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SITTING DAYS—2005

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- **ADELAIDE** 972 AM
- **PERTH** 585 AM
- **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
Chief Whip—Mr John Alexander Forrest MP
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

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## Members of the House of Representatives

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<td>Bonner, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Wakelin, Barry Hugh</td>
<td>Grey, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Washer, Malcolm James</td>
<td>Moore, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Wilkie, Kim William</td>
<td>Swan, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Windsor, Antony Harold Curties</td>
<td>New England, NSW</td>
<td>Ind</td>
</tr>
<tr>
<td>Wood, Jason Peter</td>
<td>La Trobe, VIC</td>
<td>LP</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>Minister</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon. John Winston Howard MP</td>
</tr>
<tr>
<td>Minister for Trade and Deputy Prime Minister</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon. Peter Howard Costello MP</td>
</tr>
<tr>
<td>Minister for Transport and Regional Services</td>
<td>The Hon. Warren Errol Truss MP</td>
</tr>
<tr>
<td>Minister for Defence and Leader of the Government in the Senate</td>
<td>Senator the Hon. Robert Murray Hill</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
</tr>
<tr>
<td>Minister for Health and Ageing and Leader of the House</td>
<td>The Hon. Anthony John Abbott MP</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>The Hon. Philip Maxwell Ruddock MP</td>
</tr>
<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>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House</td>
<td>The Hon. Peter John McGauran MP</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>Minister for Education, Science and Training</td>
<td>The Hon. Dr Brendan John Nelson MP</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>Minister for Industry, Tourism and Resources</td>
<td>The Hon. Ian Elgin Macfarlane MP</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>Minister for Communications, Information Technology and the Arts</td>
<td>Senator the Hon. Helen Lloyd Coonan</td>
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<tr>
<td>Minister for the Environment and Heritage</td>
<td>Senator the Hon. Ian Gordon Campbell</td>
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</tbody>
</table>

(The above ministers constitute the cabinet)
HOWARD MINISTRY—continued

Minister for Justice and Customs and Manager of
Government Business in the Senate
Minister for Fisheries, Forestry and Conservation
Minister for the Arts and Sport
Minister for Human Services
Minister for Citizenship and Multicultural Affairs

Senator the Hon. Christopher Martin Ellison
Senator the Hon. Ian Douglas Macdonald
Senator the Hon. Charles Roderick Kemp
The Hon. Joseph Benedict Hockey MP
The Hon. John Kenneth Cobb MP

Minister for Revenue and Assistant Treasurer
Special Minister of State
Minister for Vocational and Technical Education
and Minister Assisting the Prime Minister
Minister for Ageing
Minister for Small Business and Tourism
Minister for Local Government, Territories and
Roads
Minister for Veterans’ Affairs and Minister Assisting
the Minister for Defence
Minister for Workforce Participation
Parliamentary Secretary to the Minister for Fi-
nance and Administration
Parliamentary Secretary to the Minister for Indus-
try, Tourism and Resources
Parliamentary Secretary to the Minister for Health
and Ageing
Parliamentary Secretary to the Minister for De-
fence
Parliamentary Secretary (Trade)
Parliamentary Secretary (Foreign Affairs) and
Parliamentary Secretary to the Minister for Im-
migration and Multicultural and Indigenous Af-
fairs
Parliamentary Secretary to the Prime Minister
Parliamentary Secretary to the Treasurer
Parliamentary Secretary to the Minister for the
Environment and Heritage
Parliamentary Secretary (Children and Youth Af-
fairs)
Parliamentary Secretary to the Minister for Educa-
tion, Science and Training
Parliamentary Secretary to the Minister for Agri-
culture, Fisheries and Forestry

The Hon. Malcolm Thomas Brough MP
The Hon. Eric Abetz
The Hon. Gary Douglas Hardgrave MP
The Hon. Julie Isabel Bishop MP
The Hon. Frances Esther Bailey MP
The Hon. James Eric Lloyd MP
The Hon. De-Anne Margaret Kelly MP
The Hon. Peter Craig Dutton MP
The Hon. Dr Sharman Nancy Stone MP
The Hon. Warren George Entsch MP
The Hon. Christopher Maurice Pyne MP
The Hon. Teresa Gambaro MP
Senator the Hon. John Alexander Lindsay Mac-
donald
The Hon. Bruce Fredrick Billson MP
The Hon. Gary Roy Nairn MP
The Hon. Christopher John Pearce MP
The Hon. Gregory Andrew Hunt MP
The Hon. Sussan Penelope Ley MP
The Hon. Patrick Francis Farmer MP
Senator the Hon. Richard Mansell Colbeck
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 In-
formation Technology
Senator Stephen Michael Conroy

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

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow 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, Re-
sources, 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 Inter-
generational 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)
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<td>Laurie Donald Thomas Ferguson MP</td>
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<td>Shadow Minister for Population Health and</td>
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<td>Health Regulation</td>
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<tr>
<td>Shadow Minister for Agriculture and Fisheries</td>
<td>Gavan Michael O’Connor MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for</td>
<td>Joel Andrew Fitzgibbon MP</td>
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<td>Small Business and Competition</td>
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<tr>
<td>Shadow Minister for Transport</td>
<td>Senator Kerry Williams Kelso O’Brien</td>
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<tr>
<td>Shadow Minister for Sport and Recreation</td>
<td>Senator Kate Alexandra Lundy</td>
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<tr>
<td>Shadow Minister for Homeland Security and</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
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<tr>
<td>Shadow Minister for Aviation and Transport Security</td>
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<tr>
<td>Shadow Minister for Veterans’ Affairs and Shadow Special Minister of State</td>
<td>Alan Peter Griffin MP</td>
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<tr>
<td>Shadow Minister for Defence Industry, Procurement and Personnel</td>
<td>Senator Thomas Mark Bishop</td>
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<tr>
<td>Shadow Minister for Immigration</td>
<td>Anthony Stephen Burke MP</td>
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<tr>
<td>Shadow Minister for Aged Care, Disabilities and Carers</td>
<td>Senator Jan Elizabeth McLucas</td>
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<tr>
<td>Shadow Minister for Justice and Customs and</td>
<td>Senator Joseph William Ludwig</td>
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<tr>
<td>Manager of Opposition Business in the Senate</td>
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<tr>
<td>Shadow Minister for Overseas Aid and Pacific Island Affairs</td>
<td>Robert Charles Grant Sercombe MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Reconciliation and the Arts</td>
<td>Peter Robert Garrett MP</td>
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<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Paul Murphy MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Defence and Veterans’ Affairs</td>
<td>The Hon. Graham John Edwards MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Education</td>
<td>Kirsten Fiona Livermore MP</td>
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<td>Jennie George MP</td>
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<td>Bernard Fernando Ripoll MP</td>
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<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Ann Kathleen Corcoran MP</td>
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<td>Shadow Parliamentary Secretary for Treasury</td>
<td>Catherine Fiona King MP</td>
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<td>Shadow Parliamentary Secretary for Science and Water</td>
<td>Senator Ursula Mary Stephens</td>
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<tr>
<td>Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs</td>
<td>The Hon. Warren Edward Snowdon MP</td>
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Wednesday, 2 November 2005

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

WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) BILL 2005

First Reading

Bill presented by Mr Andrews, and read a first time.

Reference to Committee

Mr STEPHEN SMITH (Perth) (9.01 am)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Perth moving immediately—that:

(1) as it is completely inappropriate for the House to consider this bill further without the opportunity for proper scrutiny, which the Government is desperate to avoid, the bill be referred immediately to the House of Representatives Standing Committee on Employment, Workplace Relations and Workforce Participation;

(2) the Standing Committee be requested to consider the bill and provide an advisory report to the House after the Committee has received submissions and taken evidence from the people of Australia; and

(3) the House request the Committee consult widely throughout Australia, including in the various States and Territories, with the Churches, and throughout rural and regional Australia.

We heard nothing about this from you during the election campaign—nothing. This is all about your ideology.

Mr ABBOTT (Warringah—Leader of the House) (9.01 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.07 am]

(The Speaker—Hon. David Hawker)

Ayes............ 83
Noes............ 58
Majority........ 25

AYES

Abbott, A.J. Andrews, K.J. Bailey, F.E.
Baird, B.G. Baldwin, R.C. Bartlett, K.J.
Bishop, B.K. Broadbent, R. Cadman, A.G.
Ciobo, S.M. Costello, P.H. Draper, P.
Elson, K.S. Fawcett, D. Forrest, J.A. *
Gash, J. Haase, B.W. Hartseyker, L.
Hockey, J.B. Hull, K.E. Jensen, D.
Keenan, M. Kelly, J.M. Lloyd, J.E.
Markus, L. McArthur, S. * McLean, M.
Moylan, J.E. Nelson, B.J. Panopoulos, S.
Prosser, G.D. Randall, D.J. Robb, A.
Schultz, A. Secker, P.D. Smith, A.D.H.
Stone, S.N. Ticehurst, K.V. Truss, W.E.
Turnbull, M. Vale, D.S. Wakelin, B.H.
Wood, J. AYES

NOES

Adams, D.G.H. Albanese, A.N.
Andren, P.J. Beazley, K.C.
Question agreed to.

The SPEAKER—Is the motion seconded?

Ms GILLARD (Lalor) (9.10 am)—I second the motion. You spew out propaganda but—

Mr ABBOTT (Warringah—Leader of the House) (9.11 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.12 am]

(The Speaker—Hon. David Hawker)

Ayes............ 83
Noes............ 59
Majority........ 24

AYES

Abbott, A.J.  Anderson, J.D.
Andrews, K.J.  Bailey, F.E.

NOES

Adams, D.G.H.  Albanese, A.N.
Andren, P.J.  Beazley, K.C.
Bevis, A.R.  Bird, S.
Bowen, C.  Byrne, A.E.
Burke, A.S.  Byrne, A.M.
Corcoran, A.K.  Crean, S.F.
Danby, M. *  Edwards, G.J.
Elliot, J.  Ellis, A.L.
Ellis, K.  Emerson, C.A.
Ferguson, L.D.T.  Ferguson, M.J.
Fitzgibbon, J.A.  Garrett, P.
George, J.  Gibbons, S.W.
Gillard, J.E.  Grierson, S.J.
Griffin, A.P.  Hall, J.G. *
Hayes, C.P.  Hoare, K.J.
Irwin, J.  Jenkins, H.A.
Kerr, D.J.C.  King, C.F.
Lawrence, C.M.  Livermore, K.F.
Macklin, J.L.  McLelland, R.B.
McMullan, R.F.  Melham, D.
Murphy, J.P.  O’Connor, B.P.
Pilbersek, T.  Owens, J.
Quick, H.V.  Price, L.R.S.
Rudd, K.M.  Roxon, N.L.
Smith, S.F.  Sercombe, R.C.G.
Swan, W.M.  Tanner, L.
Thomson, K.J.  Vanvakinou, M.
Wilkie, K.  Windsor, A.H.C.

*B denotes teller

The House divided. [9.12 am]

(The Speaker—Hon. David Hawker)

Ayes............ 83
Noes............ 59
Majority........ 24

AYES

Abbott, A.J.  Anderson, J.D.
Andrews, K.J.  Bailey, F.E.

Baird, B.G.  Baker, M.
Baldwin, R.C.  Barresi, P.A.
Bartlett, K.J.  Billson, B.F.
Bishop, B.K.  Bishop, J.I.
Broadbent, R.  Brough, M.T.
Cadman, A.G.  Cauly, J.R.
Ciobo, S.M.  Cobb, J.K.
Costello, P.H.  Downton, A.J.G.
Draper, P.  Dutton, P.C.
Elson, K.S.  Entsch, W.G.
Fawcett, D.  Ferguson, M.D.
Forrest, J.A. *  Gambaro, T.
Gash, J.  Georgiou, P.
Haase, B.W.  Hardgrave, G.D.
Hartsuyker, L.  Henry, S.
Hockey, J.B.  Howard, J.W.
Hull, K.E.  Hunt, G.A.
Jensen, D.  Johnson, M.A.
Keenan, M.  Kelly, D.M.
Kelly, J.M.  Laming, A.
Ley, S.P.  Lindsay, P.J.
Lloyd, J.E.  Macfarlane, I.E.
Markus, L.  May, M.A.
McArthur, S. *  McGauran, P.J.
Moylan, J.E.  Nairn, G.R.
Nelson, B.J.  Neville, P.C.
Panopoulos, S.  Pearce, C.J.
Prosser, G.D.  Pyne, C.
Randall, D.J.  Richardson, K.
Robb, A.  Ruddock, P.M.
Schultz, A.  Scott, B.C.
Secker, P.D.  Slipper, P.N.
Smith, A.D.H.  Somlyay, A.M.
Stone, S.N.  Thompson, C.P.
Ticehurst, K.V.  Toller, D.W.
Truss, W.E.  Tuckey, C.W.
Turnbull, M.  Vaile, M.A.J.
Vale, D.S.  Vasta, R.
Wakelin, B.H.  Washer, M.J.
Wood, J. 

CHAMBER
The question now is that the motion moved by the member for Perth be agreed to.

The House divided. [9.14 am]

(The Speaker—Hon. David Hawker)

<table>
<thead>
<tr>
<th>AYES</th>
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<th>NOES</th>
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<td>Adams, D.G.H.</td>
<td>59</td>
<td>Abbott, A.J.</td>
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Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (9.16 am)—I move:

That this bill be now read a second time.

Mr Stephen Smith—Mr Speaker, I have a point of order. My point of order is—

Mr ANDREWS—It’s going to be introduced, no matter what!

Opposition members—Arrogant!

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

Mr Stephen Smith—My point of order is pursuant to standing order 142(a), which says:

If copies of the bill are available to Members, the Member presenting the bill may move immediately after the first reading—

to the second reading. This is a 687-page bill and a 565-page explanatory memorandum—1,252 pages. They are not available for members in the House. I know that on that side they may be, but where are the 60 copies for this side? The minister cannot move to the second reading until the bill, which they do not want to be subject to—

The SPEAKER—Can copies be distributed to those members who require them?

Government members—No!

Mr Abbott—Mr Speaker, on the point of order: there are two copies that the member has, and he has just picked up a number of copies from the ministerial table.

Mr Stephen Smith—Further to the point of order, Mr Speaker: the standing order is expressly clear—before you can move immediately from the first reading to the second reading, copies must be available to members. There are 1,252 pages which they do not want to be subject to scrutiny and which are not available to members. The minister cannot move the second reading until they are available.

The SPEAKER—We will have copies distributed immediately.

Mr McMullan—Mr Speaker, further to the point of order raised by the member for Perth regarding standing order 142(a), standing order 142(b) says:

If copies of the bill are not available, a future sitting shall be appointed for the second reading...

The minister could not move the second reading, at the point at which he rose because copies were not available. The standing orders require a future sitting to be appointed. That is what standing order 142(b) requires and what you must insist upon, Mr Speaker.

The SPEAKER—I thank the member for Fraser.

Mr Tuckey—Mr Speaker, on the point of order: standing order 142(b), as referred to by the member, says:

... copies of the bill must then be available to Members. It does not say ‘available to every member of the House’.

Opposition members interjecting—

The SPEAKER—Order!

Mr Tuckey—They are available. ‘Available’ does not mean that they have to be in their hands. If they do not understand that, they ought to go back to primary school!

Mr Stephen Smith—Mr Speaker, further to the point of order that I originally raised and following upon the contribution by the
member for O'Connor, standing order 142(a) is crystal clear:
If copies of the bill are available...

**The SPEAKER**—I thank the member for Perth. I think he has made his point.

**Mr Stephen Smith**—No, no. Mr Speaker—
**The SPEAKER**—The member for Perth will resume his seat.

**Mr Stephen Smith**—I am making a further point, Mr Speaker. The further point is this, Mr Speaker. It goes to standing order 142(b). Standing order 142(b) says ‘if copies of the bill are not available’ to the 60 members on this side—even though they are not interested—the House now has no option but to move to the next matter of business until they are available. They have had five months—

**The SPEAKER**—Members are aware that copies of the bill are available—

**Opposition members**—Where are they?

**The SPEAKER**—Copies of the bill are available. I remind the member for Denison that there are copies right here.

**Mr Kerr**—Mr Speaker, on a further point of order: it is an absurd proposition you are putting that these bills are available. They are not available.

**The SPEAKER**—On the points of order, the ruling is that the bill is now available. I call the Minister for Employment and Workplace Relations.

**Mr ANDREWS**—Mr Speaker—

**Mr Stephen Smith**—Mr Speaker, I rise on a point of order. Standing orders 142(a) and 142(b) are crystal clear. If the minister wants to move—

**The SPEAKER**—I have ruled on that point of order.

**Mr Stephen Smith**—I am making a different point of order. You have now given the minister the opportunity to read the bill for a second time. Standing orders 142(a) and 142(b) are crystal clear. The copies of the bill must be available to members. They are not available to the 60 members on this side.

**The SPEAKER**—Copies of the bill are available, and members have had them distributed. They are also available in the Table Office.

Debate interrupted.

**DISSENT FROM RULING**

**Mr STEPHEN SMITH** (Perth) (9.22 am)—Mr Speaker, I dissent from your ruling that copies of the Workplace Relations Amendment (Work Choices) Bill 2005 and the explanatory memorandum are available to members on this side. They are clearly not.

**The SPEAKER**—The member for Perth will put that in writing.

**Mr STEPHEN SMITH**—I move:

That the Speaker’s ruling be dissented from.

Mr Speaker, I dissent from your ruling because your ruling is compliant with the wishes of the government to not have this bill subject to proper scrutiny. The government have had five months since the Prime Minister’s ministerial statement and $55 million has been rampaged out of the coffers of the taxpayer for Liberal Party purposes, and still, when they introduce the bill, they cannot organise their affairs sufficiently well enough to have copies of the bill and the explanatory memorandum available for members on this side.

I know that on that side they will not be bothered reading the detail. On this side, we want to see the detail. It is a 687-page bill and a 565-page explanatory memorandum—1,252 pages which the government want to slide through without being subject to proper scrutiny of the parliament, of this House, of the Senate or of the community. Now that
they have all power under the sun, they display such arrogance. They cannot even provide the House with a copy of the bill and the explanatory memorandum. Your ruling, Mr Speaker, is compliant with that craven-ness.

Standing orders 142(a) and 142(b) make it expressly clear that, if the minister wants to move immediately from the first reading to the second reading, copies of the bill must be available. Mr Speaker, you have ruled that copies are available when they are patently not. There are a handful of copies available to members on this side. The government wants to slide this bill through without proper scrutiny.

This bill attacks the living standards of Australian employees, the Australian way of life and the balance between work and family. This is a monstrous attack on the wages, salaries and conditions of Australian employees and on the characteristics, values and virtues of Australian society. This is a monstrous attack on the notion of a fair go, which has held Australia dear as a federation for more than 100 years.

This government think that, because John Howard has had an ideological and political obsession since the 1960s and has woken up and discovered he has all power under the sun, they can abuse not just the Australian community and the Senate but this House. Your ruling, Mr Speaker, is clearly and flagrantly in breach of standing orders 142(a) and 142(b); you cannot allow the minister to get to his feet. The House is obliged to move to the next order of business unless and until copies of the bill and explanatory memorandum are available.

On some occasions, the House might turn a blind eye to the fact that copies of the bill and the explanatory memorandum are not available, but not on a day which the minister has described as a historic day, which sees no less than a massive attack on the working conditions, salaries and entitlements of Australian employees. Standing order 142 is crystal clear:

(a) If copies of the bill are available to Members, the Member presenting the bill may move immediately after the first reading, or at a later hour—

That this bill be now read a second time.

(b) If copies of the bill are not available, a future sitting shall be appointed for the second reading and copies of the bill must then be available to Members.

(c) For any bill presented by a Minister, except an Appropriation or Supply Bill, the Minister must present a signed explanatory memorandum at the conclusion of his or her second reading speech.

We do not have the required number of bills. I am not sure that we have more than half a dozen copies of the explanatory memorandum. What do the government want to do? They want to preen themselves with their arrogance. They want to take an axe to Australian employees, the minimum wage, conditions, entitlements, penalty rates, leave loadings and overtime. So craven and driven is the Prime Minister in the pursuit of his ideological obsession that no arrogance is too much for him.

