
Treaty’s political strength and vitality. But we do not accept that movement on nuclear disarma-
tment should be a precondition for improvements to the non-proliferation regime. Such an ap-
proach puts at risk the security benefit all NPT parties derive from assurances that nuclear pro-
grams in non-nuclear weapon states are peaceful.

Agriculture, Fisheries and Forestry: Official Hospitality

(Question No. 1989)

Mr Bowen asked the Minister for Agriculture, Fisheries and Forestry, in writing, on 10
August 2005:

Did your department pay Rydges Resort Eagle Hawk Hill $20,000 for official hospitality between 14
and 19 July 2005; if so, what hospitality services were provided by Rydges Resort under the terms of
this arrangement and, in particular, how many functions were held and what services were provided for
each function.

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

The Department of Agriculture, Fisheries and Forestry did not pay Rydges Resort Eagle Hawk Hill
$20,000 for official hospitality between 14 and 19 July 2005.

The Department held one function at Rydges Eagle Hawk Resort on 18, 19 and 20 July. The objective
of that national technical workshop was to review Australia’s 74 indicators of sustainable forest man-
agement that are used for national and international reporting. There were 87 participants including
public and private sector forest management practitioners from all States as well as researchers, aca-
demics and representatives from other relevant bodies.
The total cost of this workshop was $14,781.93. Of this, $2,567.50 was official hospitality for one dinner for workshop participants, $5,225.00 was business catering for lunches, morning and afternoon teas for the three workshop days and $6,989.43 was for venue hire of seven concurrent conference rooms plus equipment hire.

In accordance with Commonwealth Procurement Guidelines, a purchase order was raised in advance of the workshop to enable the transaction to be recorded in the Commonwealth Purchasing and Disposals Gazette. The purchase order was raised for $20,000 to cover the total estimated cost of the workshop, plus an allowance in case extra charges were incurred.

**New Focus Pty Ltd**

(Question No. 1990)

Mr Bowen asked the Minister representing the Special Minister of State, in writing, on 10 August 2005:

(a) On 18 July 2005 did the Minister’s department engage New Focus Pty Ltd to provide market research services in relation to COMCAR at a cost of $35,450;

(b) if so, what market research is being conducted under the terms of this contract and,

(c) in particular, who has been surveyed,

(d) for what purpose and

(e) what methods of research have been used.

Mr Abbott—The Special Minister of State has supplied the following answer to the honourable member’s question:

(a) Yes.

(b) New Focus Pty Ltd has been engaged to conduct a Customer Service Survey of COMCAR clients and an analysis of the results.

(c) New Focus Pty Ltd has been engaged to survey all COMCAR clients and their staff. The survey is currently in progress.

(d) The purpose of the survey is to review COMCAR’s Customer Service Charter and assess customer satisfaction with all aspects of COMCAR’s service and highlight possible areas for improvement. COMCAR’s Customer Service Charter was introduced in June 2003. Under the Service Charter principles issued by the Australian Public Service Commission, any Service Charter should be reviewed every 12 – 18 months to ensure its ongoing relevance and effectiveness.

(e) New Focus Pty Ltd recommended that the survey consist of two phases. The first phase consists of a series of in-depth telephone and face-to-face interviews of a smaller sub-set of all COMCAR users and clients. A questionnaire will be developed which will incorporate the clients’ issues identified in the in-depth interviews. This questionnaire will be used in the second phase of the survey, which consists of a large scale survey of all COMCAR users and clients.

**Western Sahara**

(Question No. 2012)

Mr Snowdon asked the Minister for Foreign Affairs, in writing, on 10 August 2005:

Does Australia support the organisation of a referendum on self-determination in Western Sahara and does the Government support the implementation of the United Nations Peace Plan for self-determination of the people of Western Sahara which was endorsed by the Security Council in Resolution 1495 of 31 July 2003.

Mr Downer—The answer to the honourable member’s question is as follows:
The Australian Government supports an early and durable political settlement on the Western Sahara that is acceptable to all directly interested parties. Australia supports the earliest possible holding of a referendum, to allow the population of the Western Sahara to exercise its right to self determination, so long as that remains the only process fully endorsed by the United Nations for resolving the dispute.