The House simply cannot turn a blind eye to the failure of the government and to your ruling. The government are so arrogant that their incompetence has now driven them to the fact that they cannot, even after five months and $55 million, put themselves in a position where 60 copies of the bill and the explanatory memorandum are available on this side of the House. How do the government expect any form of sensible or proper scrutiny of these measures if all they do is distribute and leave at the bar table a couple of copies? As I said, sometimes you could turn a blind eye to that, but not today—not on a day when we see the most monstrous attack on living standards that we have seen.
Let us just stand back and see the government’s rationale for what it is proposing to do. We heard nothing of this in the run-up to the last election. Did we hear one word about this in the run-up to the last election?

Ms Macklin—Absolutely nothing. Not one word before the election.

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

Mr STEPHEN SMITH—When did we hear the arguments that these measures were so essential and so important to our international competitiveness that they had to be dealt with? We heard a deafening silence because the Prime Minister well knows, because he has had this political and ideological obsession since the 1960s, that every time he has unfurled it before the Australian public they have rejected it. Some of us remember the Prime Minister in the 1960s and 1970s saying that he wanted to stab the Industrial Relations Commission in the stomach. Some of us remember the things he had to say about the minimum wage and youth wages. He has had a—

The SPEAKER—Order! I remind the member for Perth that this is a dissent motion and that, while some latitude is allowed, he should stick to the motion.

Mr STEPHEN SMITH—It is a dissent motion your allowing the minister to proceed directly to his second reading speech, when copies of a 687-page bill and a 565-page explanatory memorandum are not available to the House and when the substance of that bill is the greatest attack upon the living standards of Australian working families and the greatest attack upon the value, virtue and characteristic of a fair go that this parliament has seen. So in the course of a dissent motion which goes to you ruling that the minister can proceed without any of that detail being available to this side of the House, Mr Speaker, I am entirely in order by drawing some attention to the severity of the measures, the extremity of the measures and the divisive nature of the measures. These proposals—which, through your ruling, Mr Speaker, you are allowing the minister to read, without copies of the bill and the explanatory memorandum being available to this side of the House—are extreme and divisive. They are also massively unfair.

Even from a cursory reading of the bill what do we know? We know that these proposals remove unfair dismissal rights from nearly four million Australian employees. We know that these proposals, just as the Prime Minister wanted to do in the 1960s and 1970s, stab the Industrial Relations Commission in the stomach by removing the independent umpire from wage determination, from conditions and entitlements determination and effectively from dispute determination. We know that these proposals go right to the heart of the living standards of Australian families. We can recall the Prime Minister during the winter recess saying that he gave a guarantee that things like penalty rates, overtime, public holidays and leave loadings would be guaranteed. We also know from the statements that the Prime Minister and the Minister for Employment and Workplace Relations have made that these things can be sold down the river in a one-line entry in an individual contract. What is the essential thrust of these proposals? The essential thrust of these proposals in macroeconomic terms is to move a further section of the economy from the wages section of the economy to the profit section of the economy, and in micro terms it is to seriously and substantially tilt the bargaining power in the workplace from employees further in favour of employers.

I am one of the few people who actually have a copy of the bill because I took it from the table. The bill is entitled Workplace Rela-
There is no choice in this legislation for employees. There is choice for employers but there is no choice for employees. This bill will massively shift the bargaining power further in favour of employers, as against employees. It does that by forcing people onto individual contracts, by removing their unfair dismissal rights, by taking away the no disadvantage test and by removing any capacity for any fair or adequate compensation to be given when penalty rates, overtime and leave loadings are all stripped away.

Mr Speaker, standing orders 142(a) and 142(b) are there for a particular purpose. We know the normal procedure in this place. The normal procedure in this place is that the minister comes to the dispatch box, the bill is read a first time, the bill is read a second time and then the matter is effectively adjourned for a week or more. What do we know about this bill? Why is the government desperate to avoid scrutiny? It is because it knows that the more the Australian public become aware of the detail the more concerned they will become about their living standards and their way of life.

Before the parliament resumed the minister rang me and said, ‘The bill will be introduced on Wednesday and it’ll be debated on the same day.’ It was only in the course of conversations this week between the Leader of the House and the Manager of Opposition Business that the government indicated that the bill would be introduced today and debated tomorrow. So we have a 24-hour opportunity for the opposition to look at 1,252 pages before debate commences. In that context, standing order 142(a) is there for a very important reason: to ensure that when the government of the day does try to ram something through, there is at least some modest opportunity for the parliament, for the House itself, to examine the detail. In the five long months since the Prime Minister’s ministerial statement and $55 million of taxpayers’ funds splurged on a Liberal Party advertising campaign, using Liberal Party mates associated with Liberal Party federal and state elections, after five long months and $55 million of raping and pillaging the taxpayers’ purse to the political benefit of the Liberal Party, pursuing an ideological obsession which the Prime Minister has had since the 1960s, they cannot even organise their affairs to ensure that 60 copies are available for scrutiny by this House when the bill is presented.

Why did they conduct themselves in that manner? Because, when they woke up and discovered that they had power in the House and power in the Senate, they realised they had all the power under the sun. Do you know what the problem for the Australian community is when you have all the power under the sun? You get a bit too close to the sun and you are touched by it. That is what has happened here.

These measures have nothing to do with a benefit to the Australian economy. These measures have nothing to do with increasing our competitiveness internationally. These measures have everything to do with an ideological and political obsession that the Prime Minister has had from the moment he entered public life. Essential to these proposals, at the heart of these proposals, in the measures that are not available for the members of the House to scrutinise is an attack upon the wages of Australian employees. What is the government’s public policy rationale for that? It is unless we reduce our wages we will not be able to compete with countries like India, China and Indonesia. We had the Minister for Industry, Tourism and Resources out there a month or so ago saying, ‘Wouldn’t it be nice if we had New Zealand wages?’ New Zealand wages today; Indian, Indonesian and Chinese wages tomorrow. As if somehow in these proposals the government could seriously prosecute the view that
the way to continued economic prosperity on
the part of our nation and the way to keep us
internationally competitive is to invest all
our time, effort and $55 million worth of
taxpayers’ funds into reducing the wages of
Australian employees, as if we could some-
how compete with the wages of Indian, In-
donesian and Chinese employees! The only
way we will be internationally competitive is
by investing in the things which have made
us a smart nation and a great trading na-
tion—investing in the skills, education and
training of our work force, not unfairly slash-
ing their wages, not seeking to remove their
capacity to have a decent standard of living
and a decent lifestyle and not removing their
capacity to sensibly balance work and fam-
ily.

So we come to what the Minister for Em-
ployment and Workplace Relations himself
has described as a historic day. Whilst on
some occasions the House might turn a blind
eye to the lack of availability of a bill and the
explanatory memorandum, on this occasion
we cannot. Why is that? Because your ruling,
from which we dissent, Mr Speaker, enables
the government to slide through, under the
blanket of a $55 million, and rising, advertising cam-
paign. The Prime Minister was at the dis-
patch box yesterday saying, ‘It’s not $55 mil-
on; it’s only $45 million, and don’t count
the $5 million we spent in April, May, June
and July on the print. It’s only $50 million
really.’ It is still $50 million—greater than
the cost of the construction of the new
grandstand at the racecourse yesterday for
the Melbourne Cup, greater than the prize
money for yesterday’s winners and those of
the next 10 Melbourne Cups. So, in that con-
text, Mr Speaker, why is the House entitled
to dissent from your ruling and why is the
House entitled to insist that the minister not
proceed until such time as these measures are
available? Because these measures are a fun-
damental attack, a grotesque attack, on the
living standards, the working conditions, the
lifestyle and the way of life of the Australian
community. They go right to the heart of
changing our values, our virtues and our
characteristics as a nation. They go right to
the heart of destroying an ethos that we have
had since we emerged as a nation—the no-
tion that if we are a prosperous society eve-
everyone is entitled to share fairly in that and
that they are entitled to a fair go. Redolent in
these 1,252 pages is the view that it is not a
fair go, that it is a dog-eat-dog society, where
employees are pushed into unfair individual
contracts, where their entitlements, their
penalty rates, their leave loadings and their
conditions are removed under threat of being
unfairly dismissed as they move from job to
job, as they move into employment or as
they are stood over by employers who say, ‘I
have all the bargaining power I need because this piece of legislation gives it to me."

These proposals are the most monstrous attack on the living standards of Australian families and the most monstrous attack on the Australian way of life. These measures are extreme, unfair and divisive. They remove from Australian society the capacity for Australians to share fairly in our economic prosperity. They will do nothing to add to our economic prosperity or our international competitiveness. As if somehow we can be more internationally competitive by reducing our wages from Australian rates today to Indian, Indonesian and Chinese rates tomorrow! Mr Speaker, your ruling must be dissented from because your ruling enables the government to abuse the scrutiny that the House is entitled to give. (Time expired)

The SPEAKER—Is the motion seconded?

Ms GILLARD (Lalor) (9.43 am)—I second the motion. Mr Speaker, your job is to protect the rights of members of parliament. The job of this parliament is to make laws and the job of members in this parliament is to represent their constituents. How can that be done when an arrogant executive government comes into this place and does not even have the fundamental courtesy to supply to members of parliament the bill that is under debate? How are our members supposed to protect their constituents and their way of life when they have not even got in their hands the proposition that is being debated? We have had this proposition hurriedly chucked out before us. You would be struggling to lift the bill and the explanatory memorandum.

Mr Nairn interjecting—

Ms GILLARD—An idiot from over there just said, ‘Well, you’re debating it tomorrow.’ You are reading this overnight, are you? And you are going to be able to answer questions on every clause of it after reading it overnight, are you? Are you going to be able to do that, because we will try you on about that if you want?

Ms Gambaro—Mr Speaker, I raise a point of order. Can I ask the member for Lalor to withdraw that comment she just made. It was unparliamentary.

The SPEAKER—The Manager of Opposition Business will withdraw that comment.

Ms GILLARD—I find it remarkable the member is offended but, if he is, the comment is withdrawn, Mr Speaker.

The SPEAKER—No, it is to be withdrawn without reservation.

Ms GILLARD—I will withdraw that remark in deference to you, Mr Speaker. Whilst I was prepared to do that in deference to you, Mr Speaker, on this occasion you have got this very much wrong. This is a government that drips arrogance and contempt. It treats this parliament with contempt not once, not twice but on every occasion. It has no respect for the democratic norms. We know that from the Telstra legislation. We know that when this government decided to ram the Telstra legislation through: it introduced it in the morning and reluctantly conceded that debate would actually be adjourned to the afternoon. It was the biggest asset sale in Australia’s history and its original proposal was to force this House straight on for debate in breach of all known democratic norms using a contingent notice of motion not used for decades to breach the parliamentary orders here. It brings that forward in order to ram it through and, having had that taste of contempt, now it wants to make it a habit.

Let us be very clear about this. The original proposal of this government was to introduce this bill and to force parliamentary debate straight on. They were just going to
whack this on that dispatch box and, having done that, force this parliament to debate it straight on. It was only because of opposition objections that we are getting even a 24-hour delay. But every member in this place knows a 24-hour delay is a breach of the rules that are normally applied in this place. We have technical amendments to the fish act that lie on the parliamentary table for a fortnight so people can get a briefing, so people can study them and so people can come into this place and argue them in an informed manner. We have technical amendments to omnibus bills, tiny little changes, things that clear up numbering errors and reference errors that are brought into this place and we are allowed to scrutinise them for at least a fortnight.

Here we have the biggest attack on the living standards of Australian people since this parliament was created— and this government’s plan was to walk in today and not even supply members of parliament with the bill. And this government’s plan, as we know, Mr Speaker, is to ram this through, to force on debate tomorrow, knowing that there can be no sensible scrutiny of it in a 24-hour turnaround. It is going to ram it through, and then in the next sitting fortnight it is going to take it up to the Senate and it is going to ram it through there. The committee process is treated with contempt. Our proposal that this be dealt with by a House of Representatives committee has been knocked off by the government today—knocked off because it does not want this bill looked at and the Senate inquiry, as we all know, has been rendered little more than a farce by the actions of this government.

You have to ask yourself, Mr Speaker, apart from dripping contempt, arrogance and incompetence, what is it that is making the government behave like this? I think I know the answer. They do not want this bill subject to scrutiny because they know on every page there is a bomb that is going to blow up in the face of Australian workers and their working conditions, and they do not want Australian working people to know that. If they had wanted Australian working people to know the truth about this bill, then they would have campaigned on it at the last election. Of course, they did not. Looking at members opposite, I do not think one of them went out to their electorate during the last election and said: ‘Vote for me because I’m going to cut your wages. Vote for me because I’m going to cut your working conditions. Vote for me because I’m going to make sure your job security is undermined. Vote for me if you want a less secure life, if you want a less fair relationship with your employer.’ None of them went out to their electorates and said that during the last election campaign. No, they did not. They went out to their electorates and promised all sorts of things—many of which have not been delivered. They want to deliver this, but they want to deliver it under the cover of spin and government paid advertising with no proper scrutiny of what is actually in it.

Who knows what is actually in this bill? Who knows? I suspect the Minister for Employment and Workplace Relations, the Prime Minister and some of the cabinet members know. I doubt that members of the backbench over there have a complete idea. But certainly on this side of the parliament we cannot know what is in this bill until we have an opportunity to read it, study it, get briefed on it and take advice about it, and the government want to make sure we do not get that opportunity. They want to live up to their reputation as mean and tricky. They want to treat this parliament with contempt at every stage of the process.

At every stage of the process, Mr Speaker, it is your job to protect the rights and entitlements of members of parliament so they
can do the work that they were elected to do—that is, to represent their constituency. This incident today, with the refusal by the government to make sure that the bill was circulated in a timely way, is emblematic of everything else that they want to do in relation to this bill. That is why, Mr Speaker, on this very first occasion when they came in here and dripped arrogance in relation to this bill you should have pulled them up. You should have said to the minister at the dispatch box: ‘You might be there with your speech and your little lectern all ready to go. You might be ready for your moment in history. You might be ready to distinguish yourself as the man who cuts the working conditions of Australian workers. You might be there ready to distinguish yourself as the man who launches the biggest assault on Australian working people and their living standards in the history of this Federation, but you have made an error and you don’t get to do that now.’ What you should have done, Mr Speaker, is said to the minister at the dispatch box: ‘You have not got this right; my job is to protect members of parliament. I am not having parliament forced to consider a bill that it has not seen and I am now going to require that this matter be laid aside, that the ordinary business of the House be brought on and that this matter be dealt with when this government has got the procedures right.’ Mr Speaker, that is the course that you should have taken.

Unfortunately, Mr Speaker—and this is why we are dissenting from your ruling and dissenting so strongly—that is not the course you took. Mr Speaker, can I make this prediction, and I do so with a heavy heart: over the next week as we consider this bill you will be challenged to think about holding the executive government to proper account in this parliament on many occasions. I warrant this: that at every stage of this bill they will be seeking to close down debate and they will be gagging speakers. If there is an inquiry into the bill clause by clause, and if there are amendments to the bill, they will be trying to limit time on that in just the way they did in the Telstra debate. They will be saying to this House, ‘We do not care what you think.’ They will be saying to the Australian parliament and, through it, to the Australian people, ‘We do not care what you think, because we are going to ram this bill through anyway.’

When they are doing that at every stage of this debate—and I warrant that they will—then your job, Mr Speaker, with the greatest respect, is to stand up for members of parliament and say, ‘No. This is the House of Representatives of the Parliament of the Commonwealth of Australia; this is the supreme law-making body of this country.’ The executive government is part of our system, but this House is the fundamental democratic check on what executive government does. Your job, Mr Speaker, is to say, ‘I am not having that democratic check treated with contempt, trashed and set aside as if it were of no account.’ This House is not really about disgruntled members of parliament. This House at the end of the day is not really about members of parliament but about the Australian people, because this is their point of engagement with the democratic process. This is the Australian people’s point of engagement where they get to send a representative who has a say for them. That is what this parliament is about, and when it is treated with contempt by the executive government then certainly members of parliament are angry about it. But who has really lost out in the process? I tell you who has really lost out in the process: it is the Australian people whose voices should have been heard in the debate.

There is nothing more important to people’s sense of security, happiness, their living conditions, their ability to engage in life,
whatever they want to do, than a secure job. It might be that they want to have a family, it might be that they want to support their family, it might be a young person who is working for experience or it might be a young person who is working to save up to travel overseas; but at the end of the day there is nothing more important to people’s sense of security and welfare than having a secure job—a job where they think they get something as basic as a fair day’s pay for a fair day’s work, a workplace that is not characterised by conflict, a workplace where they do not feel intimidated by the employer, a workplace where they do not worry that their employer can come to them and impose all sorts of unreasonable conditions, a workplace where they do not go in there through the doors every day—or every afternoon, every evening or every night if they work shifts—worried that they are going to be unfairly dismissed during that shift without recourse.

These things are absolutely fundamental to the Australian people, and it is because these things are so fundamental that any proposal to change them warrants the greatest scrutiny. You could not have a proposition in this place that warrants more scrutiny than a proposition to change the way in which Australians engage with their working lives. And this is not a proposition; this is hundreds of pages of propositions. We do not know exactly what is in here yet, but I bet that when we do we will find that each page will have something on it that has the ability to undermine the sense of security, engagement with work, happiness in work and feeling that they have fair conditions that Australian workers want. When a government come in with a bill like this they should be saying: ‘We are committed to this bill, but we understand it is a big change and we understand parliament has a right to scrutinise it.’ The government should be doing things like vol-unteering a major committee process, both in the House of Representatives and the Senate, to scrutinise every page of this bill. The government should be doing that as just a basic democratic norm.

This government should be making sure the bill is available to every member of parliament and that every member of parliament gets an opportunity to scrutinise it page by page before they are required to debate it. But, of course, this government is not going to do that because it is dripping arrogance, it is dripping contempt and today it has dripped incompetence. In the face of that incompetence, what you should have said, Mr Speaker, is: ‘I am not going to require members of parliament to do anything about these extreme industrial relations changes without them having a fair opportunity to get the bill.’ You should have sent the minister away and you should have called on the next item of business. It might have been embarrassing for the minister to be labelled incompetent, but that is exactly what he was today. You should have named it for what it was and you should have conducted this parliament in light of the way the minister had conducted himself and brought on the next item of business. This will be the first of many arguments about this IR bill. (Time expired)

Mr ABBOTT (Warringah—Minister for Health and Ageing) (9.58 am)—Mr Speaker, I am very happy to speak briefly in support of your ruling because your ruling is absolutely correct. The dissent motion moved by the member for Perth is based on a blatant lie. Copies of the bill were available. In fact, there were two copies of the bill on his dispatch box when he moved his dissent motion.

Opposition members interjecting—

The SPEAKER—Order! Members on my left!
Mr ABBOTT—In accordance with the standard practice of this House, when the first reading was given—

Opposition members interjecting—

The SPEAKER—Order! Members on my left!

Mr ABBOTT—Copies of the bill were placed on the ministerial table in accordance with the ordinary practices of this House. Copies of the bill were available at all times from the Table Office—

Ms King interjecting—

Ms Annette Ellis interjecting—

The SPEAKER—Order! The member for Ballarat! The member for Canberra!

Mr ABBOTT—In accordance with the ordinary practice of this House, copies were available. Let there be no mistake whatsoever: copies were available and what we are seeing from the opposition is a pathetic stunt. It is more occupational therapy from an irrelevant opposition. They have got nothing better to do with their time than carry on with this kind of pathetic stunt. They have got nothing better to do with their time than carry on with this kind of pathetic stunt. This government believes that the legislation in question is necessary for the long-term benefit of the Australian economy—

Ms Annette Ellis—Where's my copy?

The SPEAKER—The member for Canberra is warned!

Mr ABBOTT—and Australian society. There will be ample debate on this bill in this House, in the Senate committee and in the Senate itself over the next six weeks or so. This House will have all of tomorrow and all of next week to debate the bill in question. The Senate committee will have the best part of a month to subject the bill to the most rigorous scrutiny and the Senate will have almost a fortnight to consider this bill at the end of that committee process. This bill builds on the great strengths of the Howard government’s earlier industrial relations changes—changes which have meant more jobs, higher pay and fewer strikes, to the benefit of the Australian people. Mr Speaker, what would you believe? Would you believe the self-interested and self-serving words of this opposition or would you believe what has actually happened for the Australian people in the last 10 years? Over the last 10 years the Howard government’s industrial changes have delivered higher pay, more jobs and fewer strikes, and that is why the Howard government is the best friend the workers of Australia have ever had. I move:

That the question be now put.

Mr Andren—Mr Speaker, with your indulgence, could I make the point that there were no bills or explanatory memoranda made available to the Independent members in this House. We do not receive our bills from the opposition or the shadow minister at the table. We did not have access to it and I still have not got an explanatory memorandum, nor has my Independent colleague.

The SPEAKER—I remind the honourable member for Calare that until the minister tables the explanatory memorandum it is not available. He has not tabled it.

Mr Andren—I want to clarify this. We still did not have a copy of the bill and we do not receive the bill from the two copies that are available to the shadow minister.

The SPEAKER—The member for Calare has made his point.

Mr Kerr—Mr Speaker, I raise a point of order in relation to the point that was raised by the honourable member for Calare about the explanatory memorandum. The explanatory memorandum is available in electronic form from the Table Office. It is being refused, on instructions, to members of this House. It is being made available to the public but it is not being made available to members of this House in order to discharge their functions.
The SPEAKER—I refer the member for Denison to my earlier point, that when the minister tables the explanatory memorandum it will be available.

Mr Kerr—I went to my office. It is available. I have a copy—electronically—made available from the Table Office, but it is being refused to members of this House. The attendants are instructed not to provide it to assist members of this House. I think this is most relevant to the objection in relation to these procedures.

The SPEAKER—I will make some further inquiries on that point.

Question put.

The House divided. [10.08 am]
(The Speaker—Hon. David Hawker)

Ayes........... 81
Noes........... 61
Majority........ 20

AYES

Abbott, A.J.
Andrews, K.J.
Baker, M.
Barresi, P.A.
Billson, B.F.
Bishop, J.I.
Brough, M.T.
Cauley, I.R.
Cobb, J.K.
Downer, A.J.G.
Dutton, P.C.
Entsch, W.G.
Ferguson, M.D.
Gamboro, T.
Georgiou, P.
Hardgrave, G.D.
Henry, S.
Hull, K.E.
Jensen, D.
Keenan, M.
Kelly, J.M.
Ley, S.P.
Lloyd, J.E.
Markus, L.
McArthur, S. *
Moylan, J.E.
Nelson, B.J.
Panopoulos, S.
Prosser, G.D.
Randall, D.J.
Robb, A.
Schultz, A.
Secker, P.D.
Smith, A.D.H.
Stone, S.N.
Ticehurst, K.V.
Truss, W.E.
Turnbull, M.
Vale, D.S.
Wakelin, B.H.
Wood, J.

NOES

Adams, D.G.H.
Andren, P.J.
Bevis, A.R.
Bowen, C.
Burke, A.S.
Corcoran, A.K.
Danby, M. *
Elliot, J.
Ellis, K.
Ferguson, L.D.T.
Fitzgibbon, J.A.
Georganas, S.
Gibbons, S.W.
Grierson, S.J.
Hatton, M.J.
Hoare, K.J.
Jenkins, H.A.
Kerr, D.J.C.
Lawrence, C.M.
Macklin, J.L.
McMullan, R.F.
Murphy, J.P.
O’Connor, G.M.
Plibersek, T.
Quick, H.V.
Roxon, N.L.
Sercombe, R.C.G.
Snowdon, W.E.
Tanner, L.
Vannakinou, M.
Windsor, A.H.C.

* denotes teller

Question agreed to.
Original question put:
That the motion (Mr Stephen Smith's) be agreed to.

The House divided. [10.13 am]
(The Speaker—Hon. David Hawker)

Ayes.............. 61
Noes.............. 81
Majority......... 20

AYES
Adams, D.G.H.
Andren, P.J.
Bevis, A.R.
Bowen, A.
Burke, A.
Corcoran, A.K.
Danby, M.
Elliot, J.
Ellis, K.
Ferguson, L.D.T.
Fitzgibbon, J.A.
Georganas, S.
Gibbons, S.
Grierson, S.J.
Hatton, M.J.
Hoare, K.J.
Jenkins, H.A.
Kerr, D.J.C.
Lawrence, C.M.
Macklin, J.L.
McMullan, R.F.
McIntyre, B.
Murphy, J.P.
O'Connor, G.M.
Pillar, S.
Quick, H.V.
Roxon, N.L.
Sercombe, R.C.G.
Snowdon, W.E.
Tanner, L.
Vamvakfäletou, M.
Windsor, A.H.C.
Causley, L.R.
Ciobo, S.M.
Cobb, J.K.
Dawson, A.J.G.
Dutton, P.C.
Entsch, W.G.
Ferguson, M.D.
Gambaro, T.
Georgiou, P.
Hardgrave, G.D.
Henry, S.
Hull, K.E.
Jensen, D.
Keenan, M.
Kelly, J.M.
Ley, S.P.
Lloyd, J.E.
Markus, L.
McArthur, S.
Moylan, J.E.
Nelson, B.J.
Panopoulos, S.
Prosser, G.D.
Randall, D.J.
Robb, A.
Schultz, A.
Secker, P.D.
Smith, A.D.H.
Stone, S.N.
Ticehurst, K.V.
Truss, W.E.
Turnbull, M.
Vale, D.S.
Wakelin, B.H.
Wood, J.

* denotes teller

Question negatived.

WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) BILL 2005
Second Reading

Debate resumed.

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (10.16 am)—Today I am introducing the Workplace Relations Amendment (Work Choices) Bill 2005, a bill that moves Australia towards a flexible, sim-
ple and fair system of workplace relations laws.

Australia has come a long way by improving the way in which we work. Because of this, we now have one of the strongest economies in the world. We have created over 1.7 million extra jobs. Australia’s unemployment rate has been markedly reduced, reaching a 30-year low and interest rates are at historically low levels.

But we must not make the mistake of assuming that our future prosperity is assured and inevitable. Now is not the time for self-congratulation or backslapping. Now is the time to secure the future prosperity of Australia for Australian individuals and families.

That is what Work Choices is all about—securing the future prosperity of Australian individuals and families.

Work Choices does this by accommodating the greater demand for choice and flexibility in our workplaces. It continues a process of evolution, begun over a decade ago, towards a system that trusts Australian men and women to make their own decisions in the workplace and to do so in a way which best suits them.

This is economic reform the Australian way—evolutionary and in a manner that advances prosperity and fairness together. As the Prime Minister has said, these are big reforms, but they are fair reforms.

They rest on a simple proposition that the best guarantee of good jobs, high wages and a decent society is a strong and productive economy. No system of industrial regulation can protect jobs and support high wages if our economy is not strong and productive.

This is the central lesson of 100 years of industrial relations history in Australia. It was the bitter lesson of Labor’s recession in the early 1990s. Yet it is the lesson that the Labor Party refuses to learn.

The key to advancing prosperity and fairness together is higher productivity. Australia’s economic strength and the living standards of our people depend, ultimately, on the productivity of our workplaces.

When productivity is higher the whole economic pie is bigger. Individuals and families benefit from more jobs, better jobs and higher living standards. Society as a whole has more resources to devote to services like health and education, as well as a strong social safety net.

A central objective of this bill is to encourage the further spread of workplace agreements in order to lift productivity and hence the living standards of working Australians. It is no coincidence that those industries that have the most workplace flexibility also enjoy the highest productivity growth and the highest wages.

We need more choice and flexibility for both employers and employees, so we can work smarter, reward effort and find the right balance between work and family life.

At the same time, we need to ensure that a fair and robust safety net of working conditions is protected by law. Work Choices does this. It also provides extra help for employees and employers to understand their rights and obligations under the new system.

Work Choices is not simply about raising the living standards of those Australians in jobs. It is also about getting more Australians into jobs.

A good society is one where those who have the capability to work can work. With a job comes dignity, skills, a steady income and a chance of a better job.

In the end, this is not an economic argument. It is a moral argument. Australia can and should be a country where those who are able to work can find work.
In the last decade, we have made good progress in reducing unemployment to a 30-year low. But we can and we should do better.

Too many Australians are not participating in the workforce. Too many Australians still struggle to find work. And too many Australian children are growing up in households where no parent is working.

These fellow citizens deserve a brighter future. Work Choices will give them a brighter future.

A nation of 20 million people, on the edge of the world’s most dynamic region, cannot afford to sleepwalk through the 21st century with a workplace relations system mired in the thinking of the 19th century.

Australia has more than 130 different pieces of employment related legislation, more than 4,000 awards and six different systems of workplace relations.

This tangle of regulation creates enormous cost and complexity for employers and employees alike.

When the Commonwealth first proposed our workplace reforms, we requested that state governments refer their powers, in the same way that they have accepted the logic of national systems for taxation law, for corporate law and for financial institutions law.

Because the states have not done so, the Commonwealth will use the corporations power in the Constitution to move towards a national system.

This is the government that intends to fix the problem and reform the system, notwithstanding the opportunistic resistance—which we have seen more of this morning—of those opposite, which is contrary to the best interests of the nation.

A unified, national system of workplace relations laws is an idea whose time has come. And the time to turn this idea into law is right now.

Let me turn to the key elements of the bill.

**Single national system**

We live in an integrated national economy and it makes no sense whatsoever to adopt anything other than a national approach to workplace relations. By using a combination of constitutional heads of power, Work Choices will cover up to 85 per cent of employees across Australia.

While employers and employees covered by Work Choices will not be subject to regulation by state employment laws, state laws will continue to cover such matters as occupational health and safety, workers compensation, trading hours and public holidays.

**Transitional arrangements**

These are substantial changes and so to provide an orderly changeover there will be comprehensive transitional arrangements.

Current state agreements applying to employers entering the new system from the state systems will continue to apply as transitional agreements. State awards applying to employers entering the new system will be preserved as transitional agreements for three years.

Employers currently in the federal system who, for constitutional reasons, cannot be covered by Work Choices in the longer term, will have a transitional period of five years during which current agreements and awards can continue to operate.

Unlike other states, Victoria has referred powers with respect to workplace relations to the Commonwealth. Because of this, employees in Victoria subject to the terms of the referral will continue to be covered under Work Choices.

Other less significant transitional arrangements will be established in regulation along with the necessary consequential...
amendments to Commonwealth legislation. Following its passage, the act will be consecutively numbered for the first time in decades.

**Australian Fair Pay Commission**

Work Choices will move away from the adversarial and legalistic nature of the current wages-setting process. It will establish a new independent wage-setting body—the Australian Fair Pay Commission—charged with promoting the economic prosperity of the people of Australia.

The Fair Pay Commission will set and adjust minimum and award classification wages, minimum wages for juniors, trainees, apprentices and employees with disabilities, minimum wages for piece workers, as well as casual loadings.

Minimum and award classification wages will be protected at the level set after the increase from the 2005 safety net review by the Australian Industrial Relations Commission (AIRC). Minimum and award classification wages will not fall below this level.

The Fair Pay Commission will take a wider-ranging, proactive and consultative approach to this issue which will help all those affected to have a say.

**The Australian Industrial Relations Commission**

The role of the Australian Industrial Relations Commission will change to keep pace with the needs of the modern economy.

The AIRC will focus on its key responsibility—dispute resolution. In addition, the AIRC will have a role to further simplify and rationalise awards, as well as regulating industrial action, right of entry, unfair dismissal and registered organisations.

The AIRC will retain its powers to resolve disputes arising under agreements but only where those functions are expressly conferred on it by the parties.

Under the new system the AIRC will no longer exercise compulsory powers of conciliation and arbitration, but instead will provide voluntary dispute resolution services with limited exceptions (such as terminating a bargaining period where industrial action is threatening life or causing damage to the economy or under new essential services provisions).

It will also retain its role in providing an initial conciliation service for termination claims.

**The Australian fair pay and conditions standard**

For the first time at a federal level the government will enshrine in law minimum conditions of employment: annual leave, personal leave (including sick leave and carers leave), parental leave (including maternity leave) and the maximum ordinary hours of work.

These conditions, together with the minimum and award classification wages set by the Fair Pay Commission, will make up the fair pay and conditions standard.

All new agreements will be required to meet the fair pay and conditions standard throughout the life of the agreement.

Award provisions dealing with annual leave, personal/carers leave and parental leave which are more generous than the equivalent provisions in the fair pay and conditions standard will continue to apply for existing and new employees covered by those awards.

**Workplace agreements**

This government believes in encouraging the further spread of workplace agreements.

With Work Choices, there will be provision for collective agreements negotiated directly between employers and their employees and between employers and unions that represent employees in a workplace.
There will also be provision for collective agreements in which persons other than unions can be employee representatives.

Work Choices will provide agreement-making options where an employer is establishing or proposing to establish a new business in areas such as the economically important resources and construction sectors. As well as existing greenfields agreements between employers and unions, Work Choices will introduce greenfields agreements that do not require the involvement of a union.

Australian workplace agreements will be available to employers and employees at all times and will exclude both collective agreements and awards.

Instead of the complex, time consuming and legalistic certification and approval processes, Work Choices will introduce a streamlined, lodgment-only system for all agreements with the Office of the Employment Advocate (OEA). All collective agreements and Australian workplace agreements (AWAs) will take effect from the date of lodgment.

The process for varying or terminating agreements made under Work Choices will be simplified and will be similar to that for lodging new agreements. Agreements can be extended (up to a maximum of five years), varied or terminated by agreement.

There will be an improved compliance regime with financial penalties for employers who fail to meet the rules for negotiation, lodgment or content of agreements.

The government is committing an additional $141 million over four years to ensure appropriate compliance by employers and assistance to employees.

Protection of key award conditions in bargaining

To help in the process for making agreements Work Choices will protect certain matters currently dealt with in awards when new workplace agreements are negotiated. These conditions will be deemed to be part of an agreement unless it specifically modifies or excludes them.

These matters are public holidays, rest breaks (including meal breaks), incentive-based payments and bonuses, annual leave loadings, allowances, penalty rates and shift/overtime loadings.

To change or remove these conditions in a workplace agreement under Work Choices, the agreement must address these matters. The agreement will need to identify the particular award conditions that are being changed or removed. In this way these conditions will be protected, unless employers and employees agree to vary them.

Content of agreements

All new agreements will need to meet the fair pay and conditions standard, including a nominal expiry date (up to a maximum of five years) and a dispute resolution or settling procedure.

Certain matters such as restricting the use of independent contractors will be prohibited from being included in new agreements. The inclusion of prohibited content may attract financial penalties but will not render the agreement invalid.

Awards

Under Work Choices federal awards will not be abolished. Employees not covered by a workplace agreement will continue to work under their federal awards. However, awards will be simplified to ensure that they provide minimum safety net entitlements. The legislation will set out matters that will no longer be allowable award matters and a number of...
other matters will be removed from awards because they will be protected by the fair pay and conditions standard.

A taskforce has been established to recommend ways of reducing the duplication and complexity of current federal awards. The taskforce’s recommendations will need to be consistent with the government’s commitment that award classifications and wages and benefits will not be cut.

Under Work Choices, long service leave, superannuation, jury service and notice of termination will not be included in new awards because they are already provided for in existing legislation. However, these provisions in current awards will continue to apply to existing and new employees covered by these awards.

Transmission of business

Part and parcel of a modern economy is that businesses are bought and sold. When this happens it is important the entitlements of employees are protected. Where this does occur, and employees accept employment in the new business, the awards, collective agreements and AWAs that covered the employees of the old business will transfer to the new employer for a maximum period of 12 months.

However, if no employee accepts employment with the new employer, then the awards or agreements from the old employer will not transfer.

Employees who do transfer must be provided with information in writing about their terms and conditions of employment. The new employer and employees will be able to negotiate agreements to override the transferred agreements and awards.

Reforming dismissal laws

Whatever their intended purpose, unfair dismissal laws have acted as a brake on job creation in Australia. They have fostered a culture of complaint and litigation that has developed to the point where some firms go to any lengths to avoid hiring extra staff.

Work Choices will take the unfair dismissal monkey off the back of Australia’s small- and medium-sized businesses.

Businesses that employ up to and including 100 employees will be exempt from unfair dismissal laws. For businesses with more than 100 employees, an employee must have been employed for six months before they can pursue an unfair dismissal claim.

In addition, no claims can be brought where the employment has been terminated because the employer genuinely no longer requires the job to be done.

Just like today, only employees of businesses that are constitutional corporations will have access to the unfair dismissal laws. And just like today, employees will continue to enjoy a range of protections against unlawful termination.

It will remain unlawful to dismiss an employee on the grounds of race, colour, sex, age, union membership or otherwise, pregnancy, family responsibilities, refusing to agree to an Australian workplace agreement and a range of other matters.

The government will provide financial assistance to eligible employees who have made an unlawful termination application to apply for up to $4,000 towards independent legal advice on the merits of their claim.

Industrial action

The government recognises the need to carefully balance the legal immunity given to industrial action in bargaining for workplace agreements against the needs of the community.

The government will protect the right to lawful industrial action when negotiating a new collective workplace agreement. However, Work Choices will make a number of
improvements to the remedies for unprotected industrial action.

These include requiring the Australian Industrial Relations Commission to provide a remedy for unprotected industrial action within 48 hours and removing impediments to access to common law tort remedies for unprotected industrial action.

A secret ballot will be required before protected industrial action can be taken. This will ensure that protected action is not taken unless the employees involved genuinely wish to take this serious step. Work Choices will also make it clear that industrial action is prohibited during the life of an agreement.

New provisions will be introduced similar to those in state essential services legislation. These new provisions will allow a declaration to be issued by the Minister for Employment and Workplace Relations where protected industrial action threatens life, personal safety, health or welfare of the population or is likely to cause significant damage to the economy.

Finally, under Work Choices third parties directly affected by protected action will be able to seek a suspension of the bargaining period.

**Freedom of association**

Just as we have done since 1996 this government will ensure all Australians have the right to join—or not to join—a trade union.

Freedom of association laws will be strengthened to ensure that employers and employees can choose whether or not to join a union or an employer association free from direct or indirect pressure.

Work Choices will cover the field so that right of entry can only be exercised under the new legislation and the circumstances under which it can be exercised will be clarified and the remedies for abuse strengthened.

The right of entry provisions will still allow a union permit holder entry for occupational health and safety purposes under state legislation where the union official has a federal right of entry permit and has complied with all requirements of the relevant state occupational health and safety legislation.

**Registered organisations**

Unions and employer associations provide important services to their members. There will continue to be a legitimate role for unions and employer associations in the national system.

State registered organisations will be able to apply to the Industrial Registrar for transitional status as a registered federal organisation provided they meet certain minimum requirements. They will then have three years to meet the full requirements of the Workplace Relations Act. The ‘conveniently belong’ rule will not apply to the registration of state registered organisations that are transferred to the federal system.

**Improved protection**

Work Choices will put in place strong and practical measures to ensure all parties abide by the awards, collective agreements and AWAs as well as the fair pay and conditions standard, state awards and agreements that are to be brought into the new system.

The Office of Workplace Services will have increased powers. These include the power to enforce compliance with the Workplace Relations Act, awards and agreements, the freedom of association provisions and the rules for agreement making.

The compliance regimes applying to unprotected industrial action, abuse of right of entry laws and contraventions of freedom of association provisions will also be strengthened.
When negotiating individual agreements, young people will be protected by the requirement that an appropriate adult sign the agreement. As well, when setting wages for juniors, the Fair Pay Commission will be obliged by legislation to take into account the need to secure their competitiveness in the labour market.

Work Choices will also increase opportunities for school based and part-time apprenticeships and traineeships by implementing the government’s commitment to remove industrial relations barriers by filling current gaps in award coverage for part-time and school based apprenticeships and traineeships.

**Work and family issues**

This government has delivered a decade of rising living standards for Australian families. With Work Choices we will build on this record.

This bill provides both protection and flexibility to help Australians meet their work and family responsibilities.