Local Government, Territories and Roads: Grants
(Question No. 2053)

Mr Jenkins asked the Minister for Local Government, Territories and Roads, in writing, on 16 August 2005:

What sum was allocated in local government financial assistance grants in (a) 2004-2005 and (b) 2005-2006, to the (i) City of Whittlesea, (ii) City of Banyule, (iii) Shire of Nillumbik, and (iv) City of Darebin.

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

Each year the Federal Government provides financial assistance grants to Local Government paid through the States under the Local Government (Financial Assistance) Act 1995. The financial assistance grants have two components – general purpose grants and identified local roads grants – and both components are untied in the hands of the receiving council. This means that councils are able to spend the grant (including the local road grant) according to the priorities of their communities.

Distribution of these grants is detailed in the Report on the Operation of the Local Government (Financial Assistance) Act 1995 (known as the National Report) tabled in Parliament as soon as practicable after 30 June each year. In the following table, financial assistance grants for 2005-06 are estimated entitlements and these figures will appear in the 2004-05 National Report expected to be tabled later this year. Final entitlements for 2005-06 will not be known until August 2006 and will be published in the 2005-06 National Report expected to be tabled in late 2006.

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Lebanon
(Question No. 2101)

Mr Melham asked the Minister for Trade, in writing, on 17 August 2005:

(1) What is the current status of negotiations between the Australian Government and the Government of the Lebanese Republic on a treaty concerning the promotion and protection of investments.

(2) What obligations are likely to be undertaken by the Governments of Australia and Lebanon as a consequence of this proposed treaty.

(3) What timeframe is anticipated by the Australian Government for the conduct and completion of these negotiations.

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

The text of the draft Agreement is yet to be formally finalised. The English language version of the draft Agreement has been agreed and the Arabic language version is under preparation.

Key obligations are likely to include the encouragement and promotion of investments, fair and equitable treatment and the provision of treatment no less favourable than that which national investors enjoy in each country.
The date of Proposed Binding Treaty Action and Estimated Date of Treaty Tabling has not been finalised.

**Workplace Relations**

*(Question No. 2111)*

Ms Hoare asked the Minister for Employment and Workplace Relations, in writing, on 18 August 2005:

1. Is he aware of the industrial dispute between workers and Boeing at Williamtown.
2. Is he aware striking workers do not wish to continue on individual contracts and are seeking a collective agreement as permitted under the Workplace Relations Act.
3. Does he support the right of workers to negotiate collectively.
4. Will he take action against Boeing which insists on negotiating individual contracts with workers, rather than a collective agreement, contrary to the law; if not, why not.
5. Can he guarantee that no worker under the Government’s workplace relations reforms will be forced to sign an individual contract; if not, why not.

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

1. Yes.
2. I am aware that the striking employees are currently on individual contracts, and are engaged in industrial action in support of a collective agreement.
3. The Government will ensure that both union and non-union collective agreements remain available to all businesses in the federal workplace relations system. The Government, however, believes that individual agreements should also be available so that employers and employees have the widest possible scope to arrive at terms and conditions of employment that suit them both.
4. No. The Australian Government believes that where possible, any dispute should be resolved directly between the parties without third-party interference. Further, insofar as the entitlement to negotiate a collective agreement is concerned, the existing law means Boeing is within its rights in taking the position it is taking.
5. It is and it will remain illegal for employers to coerce employees to agree to Australian Workplace Agreements (AWAs). However, it is perfectly legitimate for employers to use AWAs as their employment instrument of choice when offering employment. It is also perfectly legal for an employer to use common law employment contracts as their employment instrument of choice when offering employment.

**Special Minister of State**

*(Question No. 2182)*

Mr Bowen asked the Minister representing the Special Minister of State, in writing, on 18 August 2005:

1. Has the Minister received any training, coaching or assistance in public speaking or voice projection at public expense since the Minister took office; if so, what was the cost of this training.
2. What is the name and postal address of the individual or organisation(s) which provided the training.

Mr Abbott—The Special Minister of State has provided the following answer to the honourable member’s question:

1. No.
2. Not applicable.