Work Choices will protect Australian families by making it unlawful for a workplace agreement to have pay and conditions that are less generous than the fair pay and conditions standard of up to 52 weeks of unpaid parental leave at the time of the birth or adoption of a child.

The terms of the Australian fair pay and conditions standard will be protected by law.

Award reliant employees will not lose current entitlements to family-friendly working arrangements and will continue to receive any penalty rates, loadings for overtime or shiftwork, allowances, incentive based payments and bonuses that they are currently entitled to under their award.

It will remain unlawful for an employer to terminate an employee’s employment on certain grounds, including marital status, family responsibilities or pregnancy, or because of absence of work during maternity or other parental leave, regardless of the size of the business they work for.

Nothing is more important to family security than a strong Australian economy.

These are reforms which will strengthen our economy and will secure better opportunities for all Australians into the future.

**Conclusion**

The reforms that I have outlined are comprehensive and necessary. They are big but fair changes.

We should never take strong economic growth and prosperity for granted. To secure our future prosperity into this new century, we must work smarter and seize this opportunity to create a new wave of productivity growth.

For a long time, Australia tried to make do with an industrial relations system born of the bitter disputes of the 1890s. This was a system founded on conflict and an ‘us and them’ mentality. It was a system shot through with pessimism about the capacity of Australian men and women to shape their working lives.

The Liberal and National parties believe in the capacity of Australians to exercise choice and to work together. We believe that cooperation, not conflict, is the path to prosperity and fairness.

That is why, with Work Choices, we are giving more Australians the chance to have a job.

We are moving to guarantee in law a fair and balanced safety net of conditions for Australian working men and women.

And we are moving to what any modern, competitive nation needs in the 21st century—a single set of workplace relations laws.
With Work Choices, Australia is on the move towards a better workplace relations system—a system that allows Australia’s employers and employees the freedom and the choice to sit down and work out the arrangements that best suit them.

This bill makes the necessary changes to move away from an outdated and inefficient system that no longer meets the needs of a modern Australian economy.

Work Choices moves to a system that gives employers and employees a tangible stake in what happens in their workplaces, because at the end of the day a fair society relies on a strong economy with productive workplaces.

For it is a strong economy which enables employers to pay workers more; it is a strong economy which reduces unemployment; and it is a strong economy that delivers, just as it has done over the past 10 years, more jobs and higher wages for all Australians.

Work Choices is founded on the principle that the best arrangements are those developed by employers and employees at the workplace.

This government recognises that the time to turn this idea into law and move to a better system is now. I commend the bill to the House and I present the explanatory memorandum.

Mr STEPHEN SMITH (Perth) (10.45 am)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Perth moving immediately—That:

(1) as this extreme, unfair and divisive bill represents:

(a) a savage attack on the living standards of working Australian families;

(b) a savage attack on the Australian way of life, in particular our national characteristic, value and virtue of a fair go; and

(c) a savage attack on the rights in the workplace of working men and women;

the debate be adjourned, and the resumption of the debate not be made an order of the day for the next sitting; and

(2) resumption of the debate on the second reading be made an order of the day for a sitting following a debate on the bill between the Prime Minister and the Leader of the Opposition, to be screened on national television as a matter of national importance, so that Australians can form their own opinion on this legislative proposal without the Prime Minister hiding behind his $55 million taxpayer funded Liberal Party advertising campaign.

This destroys the Australian way of life, off the back of an outrageous abuse of taxpayers’ money—$55 million—

The DEPUTY SPEAKER (Mr Wilkie)—Order! The member will resume his seat.

Mr ABBOTT (Warringah—Leader of the House) (10.45 am)—I move:

That the member be no longer heard.

A division having been called and the bells having been rung—

Mr Michael Ferguson interjecting—

The DEPUTY SPEAKER (Mr Wilkie)—The member for Bass will be reminded that privilege is not extended during the time of a division and he will cease interjecting.

Question put.

The House divided. [10.50 am]

(The Deputy Speaker—Mr Wilkie)

Ayes............. 82
Noes............. 59
Majority........ 23

AYES

Abbott, A.J.  Anderson, J.D.
Andrews, K.J.  Baird, B.G.
Baker, M.  Baldwin, R.C.
Wednesday, 2 November 2005

Barresi, P.A. Bartlett, K.J.
Billson, B.F. Bishop, B.K.
Brough, M.T. Broadbent, R.
Causley, I.R. Cadman, A.G.
Cobb, J.K. Cobo, S.M.
Downer, A.J.G. Costello, P.H.
Dutton, P.C. Draper, P.
Entsch, W.G. Elson, K.S.
Ferguson, M.D. Entsch, W.G.
Gambelo, T. Fawcett, D.
Georgiou, P. Ferguson, L.D.T.
Hardgrave, G.D. Fitzgerald, J.A.
Henry, S. Foreman, L.
Howard, J.W. Forrest, J.A. *
Hunt, G.A. Gaetjens, J.
Johnson, L.A. Gellert, G.
Kelly, D.M. Gillard, J.E.
Laming, A. Green, J.
Lindsay, P.J. Leane, S.
Macfarlane, I.E. Ley, S.P.
May, M.A. McDonald, E.
McAulay, P.J. McArthur, S.*
Nairn, G.R. Mckevitt, R.
Neville, P.C. Moylan, J.E.
Pearce, C.J. Nelson, B.J.
Pyne, C. Panopoulos, S.
Richardson, K. Prosser, G.D.
Ruddock, P.M. Randall, D.J.
Slipper, P.N. Robb, A.
Somlyay, A.M. Schultz, A.
Thompson, C.P. Secker, P.D.
Toller, D.W. Smith, A.D.H.
Tuckey, C.W. Stone, S.N.
Vaile, M.A.J. Ticehurst, K.V.
Vasta, R. Truss, W.E.
Washer, M.J. Turnbull, M.

NOES

Adams, D.G.H. Albanese, A.N.
Beazley, K.C. Bevis, A.R.
Bird, S. Bowen, C.
Burke, A.E. Burke, A.S.
Byrne, A.M. Coggiola, K.A.
Crean, S.F. Conaghan, M.*
Edwards, G.J. Elliot, J.
Ellis, A.L. Ellis, K.
Emerson, C.A. Ferguson, L.D.T.
Ferguson, M.J. Fitzgibbon, J.A.
Garrett, P. Georgiades, S.
George, J. Gibbons, S.W.

Gillard, J.E. Grierson, S.J.
Griffin, A.P. Hall, J.G. *
Hatton, M.J. Hayes, C.P.
Hoare, K.J. Irwin, J.
Jenkins, H.A. Katter, R.C.
Kerr, D.J.C. King, C.F.
Lawrence, C.M. Livermore, K.F.
Macklin, J.L. McClelland, R.B.
McMullan, R.F. Melham, D.
Murphy, J.P. O’Connor, B.P.
O’Connor, G.M. Owens, J.
Pibersek, T. Price, L.R.S.
Quick, H.V. Ripoll, B.F.
Roxon, N.L. Rudd, K.M.
Sercombe, R.C.G. Smith, S.F.
Snowden, W.E. Swan, W.M.
Tanner, L. Thomson, K.J.
Vamvakinou, M.

* denotes teller

Question agreed to.

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

Ms GILLARD (Lalor) (10.55 am)—I second the motion. Why is the Prime Minister dodging a debate? Why doesn’t he front up to a debate with the Leader of the Opposition? Why hasn’t he got the guts to do that?

Mr ABBOTT (Warringah—Leader of the House) (10.55 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [10.56 am]

Ayes………… 82
Noes………… 58
Majority……… 24

AYES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Baird, B.G.
Baker, M. Baldwin, R.C.
Barresi, P.A. Bartlett, K.J.
Billson, B.F. Bishop, B.K.
Bishop, J.I. Broadbent, R.
Brough, M.T. Cadman, A.G.
Causley, I.R. Ciobo, A.G.
Cobb, J.K. Cobb, J.K.
Downer, A.J.G. Downer, A.J.G.
Dutton, P.C. Dutton, P.C.
Entsch, W.G. Entsch, W.G.
Ferguson, M.D. Ferguson, M.D.
Gambarno, T. Gambarno, T.
Georgiou, P. Georgiou, P.
Hardgrave, G.D. Hardgrave, G.D.
Henry, S. Henry, S.
Howard, J.W. Howard, J.W.
Hunt, G.A. Hunt, G.A.
Johnson, M.A. Johnson, M.A.
Kelly, D.M. Kelly, D.M.
Laming, A. Laming, A.
Lindsay, P.J. Lindsay, P.J.
Mackellar, I.E. Mackellar, I.E.
May, M.A. May, M.A.
McGauran, P.J. McGauran, P.J.
Nairn, G.R. Nairn, G.R.
Neville, P.C. Neville, P.C.
Pearce, C.J. Pearce, C.J.
Pyne, C. Pyne, C.
Richardson, K. Richardson, K.
Ruddock, P.M. Ruddock, P.M.
Scott, B.C. Scott, B.C.
Slipper, P.N. Slipper, P.N.
Somlyay, A.M. Somlyay, A.M.
Thompson, C.P. Thompson, C.P.
Toller, D.W. Toller, D.W.
Tuckey, C.W. Tuckey, C.W.
Vaile, M.A.J. Vaile, M.A.J.
Vasta, R. Vasta, R.
Washer, M.J. Washer, M.J.

Costello, P.H. Costello, P.H.
Drazer, P. Drazer, P.
Elson, K.S. Elson, K.S.
Fawcett, D. Fawcett, D.
Forrest, J.A. * Forrest, J.A. *
Gash, J. Gash, J.
Haase, B.W. Haase, B.W.
Hartsuyker, L. Hartsuyker, L.
Hockey, J.B. Hockey, J.B.
Hull, K.E. Hull, K.E.
Dent, D. Dent, D.
Keenan, M. Keenan, M.
Kelly, J.M. Kelly, J.M.
Ley, S.P. Ley, S.P.
Lloyd, J.E. Lloyd, J.E.
Markus, L. Markus, L.
McArthur, S. * McArthur, S. *
Moylan, J.E. Moylan, J.E.
Nelson, B.J. Nelson, B.J.
Panopoulos, S. Panopoulos, S.
Prosser, G.D. Prosser, G.D.
Randall, D.J. Randall, D.J.
Robb, A. Robb, A.
Schultz, A. Schultz, A.
Seeker, P.D. Seeker, P.D.
Smith, A.D.H. Smith, A.D.H.
Stone, S.N. Stone, S.N.
Ticehurst, K.V. Ticehurst, K.V.
Truss, W.E. Truss, W.E.
Turnbull, M. Turnbull, M.
Vale, D.S. Vale, D.S.
Wood, J. Wood, J.

King, C.F. King, C.F.
Livermore, K.F. Livermore, K.F.
McClaiden, R.B. McClaiden, R.B.
Melham, D. Melham, D.
O’Connor, B.P. O’Connor, B.P.
Owens, J. Owens, J.
Price, L.R.S. Price, L.R.S.

* denotes teller

Question agreed to.

Original question put:

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

The House divided. [10:59 am]

(The Deputy Speaker—Mr Wilkie)

Ayes………… 58
Noes………… 82
Majority……… 24

AYES

Adams, D.G.H. Adams, D.G.H.
Beazley, K.C. Beazley, K.C.
Bird, S. Bird, S.
Burke, A.E. Burke, A.E.
Byrne, A.M. Byrne, A.M.
Crean, S.F. Crean, S.F.
Edward, G.J. Edward, G.J.
Ellis, A.L. Ellis, A.L.
Emerson, C.A. Emerson, C.A.
Ferguson, M.J. Ferguson, M.J.
Garrett, P. Garrett, P.
George, J. George, J.
Gillard, J.E. Gillard, J.E.
Griffin, A.P. Griffin, A.P.
Hoare, K.J. Hoare, K.J.
Jenkins, H.A. Jenkins, H.A.
King, C.F. King, C.F.
Livermore, K.F. Livermore, K.F.
McClaiden, R.B. McClaiden, R.B.
Melham, D. Melham, D.
O’Connor, B.P. O’Connor, B.P.
Owens, J. Owens, J.
Price, L.R.S. Price, L.R.S.

NOES

Albanese, A.N. Albanese, A.N.
Bevis, A.R. Bevis, A.R.
Bowen, C. Bowen, C.
Burke, A.S. Burke, A.S.
Corcoran, A.K. Corcoran, A.K.
Danby, M. * Danby, M. *
Elliot, J. Elliot, J.
Ellis, K. Ellis, K.
Ferguson, L.D.T. Ferguson, L.D.T.
Fitzgibbon, J.A. Fitzgibbon, J.A.
Georganas, S. Georganas, S.
Gibbons, S.W. Gibbons, S.W.
Grierson, S.J. Grierson, S.J.
Hall, J.G. * Hall, J.G. *
Hayes, C.P. Hayes, C.P.
Irwin, J. Irwin, J.
Kerr, D.J.C. Kerr, D.J.C.
Lawrence, C.M. Lawrence, C.M.
Macklin, J.L. Macklin, J.L.
McMullan, R.F. McMullan, R.F.
Murphy, J.P. Murphy, J.P.
Plibersek, G.M. Plibersek, G.M.
Quick, H.V. Quick, H.V.
The DEPUTY SPEAKER (Mr Wilkie)—The question now is that the resumption of the debate be made an order of the day for the next sitting.

Question agreed to.

COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT BILL 2005
Consideration in Detail

Consideration resumed from 1 November.

The DEPUTY SPEAKER (Mr Wilkie)—The question is that the amendments proposed by the member for Solomon be agreed to.

Mr SNOWDON (Lingiari) (11.04 am)—I was just having a bit of a conversation across the table with our colleague the Minister for Education, Science and Training, Mr Deputy Speaker, hoping that he will enlighten us on a number of matters. I want to go to the issue of the amendments proposed by the member for Solomon and say that, after a brief contribution, we will not be bothering to deal with them again because we regard them as irrelevant. I will make a couple of observations, though. One of the amendments allows for either a land council or the Chief Minister to nominate a site for the radioactive waste facility. Even I know, and I am no legal expert, that that is absolutely meaningless because there is nothing to stop these parties from nominating an alternative site right now. They do not need this in legislation. Also, the amendment specifically states that the Commonwealth minister does not have to consider such a nomination. You have to ask what the purpose is of that amendment.

Ms Macklin—and then they are not entitled to procedural fairness.
Mr SNOWDON—That is right: and then there is no entitlement to procedural fairness. You do not have to be Einstein or a legal genius to work out that that amendment will have no effect. It has no impact and is just a cute political stunt designed to take the heat off the backside of the member for Solomon. I was going to use that other word, Mr Deputy Speaker, but I was not sure whether ‘arse’ was appropriate.

In another proposal the member for Solomon states that the facility will not store high-level radioactive waste. He also says that spent fuel rods will not be stored in the facility. The Commonwealth has already said, and the request for tender documents for the site assessment says, that only intermediate- and low-level waste will be stored. It is not clear, and perhaps someone could tell us, whether the reference to spent fuel rods, which is what comes straight out of the Lucas Heights reactor, includes reprocessed spent fuel rods, which is what Australia is obliged to take back from France at some point and is one of the justifications for this facility. So maybe there is a drafting problem, even with these amendments, which, in any event, are pointless.

Another proposal provides an indemnity to the Northern Territory associated with Commonwealth transport or storage of waste. This is also irrelevant unless the Northern Territory were to become actively involved in the transport and management of the waste. That is not likely to happen. It also provides for the free storage of any radioactive waste stored in the facility. That is really a boon to the Northern Territory Treasury, given the very small amount of waste material that the Northern Territory government has! Frankly, we ought to recognise these amendments for what they are: an absolute stunt and fundamentally not worth the consideration of this chamber.

I want to make another couple of observations about the way in which this has been dealt with by the member for Solomon. He would have us in this place believe that somehow or other the member for Solomon represents the interests of the people of the Northern Territory. Let us understand one thing: the member for Solomon’s electorate is 334 square kilometres; it includes Darwin and Palmerston but none of the areas which are to be covered by the proposals for a nuclear waste facility in the Northern Territory. I have not heard the member for Solomon invite the Commonwealth to place a site within the boundaries of the seat of Solomon—and there is Crown land there, quite a substantial piece of Defence land, within the confines of the seat of Solomon—and I have not heard him say, ‘That would be terrific, that would be hunky-dory, we could find a safe site in the seat of Solomon.’ We know why he has not. It is the very same reason that the Commonwealth has ducked and dived on the issue of the sites which were proposed by the National Sites Advisory Committee.

I have not had an answer to this question, and I am looking forward to it. Mr Deputy Speaker, the National Sites Advisory Committee, as you will recall from my contribution last night, suggested a number of sites across New South Wales and Victoria. (Extension of time granted) It is clear that the government decided they could not deal with these particular sites. I recall raising last night the issue that only one of the three sites that had been proposed for the Northern Territory had even been suggested by the National Sites Advisory Committee. That raises significant questions about that committee. We deserve to know who was on the National Sites Advisory Committee, what the committee’s remit was and how long it sat for. When was the advice given before October last year actually given? When did it be-
come obsolete? How was the committee’s advice considered to be inferior to the desktop analysis which led to the proposal that we are currently looking at? What were the parameters of the desktop analysis? Who was involved in that desktop analysis? What qualifications did they have to undertake such a desktop analysis in looking at all the scientific, environmental and cultural safeguards that one would need to contemplate?

We need a juxtaposition here of the National Sites Advisory Committee—who was on it, what its remit was and what qualifications its members had—as opposed to the people who undertook this desktop study.

I will seek further advice on the issue of the sites committee in a moment. Before I do, I want to come back to the member for Solomon. He says that he represents the interests of the Northern Territory people and that the people want this. I have already pointed out that if they have an interest in Northern Territory land—their own land or Aboriginal land or Northern Territory Crown land—they can offer to have a site. They can already do that. There is nothing wrong with doing that now; they could do it. What we know is there is very broad community opposition to the proposals which have been put to the Northern Territory. Forget about the idea that somehow this is a debate just about the scientific merit or otherwise. There is no scientific merit in these proposals. It is not about the environment; it is about politics. We know that these sites were proposed without any due consideration being given to the views of the people in the communities which would be affected by these sites. I have in front of me an indicator of the opinion of one group of Northern Territorians. They are very concerned about the proposal for what they describe as ‘a radioactive waste dump’—and I know the minister takes offence at that description of the proposal. This is a press release from the Northern Territory Agricultural Association which was issued yesterday. It says:

The Northern Territory Agricultural Association expresses grave concern regarding the Australian Government’s proposal to position a radioactive waste facility south of Katherine in the Northern Territory.

The Australian Government’s ‘silver bullet’ proposal is insensitive to local needs and devoid of accountability.

Placement of the facility in close proximity to the region’s Tindal, Oolloo and Jinduckin aquifer system is fraught with danger.

That danger was highlighted by the National Sites Advisory Committee, which described the site at Katherine as less than suitable because of its topography and flooding. These people are right on the money. But that is of no consequence to the clown who sits in the seat of Solomon. He has complete disregard for the rights and interests of the people of my electorate—the bulk of the Northern Territory community, the bulk of the Northern Territory’s land mass. The areas in which they are proposing to put this nuclear waste are in my electorate, not his. He dares to say he represents the views of the Northern Territory. He does not. That is clear from two elections. In the last federal election, undertakings given by the Minister for the Environment and Heritage of no nuclear waste dump in the Northern Territory proved to be a lie. Then we had the Northern Territory election in which the Northern Territory government went to the people on the back partly of opposing nuclear waste facilities in the Northern Territory—and we know what happened. How many members of the CLP do we have left in the Northern Territory Legislative Assembly? Not many, because of their arrogance and their failure to consult.

Ms Macklin—How many?

Mr Snowdon—The member for Solomon can tell us, when he gets up on his scrapers, just how many members of the CLP
are left—and it is because of their failure to understand or listen to Northern Territorians that that is the case. I am afraid, Comrade, that you are heading in the same direction. (Extension of time granted) That is as much as I want to say about the member for Solomon and his absurd amendments.

I want to ask the minister, though, some very important questions about the siting criteria. What Australian based siting criteria are being applied to the proposed 100-year store for long-lived nuclear wastes, including reprocessed, spent nuclear fuel waste? Who set these criteria and when were they formalised? What is the legislative and regulatory basis for these criteria? We would like to know, as I said earlier, how the site selection process happened in the first place. I think we know why it was confined to the Northern Territory—because the minister has admitted he could not get on with the people of South Australia or the people of New South Wales, Queensland, Victoria and Western Australia. I am mindful of the fact that the sites that were seen as most suitable by the National Sites Advisory Committee were either in New South Wales or in Victoria. I wonder why there was no attempt to negotiate with the New South Wales government about a possible site, say, at Narrandera. What does this indicate? It indicates to me a failure and an inability of the government to be able to negotiate a set of arrangements with the state and territory leaders. I know that the minister will tell us that they had an arrangement based on scientific merit with the people of South Australia—so they thought—but that was opposed by the South Australian government.

What about New South Wales, Minister? What discussions were had with the New South Wales government about a possible site in New South Wales—on Defence land, of which there are very large amounts? I did have a map, and I am sorry I did not bring it here. I could have tabled it for you just for your information. I am sure you have been to each one of these places to check out for yourself the veracity of the advice given by the National Sites Advisory Committee. I would also ask the minister: why does the request for tender not include or acknowledge the siting criteria set down by the federal government’s National Store Advisory Committee for long-lived wastes including reprocessed nuclear wastes? What status do these previously accepted criteria have now? If the Commonwealth no longer accepts them, why has this downgrade occurred and on what advice is it based? If the Commonwealth has not formally set siting criteria for the proposed store for long-lived nuclear waste, why has this not been done at this late stage?

Under the Commonwealth Radioactive Waste Management Bill 2005 before the House, what siting criteria does the minister propose to base this siting decision for long-lived wastes on? In the absence of a publicly available form of regulatory based siting criteria, what informed appraisal can the public make about, or confidence can the public have in, the decision making under this bill to impose a nuclear dump? Why does the request for tender fail to include or refer to any cultural or Indigenous siting criteria or matters for consideration, other than the National Estate, while proposing to collect socioeconomic information on the three proposed sites? Why has the federal government chosen to seek to remove any rights to procedural fairness concerning decisions or declarations under this Commonwealth Radioactive Waste Management Bill? Why has the federal government chosen to override the established rights and accepted legislative due process in the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and the Environment Protection and Biodiversity Conservation Act 1999 concerning
decisions and declarations for the nuclear dump siting under this Commonwealth Radioactive Waste Management Bill? What potentially wide array of Australian society, including traditional owners, is the federal government seeking to discriminate against in these respects?

I would have thought these would be matters of some concern to the minister. He comes into this place with a reputation for a belief in human dignity and the rights of Australians. This piece of legislation demonstrates that that is very superficial because this piece of legislation trammels the rights of the people of the Northern Territory and Australians who might have a legitimate interest in the siting of these nuclear waste facilities. Why is the federal government seeking to discriminate against the EPBC Act, the Environment Protection and Biodiversity Conservation Act, by arbitrary decree that the EPBC Act’s regulatory processes will apply only after a decision under this bill on the selection of a nuclear dump site? Does the federal government still accept the requirement under the EPBC Act nuclear trigger for a full environmental impact statement for a nuclear waste storage facility? (Extension of time granted) I am not sure if the minister is actually listening; perhaps I should wait.

Dr Nelson—I am listening.

Mr Snowdon—I am sure with great attention to detail! What remaining validity could the EPBC Act, the application of the objects of the act and the required EIS assessment have when the EPBC Act and processes have been excluded from the site selection decision? How could the federal Minister for the Environment and Heritage then claim to conduct any credible environmental assessment of the construction and operations of a nuclear waste site based on an arbitrarily imposed site? Clearly, the site selection process under this bill and any remaining role for the EPBC Act do not accommodate the federal government’s experience in previous site selection for the national repository which considered dozens of sites and excluded many sites due to cultural, heritage and safety reasons. To what significant degree are the remaining EPBC Act’s environmental assessment and the EIS compromized by being constrained to a particular site? What is the projected time line and order of events for the siting, construction, operations assessment and decision-making processes for the proposed collocated store and low-level radioactive waste site, with the request for tender specifying 12 months consultancy work in studying the three proposed sites and an apparent minimum period of 18 months required for the EPBC Act processes, including the EIS and subsequent required ARPANSA Act licensing processes?

These are serious questions, and I invite the minister to respond to them in detail because much of the uncertainty is in response to the failure of the government to work with the Northern Territory community in a considered way. I am surprised that, when this announcement was made and the minister was sitting on some 44-gallon drums at Lucas Heights, he did not come to the Northern Territory to make the announcement. The Northern Territory government heard about it at the time he was making the announcement by dint of a fax arriving in the Chief Minister’s office. That is the level of consultation that was undertaken about this proposal. So is it any wonder that people are concerned about what the minister is suggesting? It is of grave concern to the Territory. In the second reading debate I discussed the concerns of the community generally, but I am surprised that the minister and the government should not be concerned themselves with the way in which they have now chosen to just walk over the rights of the people of the Northern Territory in such an arrogant way. It does
them no credit, and to see that they have two representatives from the CLP from the Northern Territory acting as their lapdogs is just bizarre.

Mr Tollner—It is Brussel Sprout.

Mr SNOWDON—The once great Territorial party, the CLP, is now just a poor reflection of its former self, and its representatives do them no credit here in this federal parliament.

Dr NELSON (Bradfield—Minister for Education, Science and Training) (11.23 am)—The first thing I must do is defend the reputation of Brussel Sprout. That dog, owned by the member for Solomon, is no lap dog.

There are 1,322,290 square kilometres in the Northern Territory. In the Commonwealth Radioactive Waste Management Bill 2005 we are proposing to site a low-level and intermediate-level nuclear waste facility on one-quarter of one square kilometre. It is one blade of grass on an oval, a three-millimetre by 33-millimetre blade of grass on Commonwealth land.

Another thing that the member for Lingiari mentioned was New South Wales. New South Wales, in case it has escaped the attention of the member for Lingiari and others on the other side, has in suburban Sydney not a low-level or intermediate-level nuclear waste facility but a nuclear reactor, and Australia is investing $340 million in replacing it after 50 years. That nuclear reactor is producing radioisotopes which we as Australians all will benefit from through the course of our lifetime at least once through a medical procedure. In fact, also in the state of New South Wales today, as is the case all over Australia, hospitals, universities and industrial sites have this waste stored in the most inappropriate way. As I said in the second reading speech, in Lidcombe, at the EPA in suburban Sydney, is a shipping container with 26 cubic metres of low-level waste and an indeterminate amount of intermediate-level waste. It is in Australia’s interests, in the interests of all Australians wherever they live, to see that we now proceed immediately to satisfy ARPANSA that we are well developed and well advanced in establishing an appropriate, long-term, intermediate- and low-level waste facility.

There are a couple of issues that I will respond to. Firstly, in terms of the Environment Protection and Biodiversity Conservation Act, Aboriginal heritage and other issues, the purpose of wanting to see that we are not frustrated by those acts is purely in relation to the site selection process. Beyond that process, of course, the full effect of Commonwealth law will apply. Why is it necessary for us to actually have to introduce and have passed through the federal parliament this legislation? It is because the Northern Territory government has said, quite clearly, that it will do anything and everything it possibly can to frustrate the Australian government in seeing that a site is selected and that the long-term repository is actually constructed.

The next issue that was raised, or amongst them, was the reprocessing of fuel. It needs to be emphasised that we are talking about spent fuel rods. It does not include the reprocessing of wastes which have been sourced from anywhere other than Australia. Any reprocessed intermediate-level waste is waste that has originally been generated by Australia and has been reprocessed offshore. We are talking about spent fuel. It is not high-level waste as defined by the International Atomic Energy Agency.

The National Store Advisory Committee comprises—and I am happy to provide in writing the specific membership of the committee—specialist representatives and experts from all of the states and territories
who looked throughout Australia at the possible sites for a low-level waste facility, and its report became irrelevant on 14 July 2004. The reason it became irrelevant was that the Prime Minister announced that, instead of establishing separate facilities to manage low-level and intermediate-level radioactive waste, the government would establish a collocated facility for both waste categories. And that, of course, was required by the intransigent frustration which the Commonwealth had encountered in seeking to deal with the South Australian government in relation to the Woomera site. (Extension of time granted) The NSAC process was intended to identify a site only for a national store for long-lived, intermediate-level radioactive waste and now, as I say, we are forced basically to look at both kinds of waste. It identified a number of Commonwealth properties that were studied at a desktop level when the project was suspended in 2004. The Fishers Ridge Defence property in the Katherine region was identified in that process and the Department of Defence has since identified potentially suitable Defence properties at Mount Everard and Harts Range, both north of Alice Springs, west and east respectively.

The amendments, about which there was some discussion, fall into two categories. They are desirable changes to the bill. They have been proposed by the member for Solomon. They give wider opportunities to the Northern Territory community to have some influence if it chooses to do so over the siting process, including suggestion of sites it considers to be superior to those nominated by the Commonwealth. The amendments also address concerns expressed by the community and by the Northern Territory government in relation to such matters as the importation of high-level waste for management of the facility. Under no circumstances are we talking about high-level waste, but the member for Solomon—quite reasonably in my view—wants to see that actually set in legislation. That is what these amendments propose to do.

They also address concerns by the Northern Territory government that it will carry the burden of any accident involving the facility and transport of material to the facility. Of course, the concerns of the Northern Territory government in this regard are much exaggerated. If you think about it, you have got 150,000 litres of fuel going across the Northern Territory on the back of triple-decker road trains. I would suggest to Northern Territorians that there is much more risk associated with that than there is with one of the 30,000 transportations of low-level waste which are conducted each year. The other point that seems to be missed, by the way, is that there is—I have to say again—low- and intermediate-level waste within the Northern Territory today. The Northern Territory itself has a responsibility to find a waste facility in the Northern Territory for its waste.

If we take the Labor Party’s position on this whole bill, we will not get the licensing for a replacement reactor because we will not have a site selected or be progressed on that, and Australians will have to import radio pharmaceuticals for the prevention and treatment of diseases from which we are dying. Half a million Australians a year are having these procedures. In the Northern Territory, there are all sorts of activities—related to gas, minerals, mining—going on today. Those activities actually proceed with the use of radioactive materials sourced from Lucas Heights. So even if the Labor Party were to have its way that the waste repository be in the state of New South Wales—as we have just heard in the course of this discussion—the Northern Territory would still have a radioactive waste facility. It has to because it has got its own waste.
The member for Solomon is sensibly ensuring that the Commonwealth-built facility will also house the low- and intermediate-level waste produced by the Northern Territory itself. At that point, I will leave it at that. I will take the other technical questions on notice and I am happy to provide a written reply to the member for Lingiari and the Deputy Leader of the Opposition.

Ms Macklin—That is not to do with my question. I am asking about the date for the current reactor.

Dr Nelson—Yes. The chief executive of ARPANSA is not constrained as to when he makes his decision on the ARPANSA operating licence. ANSTO is working with ARPANSA on the expectation that a decision will be reached around April 2006, and the HIFAR—

Ms Macklin—No, I am talking about the current reactor. All the stuff about hospitals and universities does not apply.

Dr Nelson—By the way, only Commonwealth and Northern Territory waste will be accepted. We have 2,000 cubic metres of low-level waste, much of it sourced from hospitals around Australia, which is currently at ANSTO. We have another 1,800 cubic
metres at Woomera, much of that sourced from hospitals. In fact, most of that stuff has come from hospitals. When you open the drums and look in them, you find gloves, surgical masks and a whole range of hospital related equipment. The waste which is generated from the time of the commissioning of the new reactor to the construction of the waste facility will be Commonwealth sourced waste. A small amount of that will come from hospitals but, thanks to South Australia—

Ms Macklin interjecting—

Dr NELSON—That is right, and there is the Northern Territory sourced waste of course. But thanks to the South Australian government, New South Wales hospitals, for example, will have a responsibility to store the waste that they continue to generate—

Ms Macklin—And that will continue? I want to clarify that.

Dr NELSON—That will continue. Western Australia and Queensland have already developed their own specific facilities. The HIFAR operating licence would require further regulatory consideration, should it be necessary to significantly operate HIFAR beyond the end of 2006.

Ms Macklin—There is no actual end date?

Dr NELSON—I think we would have to get it relicensed for it to continue beyond December 2006. There might be a few months here or there. There are two issues. The replacement reactor is the largest investment in science infrastructure our country has ever made, and it will take us six years to get this facility built. As far as we are concerned, there is very limited capacity—if any—to postpone the licensing of the new reactor or to see HIFAR continue for any length of time.

Ms Macklin—There is not an actual end date?

Dr NELSON—There is no specific end date. There is no doubt, from the government’s point of view, that the chief executive of ARPANSA would be seriously stretching his own credibility, and that of ARPANSA, if he were to allow HIFAR to continue much beyond the end of 2006. As I emphasised earlier in the debate, in 2011 the first shipments of reprocessed fuel will arrive back from the UK and France.

Question agreed to.

Question put:
That the bill, as amended, be agreed to.

The House divided. [11.44 am]

(The Deputy Speaker—Mr Wilkie)

Ayes……………. 81
Noes……………. 56
Majority………. 25

AYES

Third Reading

Dr NELSON (Bradfield—Minister for Education, Science and Training) (11.50 am)—by leave—I move:

That this bill now be read a third time.

The House divided. [11.51 am]

(The Deputy Speaker—Mr Wilkie)

\begin{align*}
\text{Ayes} & \quad 81 \\
\text{Noes} & \quad 56 \\
\text{Majority} & \quad 25
\end{align*}

\textbf{AYES}

Abbott, A.J.\hspace{1em}Anderson, J.D.
Andrews, K.J.\hspace{1em}Bailey, F.E.
Baird, B.G.\hspace{1em}Baker, M.
Baldwin, R.C.\hspace{1em}Barresi, P.A.
Bartlett, K.J.\hspace{1em}Billson, B.F.
Bishop, B.K.\hspace{1em}Bishop, J.I.
Broadbent, R.\hspace{1em}Brough, M.T.
Cadamman, A.G.\hspace{1em}Causley, I.R.
Ciobo, S.M.\hspace{1em}Cobb, J.K.
Downer, A.J.G.\hspace{1em}Draper, P.
Dutton, P.C.\hspace{1em}Elson, K.S.
Entsch, W.G.\hspace{1em}Fawcett, D.
Ferguson, M.D.\hspace{1em}Forrest, J.A. *
Gambaro, T.\hspace{1em}Gash, J.
Georgiou, P.\hspace{1em}Haase, B.W.
Hardgrave, G.D.\hspace{1em}Hartshuyker, L.
Henry, S.\hspace{1em}Hull, K.E.
Hunt, G.A.\hspace{1em}Jensen, D.
Johnson, M.A.\hspace{1em}Katter, R.C.
Keenan, M.\hspace{1em}Kelly, D.M.
Kelly, J.M.\hspace{1em}Laming, A.
Ley, S.P.\hspace{1em}Lindsay, P.J.
Lloyd, J.E.\hspace{1em}Macfarlane, I.E.
Markus, L.\hspace{1em}May, M.A.
McArthur, S. *\hspace{1em}McGauran, P.J.
Moylan, J.E.\hspace{1em}Nairn, G.R.
Nelson, B.J.\hspace{1em}Neville, P.C.
Panopoulos, S.\hspace{1em}Pearce, C.J.
Prosser, G.D.\hspace{1em}Pyne, C.
Randall, D.J.\hspace{1em}Richardson, K.
Robb, A.\hspace{1em}Ruddock, P.M.
Schultz, A.\hspace{1em}Scott, B.C.
Secker, P.D.\hspace{1em}Slipper, P.N.
Smith, A.D.H.\hspace{1em}Somlyay, A.M.
Stone, S.N.\hspace{1em}Thompson, C.P.
Ticehurst, K.V.\hspace{1em}Tollner, D.W.
Truss, W.E.\hspace{1em}Tuckey, C.W.

\textbf{NOES}

Adams, D.G.H.\hspace{1em}Albanese, A.N.
Bevis, A.R.\hspace{1em}Bird, S.
Bowe, C.\hspace{1em}Burke, A.E.
Burke, A.S.\hspace{1em}Byrne, A.M.
Corcoran, A.K.\hspace{1em}Cread, S.F.
Danby, M. *\hspace{1em}Edwards, G.J.
Elliot, J.\hspace{1em}Ellis, A.L.
Ellis, K.\hspace{1em}Emerson, C.A.
Ferguson, L.D.T.\hspace{1em}Ferguson, M.J.
Fitzgibbon, J.A.\hspace{1em}Garrett, P.
Georganas, S.\hspace{1em}George, J.
Gibbons, S.W.\hspace{1em}Gillard, J.E.
Grierson, S.J.\hspace{1em}Griffin, A.P.
Hall, J.G. *\hspace{1em}Hatton, M.J.
Hayes, C.P.\hspace{1em}Hoare, K.J.
Irwin, J.\hspace{1em}Jenkins, H.A.
Kerr, D.J.C.\hspace{1em}King, C.F.
Lawrence, C.M.\hspace{1em}Livermore, K.F.
Macklin, J.L.\hspace{1em}McClelland, R.B.
McMullan, R.F.\hspace{1em}Melham, D.
Murphy, J.P.\hspace{1em}O’Connor, B.P.
O’Connor, G.M.\hspace{1em}Owens, J.
Pilbersek, T.\hspace{1em}Price, L.R.S.
Quick, H.V.\hspace{1em}Ripoll, B.F.
Roxon, N.L.\hspace{1em}Rudd, K.M.
Sercombe, R.C.G.\hspace{1em}Snowdon, W.E.
Swan, W.M.\hspace{1em}Tanner, L.
Thomson, K.J.\hspace{1em}Vamvakinou, M.

* denotes teller

Question agreed to.

Bill, as amended, agreed to.
Consideration in Detail

Bill—by leave—taken as a whole.

Mr TOLLNER (Solomon) (11.57 am)—by leave—I move:

(1) Title, page 1 (line 1), omit “an amendment”, substitute “amendments”.
(2) Clause 1, page 1 (line 7), omit “Amendment”, substitute “Amendments”.
(3) Schedule 1, item 1, page 3 (line 7), after “section”, insert “3C or”.
(4) Schedule 1, page 3 (after line 8), at the end of the Schedule, add:

Australian Radiation Protection and Nuclear Safety Act 1998

2 After paragraph 21(1)(c)
Insert:

(ca) a person nominated by the Chief Minister of the Northern Territory;

Like the last amendments, these amendments have been flagged and drafted by the Northern Territory Country Liberal Party. They have been formulated in the best interests of all Australians and I am glad to propose them on behalf of all Territorians. There is an amendment to provide for an additional position on the Radiation Health and Safety Advisory Council established under the Australian Radiation Protection and Nuclear Safety Act 1998. The position is for a representative nominated by the Chief Minister of the Northern Territory. This amendment will allow Territorians to monitor, more closely and better, developments and practices at that facility.

It would be remiss of me not to mention the comments of the member for Lingiari and the member for Jagajaga in the last debate. My grandmother used to have a bit of a saying and I think it is a cliche that is used across the whole of Australia. She used to say to me, ‘Hollow vessels make the most noise.’ The member for Lingiari is the living, breathing, walking embodiment of that
cliche. People have talked about the Leader of the Opposition being a bit of a blowhard and engaging in windbaggery; he must have learnt his lessons well from the member for Lingiari because he has made a complete art form of it.

What gets me most about the way in which the Labor Party have conducted themselves in this whole debate is that they have provided absolutely no alternative site. They have provided no alternative site to the government. They have just dug their heels in, buried their heads in the sand and said no. What they have not done is rule out the Northern Territory. The member for Lingiari says that the facility cannot come to the Northern Territory and that I and Senator Scullion have no say in the coalition government. I ask the member for Lingiari: what sort of say does he have in the federal Labor Party when he cannot even get the Northern Territory ruled out? The Labor Party have not said that we do not need a store; they have not ruled out the Northern Territory. As I mentioned last night, the hidden agenda of the federal Labor Party is to locate this waste facility in the Northern Territory.

I again thank the Country Liberal Party for the effort that they have put in, particularly Senator Nigel Scullion—

Mr Snowdon—What about Jodeen?

Mr TOLLNER—and of course Jodeen Carney. There is no doubt about it: Jodeen’s fingerprints are all over these amendments. I thank the Leader of the Opposition in the Northern Territory for that. But I should make particular mention of Senator Nigel Scullion. He has taken the brunt of the misinformation campaign that is being peddled by the Labor Party and funded by the Northern Territory government and Territory taxpayers.

What has happened in the Northern Territory is an appalling situation for democracy and people’s freedom to express particular points of view, especially when government ministers and government ministers’ staff are circulating emails around the Public Service—I do not think this has happened anywhere in the country at any time—and engaging the whole Public Service in running a smutty smear campaign of misinformation like the one the Northern Territory government has tried to run. Senator Scullion has conducted himself magnificently throughout this whole escapade. He has braved the misinformation campaign. He has put good arguments to the public, and he is receiving support from the public.

I call again on members to recognise that Territorians are prepared to do what is right. They are prepared to do their bit for the national interest, and I call on everyone to support—\(\text{(Time expired)}\)

Question agreed to.

Question put:

That the bill, as amended, be agreed to.

The House divided. [12.06 pm]
(The Deputy Speaker—Mr Wilkie)

\begin{tabular}{lccc}
Ayes & Noes & Majority \\
79 & 55 & 24 \\
\end{tabular}

\textbf{AYES}

Anderson, J.D. & Andrews, K.J. \\
Bailey, F.E. & Baird, B.G. \\
Baker, M. & Baldwin, R.C. \\
Barresi, P.A. & Bartlett, K.J. \\
Billson, B.F. & Bishop, B.K. \\
Bishop, J.I. & Broadbent, R. \\
Brough, M.T. & Cadman, A.G. \\
Causley, I.R. & Ciobo, S.M. \\
Cobb, J.K. & Downer, A.J.G. \\
Draper, P. & Dutton, P.C. \\
Elsen, K.S. & Entsch, W.G. \\
Fawcett, D. & Ferguson, M.D. \\
Forrest, J.A.* & Gambaro, T. \\
\end{tabular}
Wednesday, 2 November 2005

House of Representatives

CHAMBER

Gash, J.
Haase, B.W.
Hartseyker, L.
Hockey, J.B.
Hunt, G.A.
Johnson, M.A.
Keenan, M.
Kelly, J.M.
Ley, S.P.
Lloyd, J.E.
Markus, L.
McArthur, S.
Moylan, J.E.
Nelson, B.J.
Panopoulus, S.
Prosper, G.D.
Randall, D.J.
Robb, A.
Scott, B.C.
Slipper, P.N.
Somlyay, A.M.
Thompson, C.P.
Tollner, D.W.
Tuckey, C.W.
Vasta, R.
Washer, M.J.
Wood, J.

Georgiou, P.
Hardgrave, G.D.
Henry, S.
Hull, K.E.
Jensen, D.
Kelly, D.M.
Laming, A.
Lindsay, P.J.
Macfarlane, I.E.
May, M.A.
McGauran, P.J.
Nairn, G.R.
Neville, P.C.
Pearce, C.J.
Pyne, C.
Richardson, K.
Schultz, A.
Secker, P.D.
Smith, A.D.H.
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Ticehurst, K.V.
Truss, W.E.
Vale, D.S.
Wakelin, B.H.
Windsor, A.H.C.

Quick, H.V.
Roxon, N.L.
Snowdon, W.E.
Tanner, L.
Vanvakinos, M.

* denotes teller

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Dr NELSON (Bradfield—Minister for Education, Science and Training) (12.11 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

HEALTH LEGISLATION AMENDMENT BILL 2005

Second Reading

Debate resumed from 14 September, on motion by Mr Pyne:

That this bill be now read a second time.

Ms GILLARD (Lalor) (12.11 pm)—I apologise for my earlier confusion, but we are so expecting the current Minister for Health and Ageing to be reshuffled out of the job and for the current Minister for Education, Science and Training to end up with it that, when I saw him at the table, I thought that might have already happened. That is why I thought we were debating a health bill earlier. The Health Legislation Amendment Bill 2005 has three distinct schedules that are, in fact, unrelated. One is a completely technical schedule dealing with amendments relating to the definition of the term ‘dependants’ under the National Health Act 1953. These technical amendments make it clear that, in regulatory provisions governing health insurance, references to ‘contributor’ also include ‘dependants’ where such dependants are also members. These amendments will ensure that all members of health insurance funds with appropriate insurance...
cover are adequately covered by the existing regulatory scheme. The Department of Health and Ageing advises that this oversight has not been an issue to date, but, with the private health insurance funds increasingly seeking to limit their costs, the department is concerned about covering all loopholes, and consequently this is a prudent measure which Labor supports.

There are two other schedules to this bill and I will deal with them in turn. The first proposes a set of amendments that essentially relate to the pharmacy location rules. Members may recall that the matter of the pharmacy location rules has been dealt with in this House already this year. What happened was that the five-yearly pharmacy agreement that the government negotiates to cover the costs of distribution of medicines throughout Australia—that is, wholesaling costs and pharmacy costs—came to an end on 30 June this year.

The Howard government, in keeping with its general incompetence in the area of health—which is so well documented that I do not need to go through it—knew this agreement was coming to an end on 30 June 2005 but could not manage to enter into timely negotiations with the Pharmacy Guild, the wholesalers of medicines and the other relevant parties to conclude a new pharmacy agreement to start on 1 July this year. This was an act of gross incompetence. If you cannot get something done with a five-year run-up, one wonders what you can competently do. But, with the incompetence of this government in the area of health being so clear, despite the fact that for five years they had known that the agreement would come to an end on 30 June 2005, they were not in a position to conclude a new agreement on that date. Consequently, the old agreement has been continued whilst negotiations have continued on a new pharmacy agreement. Mr Deputy Speaker, you may have seen commentary in the news media that a new agreement has been concluded.

Part of the issue that needed to be determined between the Howard government and the pharmacists as part of the broad negotiations around the new pharmacy agreement is what is known as the ‘pharmacy location rules’. The pharmacy location rules are currently dealt with through the National Health Act 1953, which provides for the establishment of the Australian Community Pharmacy Authority, whose role it is to consider applications by pharmacists to supply PBS medicines and to make recommendations as to their approval. Through this statutory power there exists a set of pharmacy location rules, which govern where new pharmacies may be set up. Originally, the provisions for the pharmacy location rules—and, indeed, for the existence of the Australian Community Pharmacy Authority—were due to cease to operate after 30 June 2005. So there is no mystery to this. There was a five-year agreement and it was coming to an end on 30 June. It was always thought that, in the course of negotiating a new agreement, new arrangements may have been come to about pharmacy location rules. Consequently, the old pharmacy location rules were due to come to an end on the same date as the agreement, with the expectation that a new agreement and a new set of accords around pharmacy location rules would have commenced on 1 July 2005. That would have been a rational scheme, had the incompetence of the Howard government not interceded, but things were not done by 30 June.

This parliament has already dealt with a bill which extended the operation of the pharmacy location rules from 30 June to 31 December this year. That had already been done by this parliament as a patch-up job to help the Howard government stagger through its incompetence in relation to the pharmacy
agreement. At the time the parliament gave that extension, by way of legislation to the pharmacy location rules, the Howard government’s stated reason for the extension was that it would allow the government to consider the findings and recommendations of the joint review of the pharmacy location rules, which were received in June. This has been cited once again as the reason for the second extension that is now sought, which will push the pharmacy location rules out even further and extend their operation to 30 June 2006.

I should note that the joint review that is being discussed by the government in this context was undertaken in accordance with a commitment made in the third community pharmacy agreement between the Commonwealth and the Pharmacy Guild of Australia. The review was conducted by Allen Consulting Group and the draft report was initially rejected by the Pharmacy Guild as being ‘incomplete, inaccurate and entirely at odds with the terms of reference’. Mr Deputy Speaker, I am sure you would recall that, in the first six months of this year, the Minister for Health and Ageing had more positions on pharmacy location rules than could be counted. Indeed, he used to change his position inexplicably overnight and then change it back to the position he had the day before yesterday—and on and on and on these back flips went. He is lucky that he is a fit man!

We know that the Howard government went to the community pharmacists before the election and gave them a significant series of commitments. They were looking to the community pharmacists to be if not supportive then at least benign and not campaign against the Howard government. When the government is in election mode, nothing is too much trouble and no commitment that is sought will not be given. The community pharmacists sought a series of commitments, the major one being a commitment to not have pharmacies in supermarkets. We know that an election commitment given by the Howard government expires as soon as the polls close on election day. This is a lesson that the Australian community should well and truly learn. Anything said by this government in the course of an election campaign should really come with a clarifying clause at the bottom which says: ‘This is a solemn promise until the voting stations close on election day, whereupon it will be completely disregarded for all time, no matter what terms it has been given in.’

The Minister for Health and Ageing specialises in these kinds of promises. Indeed, he does very little else. For example, we had the rock solid, ironclad guarantee that the Medicare safety net would not be changed, which, of course, was a rock solid, ironclad guarantee until the votes were in the ballot box and then it was meaningless. For the first six months of this year it looked like the commitment given to community pharmacists—it was on prime ministerial letterhead and signed by the Prime Minister; you would think you could get no greater degree of assuredness about the solemnness of a promise than a commitment in writing from the leader of this nation—was guaranteed. But, once again, true to Howard government form, down at the bottom of that promise, in invisible ink, were the words: ‘This promise expires at the close of the ballot boxes on election day.’ The Howard government was preparing to break its word and, in the course of entering a new pharmacy agreement, it was going to put pharmacies into supermarkets.

So the minister for health, who before the election had wandered to a Pharmacy Guild conference, where he obviously did not want the audience to give him a hard time, and said pharmacies would not go into supermarkets, a very short period of time later—when he was not at a Pharmacy Guild con-
ference so did not have to worry about people immediately giving him a hard time in his personal space—started musing about pharmacies going into supermarkets. Then he changed his mind again: ‘No, no. Pharmacies are not going into supermarkets,’ and back and forth and back and forth. So who would know what the minister genuinely believes? Indeed, I suspect he has precious little understanding of what he genuinely believes himself, given that his genuine beliefs would be very few and far between. But on this matter he changed his mind from time to time.

It was clear that the government were not in a position to conclude a new pharmacy agreement. They did not know what they were going to do next on the pharmacy location rules, so they came into this parliament and sought an extension to the pharmacy location rules to the end of this year. Now they are seeking a further extension. It may now be, though—I do not know for sure—that this provision in the bill really has no work to do because they have concluded. That is as I understand it from media reports, because the last thing you would ever expect from this government is openness and transparency or that they would be prepared to give full information to the opposition—or, indeed, to any Australian—about matters of public importance, such as the way medicines get distributed in this country.

So I do not know for sure, but it seems to me from the press reports that a new pharmacy agreement has been concluded and a new accord has been struck about the pharmacy location rules. It may therefore be that this legislative provision is left without any work to do. We do not know. It may be that the minister, when he sums up in this debate—if he bothers to come and does not send his parliamentary secretary, which is what he routinely does these days—can answer for us what it is that this further extension to the pharmacy location rules is required for, in view of the fact that a pharmacy agreement has now been concluded, inclusive with a new accord about location rules, we understand.

Just to make it abundantly clear, we are here today because of the incompetence of the Howard government in concluding a new pharmacy agreement. We are here today because, notwithstanding the solemn promise of the Prime Minister on prime ministerial letterhead in the run-up to the last election, the Howard government was well and truly prepared, if it suited it, to break that promise to community pharmacists. And, because of its incompetence, because of its preparedness to break its word, it has been back and forth into this parliament seeking extensions to the pharmacy location rules, and this is another one of those extensions. Whether or not we ought to, we, in the interests of Australians, do what we can to patch over the Howard government’s incompetence in the area of health. They of course do not deserve a hand, but Australians do deserve to get their medicines on time with a distribution mechanism that works effectively. Consequently, we have been prepared to patch for the Howard government, and we are prepared to patch once again on this matter.

Whilst I am on the question of pharmacies, I must raise with the House a very important issue about pharmacies which is on the agenda today. That very important issue about pharmacies is the decision of this government to save $33 million in the budget by taking calcium tablets off the Pharmaceutical Benefits Scheme. Just as with the other election promises I have talked about, the Howard government did not go to the last election campaign and wander around electorates—marginal electorates, safe electorates, all electorates—saying, ‘If we’re elected, we’ll rip calcium off the PBS,’ because they do not tell the truth about those things in election campaigns. But, sure enough, come the
budget, when the Treasurer is prevailing over the minister for health and the minister for health is required to generate savings by the Treasurer and does not have the political or intellectual fortitude to withstand the Treasurer’s onslaughts, of course the minister for health cobbled together a saving on the PBS, and the saving he cobbled together was a $33 million saving by taking calcium off the PBS.

Mr Deputy Speaker, you might from time to time think to yourself it would be a good idea to wander down to the pharmacist and get some calcium tablets to take. You might from time to time think it is important to drink your milk, for example, to get some calcium. You might choose to take those decisions in pursuit of good health, but the listing of calcium tablets on the PBS was not about those of us who think occasionally, ‘Maybe I should have a bit more calcium in my diet.’ The listing of calcium tablets on the PBS was restricted to the treatment of those who have chronic renal failure and, as a result of that, have a condition which means they need to take a lot of calcium; people who have hypocalcaemia, which is a condition that means you cannot properly absorb calcium and need to take a lot of it; people who have osteoporosis and are taking PBS medication for it; and people with other proven forms of calcium malabsorption. So you need to be unwell in a way which means you need a lot of calcium to qualify for calcium on the PBS.

In the Howard government budget, it was those very Australians who are unwell and have chronic conditions that the minister for health decided should have calcium ripped out of their hands. He ripped the calcium out of their hands and, if they could no longer afford calcium themselves and were paying full price for it down at the pharmacy, too bad. Too bad if you have chronic renal failure, too bad if you have osteoporosis and too bad if you have calcium malabsorption. The minister for health could not care less about that. He was looking for a budget saving.

The interesting thing about this is that the minister did not ask the experts. Our whole Pharmaceutical Benefits Scheme works because the foundation stone of it is that experts, most particularly the Pharmaceutical Benefits Advisory Committee, look at medicines and say, ‘Is it cost effective? Is it clinically effective?’ If it is, it goes on the PBS. The minister for health did not go to the PBAC and say, ‘What would be your expert opinion about taking calcium off the PBS?’ He did not do that, because he wanted a budget saving. He was not interested in listening to what the experts had to say, so he just ripped it off the PBS.

With calcium having been ripped off the PBS in the budget Labor of course commenced a campaign against this de-listing, which is a disgrace, particularly in the absence of expert advice. The community commenced a campaign against this de-listing, and that campaign has been partially successful. Obviously the minister for health knew this would be reported as a backflip so he did what he normally does when he knows he has a story to run that is bad news for him: he slipped it out in a way that meant it would not attract media attention. In accordance with his normal, mean, tricky and manipulative performances in the media, on Friday, when the newspapers have early deadlines because of the big nature of Saturday editions, the minister for health sticks out a little release saying that, actually, he has consulted the experts and that, actually, the experts have prevailed upon him and he is going to keep calcium on the PBS for chronic renal failure.

Today I am in a position to reveal that the minister for health might have done that.
small backflip but he certainly has not done what the experts asked him to do. I know that the special meeting of the Pharmaceutical Benefits Advisory Committee that was held in July to discuss the budget decision of the minister for health to rip calcium off the PBS advised the minister for health that the PBAC, the experts who run our PBS system, were ‘concerned that these patient groups’—when I say ‘these patient groups’ I mean the groups that I listed before—‘would not be optimally treated if they ceased taking calcium tablets should they become less affordable by de-listing’. That is, the experts were saying to the minister that he needed to fully backflip on this matter. The experts were saying to him that they were concerned beyond the question of those with chronic renal failure. They were concerned, for example, for the fate of those who have osteoporosis, who take PBS-listed medication for osteoporosis. That medication does not work, of course, unless you take it in conjunction with calcium. The experts were concerned about the conditions those people would face if they could no longer afford their calcium. They were prevailing on the minister to do the big backflip, to acknowledge that what he did in the budget was stupid and cruel, and without the benefit of expert advice, and to walk out and do a press conference and say: ‘I have been stupid and cruel. I have got it wrong. I am now going to wholly backflip on the question of what I have done with calcium. I am going to listen to the experts.’

The minister for health is not a big enough man to do that. So he snuck out a tiny backflip under the radar, under the media agenda, late on Friday. He did not want anybody to know about it. I will tell you that the one thing he absolutely does not want anybody to know is that what he has done does not equal what the experts asked for. What he has done in no way equals what the experts have asked for. Consequently, it is not good enough from the point of view of those who use calcium and not good enough from the point of view of those who represent them. Today the groups that represent those who have osteoporosis and bone issues are out, publicly calling on the minister to do the big backflip. I will take you very briefly to the media release entitled ‘Key medical and consumer groups rally against removal of calcium supplements from PBS’, which reads:

In an unprecedented move, Osteoporosis Australia (OA), the Australian & New Zealand Bone & Mineral Society (ANZBMS), the Australian Rheumatology Association (ARA) and the Australian Orthopaedic Association (AOA) have spoken out against Mr Abbott’s decision.

That is, the decision to not reinstate calcium on the PBS for people with osteoporosis. It goes on:

According to Professor Philip Sambrook, Medical Director of Osteoporosis Australia, the Government’s decision will affect many Australians, especially those taking calcium supplements in an effort to reduce their risk of osteoporosis and fractures.

Professor Sambrook went on to say:

We believe this is a poor decision by the Health Department, especially when calcium supplements are commonly prescribed for post-menopausal women and in conjunction with osteoporosis medications, as well as for other diseases.

People with osteoporosis should also be included in the listing. Calcium supplementation plays a critical part in the management of people with osteoporosis.

Professor Lyn March, head of the Australian Rheumatology Association, in the same media release said:

The government is overlooking the important issue that calcium supplements are commonly used by people on multiple medications. Mr Abbott’s comment that paying full price for calcium supplements is relatively inexpensive is just nonsense to these people.
So there we have it: the absolute experts in the field are out today saying that what the minister for health did in the budget in May was stupid and cruel, that it will hurt people and that a small backflip is not good enough. In question time today the minister will no doubt have opportunities. He can organise to be asked a question about this by his back-bench, and when asked that question he could say, 'I was wrong and I completely reverse this decision. I will not leave people with osteoporosis in this position.' I think Australians will judge him on the basis of whether he does that today, although we know that most Australians already have a very decided view about the merits of the minister for health.

Finally, there is a third schedule to this bill which I think could best be referred to as ‘a minister for health special’. This is a naked attempt to grab a power for the minister for health to take things off Medicare. He wanted to have in his own hands the power to take things off Medicare. I do not think any minister for health should be trusted with the power to have a completely unfettered discretion in the way that this minister for health seeks to have it. I do not think any minister for health should have that power because, of course, that power would be used to achieve cost-cutting when required for the government. The last minister for health that you would ever give that power to is this minister for health, because we know that he is not at all interested in health outcomes for Australians but is completely dominated by his own personal agendas and belief systems. He has sought to take things off Medicare not for any reason that serves the public purpose but for reasons that serve his own private purposes.

Mr Deputy Speaker, you would of course remember his attempt to limit Medicare access to IVF, which was only defeated by Labor and community campaigning. He is on the public record immediately after the last election—once again, not before the last election—as having a personal desire to take off the Medicare schedule procedures that relate to abortion. We know that abortion as such is not listed as an item on the Medicare schedule but that there are procedures that are used for abortion and other purposes that are Medicare listed. The minister for health has had a longstanding and—after the last election—publicly articulated view that Medicare funds should not flow for these sorts of procedures.

Mr Deputy Speaker, Australians will have different views on those sorts of matters, but I tell you this: Australians want decisions of that kind of magnitude made, if they are going to be made anywhere, by the whole of the parliament, not by the minister for health sitting in his office and thinking to himself about what he would like to take off Medicare today—which is the power that the minister sought. The only justification given for this naked power grab was the suggestion that there can be some misuse of Medicare items by doctors, that they can be getting Medicare payments for procedures which were not originally envisaged as being on the Medicare system when the item was defined and that, consequently, the minister needed the power to deal with this. But of course we know that forever and a day these things have been dealt with by the Health Insurance Commission, now Medicare Australia, issuing cease and desist orders. Apparently that has only struck a problem on one occasion—and it was laughable to suggest that this very big sledgehammer should be brought to crack that very tiny nut—so if there is a problem at the margins with the misuse of Medicare items and refusals by medical practitioners to abide by cease and desist orders then that can be dealt with in another way.
We understand that the minister for health actually accepts now that community opinion is so against him on the question of this schedule that there will be an amendment moved in the consideration in detail stage to delete this schedule, and I trust that that does happens. But, insofar as that schedule plays any part in this bill, Labor is opposed to it. If that schedule is deleted, then Labor will support the other two items. Of course, that schedule is still in there for the second reading debate. With those words, I move the second reading amendment which raises these issues:

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

1. failing to complete the Fourth Pharmacy Agreement in a timely fashion;
2. providing an unnecessary and unjustified power to the Minister to enable him to override expert advice and limit Medicare benefits in any way he sees fit; and
3. failing to consult with stakeholders on the need for this new power”.

The DEPUTY SPEAKER (Mr Hatton)—Is the amendment seconded?

Mr Bevis—I second the amendment and reserve my right to speak.

Mrs HULL (Riverina) (12.42 pm)—It is always interesting to follow the member for Lalor. To stand at the dispatch box and criticise for 30 minutes is a pretty significant effort. One can only congratulate somebody for having so much criticism stored up in their mind that they can stand and raise these issues time after time. However, that is not the reason why I am on my feet today. I am on my feet to actually speak on the schedules of the Health Legislation Amendment Bill 2005 that we have in front of us. The bill contains three schedules, but the one schedule that I am most interested in is the schedule that extends the existing arrangements for approving pharmacists to supply Pharmaceutical Benefits Scheme medicines until 30 June 2006. The existing provisions relating to the pharmacy location rules will cease to operate on 31 December 2005, as we heard the member for Lalor outline.

Rather than asserting incompetence by the Minister for Health and Ageing and the Howard government on this issue, I would like to stand and applaud the Hon. Tony Abbott and tell him just how happy I am that the minister is so responsible, so willing and so agreeable to listen and consult further on this very important issue. Rather than implement legislation that could dramatically impact on the Australian people, particularly those people in the Riverina electorate that I represent, this minister, as always, as he has continually demonstrated not just to this House but to the Australian public, has listened and learned, and he wants to learn some more. He wants further attention paid to the issue and he is prepared to accept 30 minutes of very disparaging remarks at the dispatch box so that consideration may continue. I do not believe this is incompetence. I think this is a minister with a mind. This is a minister who accepts changing his mind. It just proves that he does have a mind to change. He is not aimlessly going in one direction. He has a very strong focus on the future intent of the legislation on the Australian people. This is the way this parliament should work: you should have to listen and consult further if there are further issues to consider. That certainly should not be considered as incompetence. Rather, that should be considered as being very thorough in your portfolio, and I commend the minister for being so.

I want to raise the issue of pharmacy location. I have spoken many times in this House about the significant and important role that pharmacists play within Australian society, particularly in my electorate of Riverina.
Every single one of my constituents values their community pharmacist and the work that he or she does within my electorate. These people work extremely hard and long hours in rural and regional areas. Many work to cover the shortfalls that exist due to limited numbers of general practitioners in many of our rural areas. Pharmacists ease the burden on many families and residents of rural and regional areas because, if people have access to a pharmacist, they will have educated, reliable advice and assistance to help them through very troubling times, particularly if they have to go off to another town to attend a GP or a specialist and they come back with a prescription to be filled. It is a relief to have a pharmacist there to fill those prescriptions and provide advice, particularly if there is an allergy to the medication prescribed, which happens on a number of occasions because the specialist or prescribing practitioner is not aware, nor could they know, of it. In those areas a pharmacist provides invaluable assistance.

As a representative of rural and regional constituents and many hard-working and dedicated pharmacists, I am aware of the importance of a strong and viable pharmacy industry. This is where the pharmacy relocation rules come into play. I am deeply opposed to the idea of large companies such as Woolworths, Coles and others being given an opportunity to set up concise and limited pharmacy applications within their supermarkets. It is something that I will always deeply oppose because I rely particularly on community pharmacists providing valuable medical advice, support and contact to the people I represent in many areas in the Riverina.

It is not only in the PBS area that pharmacists provide such amazing support. I visit pharmacists as I go around my electorate, and one who comes to mind works at a Gundagai pharmacy—a typical rural, single pharmacy in a town. Pharmacists know the customer, the client, the base and the problems and they are able to identify and flag many of the major issues that would confront or create problems for their client-customer base. They are absolutely dedicated to providing me with information that ensures that their customers are not going to be affected. They go to measures which are over, above and beyond what is expected to ensure that we are well cognisant of many of the facts.

I believe that community pharmacy requires a certain type of person with an actual commitment. It is not just a career; it is a choice of lifestyle, particularly in rural and regional areas, to serve a community and offer the best advice, assistance and service that they can. This is what I see displayed in rural and regional pharmacies in my electorate. They have a passion and a commitment to the provision of health services within their community. I ask the question: will this type of care and service be available to the customers of Woolworths, Coles and any other multinational which might want to consider dipping their toes into the water to take a very select part of pharmacy into their confines?

A former President of the Pharmacy Guild of New Zealand, Gray Maingray, has written an excellent article called ‘Threat to our unique and exceptional pharmacy system’. He recently came to Australia and outlined his concerns for the future of community pharmacy. In this article, he said:

In Britain, independents typically practice in poorer and more difficult areas— that is what we see in every other facet where multinationals have taken over different aspects of delivery of service, not just in pharmacy but in newsagencies and in other areas— as the bigger operators ‘cherry-pick’ the most profitable locations.
That is the past, that is the present and that is the future. You do not get anything other than that because the bigger operators are not subservient to their community. The bigger operators and the multinational supermarkets are subservient to their shareholders. The only reason for their existence is to provide return and value to their shareholders. Gray Maingray goes on to say:

Independent community pharmacists are the ones who know the people. They have the relationships with GPs. They put their profits back into the community by using local tradesmen and spending at local stores.

And employing local people. I ask: where do these multinationals take all of their profits? Maybe they get delivered to the Australian shareholder, to the international shareholder or to other areas, but for uniquely small businesses, delivered to communities in rural and regional Australia, their dollar stops within their local community; it is not spread and watered down by a multiplier factor right across Australia. Gray Maingray goes on to say:

Australia and New Zealand’s system of independently-owned and operated community pharmacies is, in my personal experience, the best in the world. Any deviation could threaten that system.

My catchcry has always been, ‘You don’t know what you’ve got till it’s gone.’ It is the old big yellow taxi argument all the time: until it is gone you do not know what you had, and that is when you really appreciate it.

The reason I am speaking in this House today is to congratulate the minister, rather than condemn him, for reviewing this issue further and for allowing the current agreement to remain in place longer so that all of these issues can be aired and can be truly assessed. I look again at Mr Maingray’s article, which states that non-food sales have been identified as the real growth opportunity for supermarkets. That might be okay, but I have always opposed—like the deregulation of newsagencies—supermarkets being able to cherry-pick just the fast-moving items and take them and put them into their supermarkets. Do not worry about the delivery of the newspapers, for which you have to get up at four o’clock in the morning, where you have to roll them and then go out in the little van and whip them over the fence to somebody’s house. Nobody wants to do that because it is time intensive and there is very little return on it, but that is what we call a service delivery mentality in the best, most inclusive and holistic way, and that service generally comes from small business and independently owned businesses. Mr Maingray reported that this area of non-food sales is expected to grow by 71 per cent in multinational food chains and supermarkets by 2007. He also stated something that is very worrying: that in Britain some customers wait up to one week for prescriptions, with many facing significant queues.

That leads me into—and I would like to have a bit of licence here—the issue of wholesaling. We have four options for the wholesale distribution of PBS medicines currently under discussion in the fourth pharmacy agreement. There are four options on the table. Option 3 is the wholesaler-funding pool. To my mind, this option is the only option that will continue to guarantee that all Australians, but more particularly the Australians that I represent in the Riverina—I am interested in all Australians but more particularly in Riverina people—will get equity in accessing the pharmaceuticals and treatment they require, whether they use the top little fast-moving items or whether they are the only one with a particular health problem that demands a particular type of treatment, in an affordable and timely manner.

That is currently the service provided by full-line wholesalers into pharmacies in my electorate of Riverina. It enables a full sup-
ply, an entire range, of pharmaceuticals to all pharmacies within 24 hours. It is the most critical part of the delivery of quality pharmacy services in the Riverina. That delivery includes the cold chain factor and also the security that is particularly required for significant schedule drugs. Everyone has examined the four options that have been presented in the past few months, and it is my view that only option 3—that is, for the full-line wholesalers to continue as they are but with some amendments—will enable the distribution of the full range of the 2,600 PBS listed medicines to 5,000 pharmacies across Australia, including rural and regional areas, within 24 hours of that need. Only option 3 will ensure that all Australians, as I said, regardless of where they live, will be able to get that affordable and timely access to PBS medicines.

What the minister has done is very correct and true. There is an absolute deliberate and legitimate need for governments to look at and review the cost-effectiveness of the arrangements and to take all reasonable steps to ensure that the PBS remains sustainable into the future, particularly as we have an ageing population. Also, we have made significant advancements in medical science that enable people to live when many years ago they would have perished from some disease or illness, from car accidents and multiple accidents or from anything else that you could imagine. We will now have more people reliant totally for life on the PBS. We will have fewer taxpayers entering the system. This minister on behalf of the government—on behalf of any future government, no matter what side of the fence your politics are on—has to ensure that the PBS remains legitimate and sustainable for the future. Option 3 does assist and achieve this end by capping the payment by government to participating wholesalers, thus making it financially responsible and sustainable, as I have said, in the long term.

The industry is pliable and agreeable to having discussions and so it should be. The industry should not be thinking that it is untouchable, because there is a need for it to be accountable as well. I am not putting all accountability onto the government’s side and no accountability onto industry, but the industry and generally the pharmacists that I represent do want to be accountable. They want to ensure that qualifying wholesalers deliver to pharmacies nationwide and do not just cherry-pick those areas where there are the most profitable pharmacies. They, of course, are predominantly located in many of the high critical mass metropolitan areas. Option 3 is not linked to PBS prices, and so it assists the government to continually keep reforming the PBS to ensure its sustainability in the long term.

These are the issues which most concern me in relation to the continuing negotiations that are being undertaken in some of these areas and that have given me the opportunity to speak on this in the parliament today. But can I also sum up with my great support for my local pharmacies. They provide many services free of charge. You can always walk into a pharmacist and ask for assistance. I walked into a pharmacy yesterday right here in Canberra and sought assistance with a small problem. The pharmacist made time available to come out and give me a long run-down on exactly what I might need to get me over this small glitch.

Pharmacists are always available, and they also provide home deliveries for the elderly. They provide a subsidised Webster pack packing service, which is a major issue. Once you put in a packing service for Webster packs, you might prepare three months treatment for a person who needs a Webster pack. If the doctor has to change the treat-
ment the next week, you get all the packs back and you have to repack them. It is a very time expensive option, but pharmacists still provide that service.

Pharmacists are also subagents for diabetes. We all know the major problem that we are experiencing world wide through the onset of diabetes type 2 and juvenile diabetes. So pharmacists provide valuable services. It is my intention to fight and to raise these issues as many times as they need to be raised to ensure that I have done all that is possible to have the value of community pharmacies recognised. Community pharmacies should not be diminished by letting multinational supermarkets cherry pick a small amount of items and knock out completely the system that is operating in rural and regional areas, particularly in the Riverina. This is the greatest threat to my communities.

(Time expired)

The DEPUTY SPEAKER (Mr Hatton)—Before I call the next speaker, on the basis that I think it is better to admit to a mistake late than never, after taking the seconding of the amendment I then called the debate on as if there had not been an amendment. I should have said that the original question was that this bill be now read a second time. To this the honourable member for Lalor has moved as an amendment that all words after ‘That’ be omitted with a view to substituting other words. The question now is that the words proposed to be omitted stand part of the question.

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Mr MARTIN FERGUSON (Batman) (1.02 pm)—Thank you for that very important clarification. In rising to speak this afternoon on the Health Legislation Amendment Bill 2005, I indicate to the House that I thoroughly support the second reading amendment standing in the name of the member for Lalor and shadow minister for health, Julia Gillard. I also say at the outset that I absolutely support the comments by the previous speaker, the member for Riverina. These are in accord with comments previously expressed in this House with respect to a notice of motion on the importance of local community pharmacies. That motion was supported by both sides of the House, giving a very strong indication from the House to the minister of the widespread concerns in the Australian community about any endeavour to extend to the major retailers such as Woolies and Coles a capacity to undermine the strength of local pharmacies by giving them the right to open pharmacies in major retail stores.

My concerns—which were clearly expressed by our shadow minister for health, Julia Gillard—go specifically to a new power for the minister to decide who will receive Medicare benefits. This raises questions of trust which reflect not only on the government but, in the opposition’s view, on whether or not the current Minister for Health and Ageing, Mr Abbott, can be trusted. That is why the opposition are directing comments on this bill towards a range of issues in women’s health which have been previously detailed by the member for Lalor and shadow minister.

I also want to use this opportunity to touch on something which I think is exceptionally important—that is, the issue of mental health. This bill was originally scheduled for discussion during Mental Health Week, and for that reason I seek to address the House on this important issue today. The second reading speech for this bill states that the minister will be given the power to reject Medicare benefits on items ‘which the government does not wish to fund through Medicare’. It is to this broad brushed power, which will give the minister the right to reject Medicare benefits as he sees fit, that I directly address my comments this afternoon.
I am very concerned about how these new provisions may impact at some future point on an area of critical importance to the well-being of Australian society—that is, on mental health. We have to understand that mental illness is a killer. It is a major concern, especially in regional communities. I am using this debate to pinpoint the importance of us as a community fronting up to do more research on mental health and paying attention to this issue at the state and territory levels, in partnership with the Commonwealth government. We have to get serious about this issue. There are many different facets to the concerns across the Australian community about mental health at this time.

If this bill is mishandled in terms of the powers it gives to the minister for health, it could at some point in the future threaten benefits to members of the Australian community who I contend are amongst the most vulnerable, especially amongst our young people: the mentally ill. In its definition of health as being ‘a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity’ the World Health Organisation gives equal emphasis to physical and mental health. I suggest to the House today that that has not been the practice in Australia. It is time we actually made that the practice with respect to the attention we give at the state and territory and Commonwealth levels to the issue of mental health.

In reality, mental health has never had the same attention as physical health, and I question whether it is achieving the same attention as physical health. Yet it is one of the leading causes of disability in the Australian community. Mental health not only raises questions about how people survive from day to day and the pressures it puts on families but also goes to fundamental issues such as access to public housing. Many mentally ill people, for example, depend on Centrelink payments and are not in a position to purchase their own home, despite whatever assistance might be available for the first home purchaser et cetera. This raises serious questions about what we as a community are doing about the provision of public housing. Housing is very much related to wellbeing, as is employment and the medical treatment of people suffering from mental illness. This is of major concern to carers and to the general community.

Every year some 20 per cent of the population experience a mental health problem. It is in every street and suburb of Australia. It is widespread: 20 per cent of the Australian community experience a mental health problem. Mental health disorders account for the biggest burden of disease on young people, particularly for those in the 15 to 24 age group. Moreover, current trends show that mental illness is being recorded at younger ages—as young as between the ages of four and 12.

Despite these disturbing trends—and I consider them to be very disturbing—only 38 per cent of people with mental illness can expect proper care within 12 months. There is rising public and professional concern about problems in delivering adequate care. This is being reinforced in Australia at present by difficulties in accessing general practitioners and in getting specialist advice and is being added to by problems with declining levels of bulk-billing. Unfortunately, if a family member suffers from mental illness, it places on that family not only considerable emotional strain but also considerable financial strain—to a breaking point, where many end up experiencing separation and associated difficulties with managing the family.

Such is the level of concern in the Australian community at the moment that there are three national inquiries under way into the issue. I simply say to the House today that
the consequence of neglecting such a major health issue is clear: a growing social and economic cost to all Australians. But, while this government boasts about record spending in mental health, the facts show that mental health funding has remained static when compared with overall health funding. This has occurred at a time when the demands on mental health care have grown and will continue to escalate into the future.

It is interesting to note also that the burden of mental health care is being felt in state public hospitals, especially since the Howard government stripped $1 billion from the state-federal health care agreement. The $102 million allocated under the government’s Better Outcomes for Mental Health represents less than 10 per cent of the federal investment that mental health experts argue is needed. I commend these mental health experts for starting to get out into the community and to lobby members of parliament about the need for us, as a parliament, to give more serious attention to these issues. I wish them well in their lobbying exercises. Unless they knock on politicians’ doors, the issue will be swept under the carpet and tend to be forgotten, because politicians do not see this as a mainstream issue in the local community that could make or break them at election time. This is about our learning that we should focus on not just what might win a particular marginal seat but also the better health of the whole Australian community. We all need to do more about this issue.

Moreover, in this context, some $63 million for this program has been returned to Treasury. I say to the House that these are not the actions of a government that takes the issue of mental health seriously—out of sight, out of mind. Speaking in this debate has given me, on behalf of my constituents, the opportunity to reinforce just how important to the whole parliament this issue is. But, in the context of recent experiences on the immigration front with Cornelia Rau and Vivian Solon, at least the issue is back on the agenda, although perhaps for the wrong reasons.

By contrast, I am pleased to say that at the last election the opposition elevated the issue of mental health, giving it the same status as Medicare and hospitals policy by advocating a prime ministerial council on mental health to advise federal and state governments. That is exceptionally important. It suggests that a Labor Prime Minister would have a council on mental health. The highest office in Australia would clearly send a signal to its state and territory counterparts in the Australian community that we, as a community and as a nation, are concerned about mental health in Australia. This council, I believe, would push the issue of mental health to the forefront of a Labor government’s agenda. The need for such a council was reinforced earlier this year, when the Mental Health Council of Australia called for the establishment of regular and formal reporting on mental health care to the Prime Minister. I commend that recommendation to the House.

For that reason, Labor has pushed and will continue to push for an improvement in mental health outcomes and greater public awareness of mental health. That is why this current amendment poses serious questions for mental health. Since 1995-96, Medicare reimbursed services provided by psychiatrists have decreased by 6.5 per cent. At the same time, out-of-pocket expenses per attendance have increased by 48.6 per cent. That is of great concern to me. Unfortunately the most vulnerable in the Australian community, living in the toughest suburbs and regions, need specialist attention not only with managing the problems of mental health but also with the added financial burden being placed on their families. With out-of-pocket expenses per attendance increasing by 48.6 per cent, some of these families are being
stretched beyond breaking point. We have to think seriously about this. Surely we should not be increasing the burden they are experiencing. They are already living from day to day under extreme pressure.

Any threat to Medicare benefits will further erode the ability of the mentally ill to receive access to care and will compound the growing frustration in the community about mental health care. Increasingly it is the families who carry the burden of caring for the mentally ill—and they need support. The current deficiencies in mental health care come about against a backdrop of fundamental change. I refer to the policy of moving people suffering mental illness out of institutions and back into the community, which was accelerated in the early 1990s. Obviously, in hindsight, it was well intentioned. It envisaged a supportive and fully funded network of carers to support the mentally ill living in the community. Long-term residency institutions were felt to be an extreme form of social exclusion. The policy was motivated by the desire to include rather than to exclude the mentally ill from society.

But perhaps it is about time we question the policy of deinstitutionalisation, because it has come under serious criticism, including from the policy’s original architects. Professor David Richmond has stated that a new model is needed, and he has called for more acute beds and supported accommodation. That is about assessing our performance on an ongoing basis and not just accepting the decisions of the 1990s—and they were huge decisions. I can recall the debates in New South Wales and the Labor Party’s conferences held in the Sydney Town Hall. They were huge, tense debates, because it was a question of a sea change in policy and in how we had handled mental health in the past. So I have some regard for the recommendations of Professor David Richmond about whether or not we should now have another look at and seriously think about a new model.

Obviously there are grave concerns that the old asylums have been replaced by prisons, where there are now a high proportion of prisoners with mental illness. We need to sit down in the suburbs and talk with some of the carers and parents of these young people suffering mental illness and hear of their own experiences with the police to know of the requirement for us as a community to properly educate and train the police as to how to handle some of these people who are ill. There is nothing wrong with them—they are just ill in the same way as having a broken leg—and we have to treat them with proper respect and understanding.

I want to quote from former New South Wales corrective services commissioner Tony Vincent, who said:

The consistent testimony of frontline workers is that increasingly court proceedings and jail cells have replaced the longer-term mental healthcare of 30 years ago.

That reinforces the review of policy suggested by Professor David Richmond. That is important, because the decline in supported accommodation supports this comment, which goes back to issues I have raised, including access to public housing and the huge problems in our suburbs—not just with respect to people who have mental health problems and find it difficult to hold down a job and purchase a home. I grew up in Western Sydney where, 30 or 40 years ago, there was a three-year waiting list for housing. We are now talking about a waiting list of about 12 years in my electorate in the northern suburbs of Melbourne, and it is worse in some suburbs, which indicates that we have to get serious about some of these issues. The provision and access to such housing is also about trying to improve the mental health of some of these people in terms of
their own sense of self-esteem and independence and their capacity to look after themselves with the assistance of their carers, who are often their extended family. This is exceptionally important, because it also raises the fact that the number of long-stay beds for those with mental illness has been cut in half, a further difficulty confronting us. That goes to the issue of the development of 24-hour residential services, which clearly have not been adequate to meet the needs. One problem reinforces another, almost as if there is a chain effect where we as policy makers of all political persuasions have neglected our responsibilities.

Mental health experts are concerned and, for those reasons, so should we be. I urge all of us to seek out the mental health carer groups in our own electorates, if we have not already, and sit down for a couple of hours to talk to them and experience first-hand the difficulties they are suffering. It is quite a confronting process. If we think we have problems living from day to day and managing our work, we should talk to some of these parents and carers about the difficulties they experience—it is heartbreaking to hear about it—and about the other financial and associated strains that lead to family break-ups et cetera.

We have to find a better way—all of us—of delivering quality mental health care which has to be about the pace and extent of change and how these changes are being delivered. With the demand for mental health care services to escalate, mental health experts have urged the adoption of national targets for mental health and expansion of care to young people. I believe that Australia is highly regarded for its approach to mental health; we have sought to do some things in the past. I can recall, as President of the ACTU prior to 1996, that we used the accord process—the accord was not just about wages; it was about our quality of life—to lobby the then minister for health Brian Howe about the need to reinforce the National Health and Medical Research Council to expand their horizons in terms of research grants. That was a tough fight, because all the old-school practitioners had their specialist areas, and all the self-interest was in place with respect to protecting their funding. We finally got a proper breakthrough—more attention with respect to research funding for mental health. It has been a long process of struggle and change going back to the days of Professor David Richmond’s recommendations about deinstitutionalisation et cetera.

We have to give more serious attention to this issue of mental health. We have a record of trying to do the right thing, but we have to accept that we have got some of it wrong. Unfortunately, the delivery of such care is failing an increasing number of those who are suffering from mental illness. In conclusion, it is time for leadership by all of us, state and federal, to represent our capacity to help those suffering mental illness and their families, who are carrying the burden of care.

I express my appreciation to the House today for showing leniency in respect of the bill before the House and allowing me to raise these issues. You do not usually get an opportunity, especially when you are a shadow minister or a minister, to speak outside your portfolio responsibilities. I simply say that I make these comments with some sincerity, because they go back to the days of the ACTU when we really had to push very hard to get mental health on the agenda because it was a serious workplace issue. Not only was it a serious workplace issue; it was also a serious issue for many working people in Australia and their families. I commend my comments to the House and urge all political parties to apply their collective capacity to review what we have done on mental health in the past and work out how we can
improve our performance on this very important front. I also commend to the House the second reading amendment standing in the name of the member for Lalor, Julia Gillard.

Mr CAMERON THOMPSON (Blair)

(1.22 pm)—It is a pleasure to contribute to this debate, to review the various parts of the Health Legislation Amendment Bill 2005 and to consider the ways in which they impact particularly upon my electorate and upon the wider Australian community. As has just been illustrated by the member for Batman, there are increasing levels of complexity in this area and a great deal of difficulty in particular areas. I do not quibble at all with his summation of the circumstances in relation to mental health; there is a great deal of concern across Australia about that. There certainly is a very real perception that when steps were taken particularly by state governments to introduce deinstitutionalisation they got it wrong. Ever since then, those decisions have resulted in a great deal of uncertainty, difficulty and misery for people suffering from mental health problems and for their families. I think there is a growing consensus that corrective action has to be taken. This is not something that primarily falls into the lap of the Commonwealth; it is something that states have to take lead responsibility for, just as it was their lead responsibility when they chose to institute deinstitutionalisation. There has to be a nationwide strategy in relation to mental health, and states have to take the running in relation to the operation of appropriate facilities to support the mentally ill, not merely continue to pursue their old policy of washing their hands of the whole problem and allowing those people to live in the community—as they do in the electorate of Blair, in flats and boarding houses—without any support whatsoever. That they do so is a shame, and it is something that needs to be addressed.

This has three parts. The thing that has been picked up, certainly by the member for Riverina, is the issue of pharmacies. I think a core part of Australian communities today is a good local pharmacy, just as it is important to have a good local newsagent and doctor. For example, when we lost some rural banking services, the Commonwealth responded by establishing rural and regional transaction centres. That was a very good program that sought to correct some of the imbalances that emerged in that area. But if you look at the question of pharmacies, I do not think it would be sustainable for us to move, as has been mooted over the years, to pharmacies that are just another line in the inventory of the various supermarkets. It is not going to be acceptable to have a pharmacy as just another part of a supermarket chain’s revenue stream, and that is no more apparent than in small communities.

Just as in the electorate of Riverina, when I travel from town to town in my electorate one of the defining things for me is meeting the local pharmacist, the local newsagent, the local butcher—those people who provide services in the community. They are the people who make it a community. You do not have a core business area in a community unless you have a group of local businesses that are serving that area from a central hub, which is the town. When I visit the Blackbutt pharmacy and see the people there, I see an integral part of what makes up the town of Blackbutt. It is the same in Toogoolawah.

There was some consternation in Toogoolawah not long ago when a decision was made by the local aged care facility—another very important building block in what it is that we need to have in our local communities: care for the aged—that they were no longer going to go to the local pharmacy in order to get the residents’ prescriptions filled; they were going to establish a relationship with a pharmaceutical supplier
elsewhere. That caused a lot of drama in the town and quite a lot of division.

I respect the right of the aged care facility to make those arrangements. They have to be sure that they are getting the level of service they want. But, on the other hand, I had quite significant discussions with the pharmacist in the town, and he indicated that he was prepared to bend over backwards to accommodate the needs of the aged care facility. We have to reach a position where local facilities like that try to support each other. The local building blocks in our communities do have to work together, and we have to have them in place to give that level of support.

The provisions in this bill seek to extend the pharmacy location rules that have applied under the third pharmaceutical agreement so that these rules can remain in place for an additional period of time. This process gives support to the structure whereby those pharmacies are established. The extension under this legislation gives both the government and the Pharmacy Guild the opportunity to consider the findings of a review of pharmacy location rules at quite some length and to act in a way that is beneficial to the pharmacy sector, to its customers and to the government.

Those pharmacy location rules were established under the third community pharmacy agreement between the Commonwealth and the Pharmacy Guild which commenced on 1 July 2000. The purpose of those rules is twofold: first, it provides widespread community access to pharmaceutical services so that we do not wind up with clumping of services or with an inappropriately high level of service in one particular area and a lack of service in another area, so the system does not become patchy; second, it ensures the continued viability of existing pharmacies so that we have a reliable and robust level of business security for those pharmacies.

A review of those pharmacy location rules is taking place as part of the negotiations between the government and the guild, and there will be a fourth community pharmacy agreement as a result of that. It is important that both parties—the guild and the government—work together to resolve those questions and produce a rationale for the fourth agreement that is progressive. There have been difficulties with these agreements. It is not a matter of trying to establish a sinecure for pharmacies that makes them in any way immune to the concerns of their community. That is the last thing you could level at most pharmacies; they are definitely very much keyed into the needs of their local community. It is important that we wind up with a balanced and progressive agreement that continues to advance the objectives of service and a robust pharmacy network but that we do it in a way that ensures that those needs are balanced.

In Blair, we have done some counting. We have come up with 27 pharmacies in the electorate of Blair. We have 12 around the Ipswich area. We have three in the communities of Rosewood, Lowood and Gatton. Communities in Laidley, Kilcoy, Toogoolawah, Esk, Yarraman and Nanango have two each, and in Kingaroy there are three. There is close proximity between pharmacies in the Ipswich area. In some places we have more than one pharmacy. We have more than one pharmacy in communities such as Gatton, Nanango and Kingaroy.

These community pharmacies have virtues. They are always easily accessible and they are the first point of call for people who might have a health issue—not just for a head cold but for the full range of health ailments. I can recall when Blackbutt, for example, did not have a doctor but certainly
had a pharmacist that they could call on. I remember at the time discussing with the pharmacist the added responsibility they felt in becoming a proxy doctor for the community. It is something that obviously has a high level of responsibility. At the time they were developing a very close relationship with the doctor in the next community up the road, Yarraman. They were able to call and say: ‘We think this is a serious issue. Can you make time to see this person?’

As I said, those pharmacies can take on a great deal of responsibility. You can go into the pharmacy at any time. You do not need an appointment to see your pharmacist. That is an important issue too. If you are ill, you can go to the pharmacist and get advice straight up about your cold or whatever it is that you have.

These pharmacies are an indispensable part of the community. People in communities can trust their local pharmacist. People look for the same pharmacist again and again, seeking advice from somebody that they trust. Pharmacists have experience and up-to-date knowledge about medications and side effects. They get advice about that all the time, and they incorporate that into the care they provide the community. They provide comprehensive care and they direct to doctors those patients who require further help. I mentioned the case of the Blackbutt pharmacy in the times before they had a doctor. From about 1997 through to about 1999, there was no doctor there. During that time, the local pharmacist was like a referral service. It was a very good service that they provided at that time, and they continue to provide a very good service today.

Pharmacists come to understand the medical and health needs of members of the community. They build up those kinds of relationships over time. It is important that we maintain this network and we do not just default to some kind of supermarket based system in which all of that knowledge, all of that personal interaction, could disappear and the very real value of that to the community would be lost.

Under this legislation, the pharmacy location rules and the work of the Australian Community Pharmacy Authority will remain in effect beyond the current expiration date of 31 December this year. They will be extended to 30 June 2006. That is an important part of this legislation. As I said, it is important that both sides of the agreement be given time to reach new parameters that are effective and that will advance the situation. Very few people in this House would argue that the current parameters have not served us well—in most cases they have served us well. We want to see improvements, but we do not want to throw the baby out with the bathwater, so consideration is needed.

Let me look at the existing rules and how they work. There are two sets of rules: rules in relation to new pharmacies and rules in relation to existing pharmacies. New pharmacies can be situated as close as 1.5 kilometres in a straight line from one another under some circumstances. If the ACPA is satisfied about the need for a new pharmaceutical service in an area in which there has not been something established before, then that distance can be 10 kilometres. So there is a range of rules that apply. The rules that apply in relation to existing pharmacies and their relocation are even more complex. These are rules that are well and truly bedded in. They need to be considered at quite some length. I commend that decision.

I noticed earlier that, when the opposition health spokesman was speaking on this issue, there was a lot of macho rhetoric about making these agreements as if they can be put together at the drop of a hat and the minister’s duty can be so readily dispensed with...
that he might produce a decision overnight and that his failure to do so would count against him. I do not find that to be the case at all; I find this process to be, ultimately, extremely important. If the substance of the new agreement is basically the same as the previous one, because that is what is finally thrashed out between the two sides, then that suits me fine, so long as we have a position on which people can find support for pharmacies and a degree of certainty about where they are going. It is not going to advance anyone if we have cowboys standing around comparing the size of their 10-gallon hats and saying, ‘Mine is bigger than yours. I have a better policy than yours in this area.’ You cannot do that; you have to come to an agreement that is in the best interests of the community. I think we have some way to go to determine exactly where that lies.

The private health insurance provisions of this legislation are another area of some importance. There are loopholes in the way the existing legislation applies to health funds. A literal interpretation of the existing laws can result in the inappropriate exclusion of patients who you would say should be legitimately covered under the agreements and policies of private health funds. For example, we could come to a situation where the only people regarded as patients would be those actually paying the bill, not the people that those bill payers are expecting to cover as a result of their policy holding. They expect their dependants to be covered but, if you want to apply a literal interpretation of what is there, you can say that everybody except those who pay the bills is excluded. Obviously, that is not the intention, so clearing up that inconsistency is important.

It is certainly important to a lot of private health insurance holders in the electorate of Blair, where about 40 per cent of adults—36,796—hold private health insurance. I think that is an incredible statistic. The government’s private health insurance rebate has been a hugely positive filip to people in the electorate of Blair. We have gone to the electorate at election time and said, ‘This is an important initiative for the electorate of Blair. There is a private health insurance rebate of 30 per cent generally applied. It is 35 per cent for people over 65 and 40 per cent for people aged 70-plus.’ That has been a popular initiative for people in the electorate of Blair, and so the changes that I have described are very important to them.

There are also changes in the legislation to Medicare. They ensure that payments are consistent with the intent and purpose that they were designed for. This is important legislation. These amendments have to be considered in depth by the House; they have an important impact. I commend the second reading amendment to the House.

Ms HOARE (Charlton) (1.42 pm)—The Health Legislation Amendment Bill 2005 proposes to amend the National Health Act 1953 to extend existing arrangements for approving pharmacists to provide medicines under the Pharmaceutical Benefits Scheme until 30 June 2006. It proposes a number of other technical measures, one of which provides the Minister for Health and Ageing with wide-ranging powers to restrict Medicare coverage. As many members of this House would be aware, pharmacists in our community serve an increasingly important role in assisting the community with health advice and the provision of essential pharmaceutical and medical services.

I have been contacted by pharmacists in my electorate concerned about a range of matters that are confronting pharmacists. I am sure all members of this House have received representations from pharmacists in their communities also. It is important that we stand up for their concerns and those of their customers. The major purpose of this
The bill is to extend the current arrangements that exist to approved pharmacists to supply PBS medicines to Australians whilst negotiations continue for the Fourth Community Pharmacy Agreement between the government and the Pharmacy Guild of Australia.

The parliament with Labor’s support voted to extend the initial date for the expiration of the Third Community Pharmacy Agreement to 31 December 2005, as the government claimed a need to allow time for it to consider the findings and recommendations of the joint review of pharmacy location rules, which members would be aware were received in June this year. I understand that the government is making the same claim in requesting a further extension to 30 June 2006. The government will not indicate the reason why such a consideration of the review’s findings is taking so long that an additional six months consideration is required, nor has it given any indication as to when the terms of the Fourth Community Pharmacy Agreement will be agreed to.

All the while, pharmacists around the country and in my electorate of Charlton are concerned by all these delays and the impact certain provisions will have on the future of their businesses. One of the things government members go on about all the time is how the government is the best friend small business ever had. What sort of best friend leaves its mate in such an air of uncertainty?

Provisions in schedule 1 of the bill that amend the Australian Community Pharmacy Authority in the National Health Act 1953 are causing pharmacies some concern. The existing arrangements governing the pharmacy location rules will stay in until June next year, but it is what may happen after that time that concerns our local pharmacies. The threat to their industry posed by Woolworths and Coles supermarkets is real. Whilst the government claims that it will not allow these massive retail firms to take over another corner of the shrinking retail market without any commitment as to what the final shape of the agreement will be or when it will come into force, it is no wonder that our local pharmacists are so concerned.

The existing pharmacy location rules currently prevent pharmacists co-located within supermarkets—and to which the public have direct access from within a supermarket—from dispensing PBS medicines. Labor continue to oppose the location of pharmacies within supermarkets, and we could not support the extension of the pharmacy location rules to allow for supermarkets to dispense PBS approved supplies. It is important to remember the important role that pharmacists play in our community. It is true that sectors of the business community and government have attacked the way pharmacies operate, particularly on the ground that it is an industry unburdened by competition and that it costs valuable Medicare dollars.

I will read a letter from Patrick Simpson, the owner of the Boolaroo Pharmacy in my electorate, which he penned to the editor of the Australian Financial Review on 28 April this year. He refers to a Financial Review reporter, Annabel Stafford. He said:

Ms Stafford reports about linking dispensing fees to customer service. As a pharmacy owner, I would welcome payment for all the advice that I and my employees have given free of charge. The fact is that pharmacy remains the first port of call when people are unwell or have a health inquiry. This means Medicare is not subsidising the customer. It is also important to understand that Medicare subsidises the patient not the doctor. In the event of the Pharmaceutical Benefits Scheme, it is the patient’s medicines that are subsidised, not the pharmacists. Much has been misconstrued in recent times in regard to these subsidies.

So the fact remains that pharmacists do save Medicare dollars.
Ms Stafford reports that “too many pharmacy owners are dispensing high volumes of medicines but employing skeleton staff”. Well, Ms Stafford, how many owners are too many and how high are these volumes and what exactly are the low staff ratios you are referring to? Where are your facts? Please do not backhand this to “Australia’s peak consumer body” as you call it. Where are your facts?

A lack of factual statements adds to the rubbish written and spoken in recent times by those who oppose the current community pharmacy arrangements. This clouds the real issues.

The viability of community pharmacy ensures the viability of the Pharmaceutical Benefits Scheme (PBS). The only cost-effective option for delivering patient benefits under the PBS is by using community pharmacy. The government knows this, so let us see true regard for the pharmacy profession and public interest go hand in hand.

W. Patrick Simpson BPharm., FACP MPS

In my discussions with Patrick, he revealed the real concerns of our community pharmacies in relation to the PBS. Most community pharmacies, particularly those in regional areas such as my electorate which has many small town centres, are usually the first port of call when families and the elderly become sick. On many occasions, they will visit the chemist before visiting the doctor because the chemist’s advice is free and, for many of my constituents, it is impossible to see a doctor immediately.

Local chemists in our communities know that they provide an invaluable community service. In my home town of Toronto, there are three pharmacies, all of which provide practical advice and a welcoming and comfortable environment. Across the road from my office at Speers Point is pharmacist John Cox, with whom I discuss these issues regularly. Also close to my office in Boolaroo is Patrick Simpson’s pharmacy. I have been in these pharmacies many times and have witnessed the advice they dispense freely to their customers. Patrick and his staff have also been at the forefront of the local campaign to attract a GP to Boolaroo.

They have all expressed their concern that future agreements may adversely impact on the future viability of their businesses. However, this is seen as being linked to the future of the PBS and community pharmacies as a vehicle to deliver government subsidised medications to the community. With the great possibility of this agreement reducing the remuneration provided to pharmacists—I believe the average mark-up is about 10 per cent plus fees, which is much less than many other retailers—the delivery of the PBS for the government may become an unattractive option. What would that mean for sick consumers?

If local pharmacies no longer provide a vehicle for the PBS, those ailing consumers would perhaps have to travel to their local public hospital to buy their medicines from the public dispensary. This option would be totally unacceptable. Annabel Stafford reported on Monday in the Australian Financial Review:

More than five months after they began and almost four months after they were supposed to finish, negotiations for the $11 billion, five-year Community Pharmacy Agreement are drawing to a close.

She reported that, already, the amount the government pays pharmacists, based on a percentage of the drug price plus a dispensing fee, has been hit by a cut in PBS growth this year, which itself is a result of government increases to patient copayments and cuts as much as 12.5 per cent on some PBS drugs. So, as you can see, Mr Deputy Speaker, this is a very real concern to our pharmacists.

Pharmacists may start to look at other medical professionals such as GPs, surgeons, radiologists and radiographers and question
whether or not they themselves should be charging over and above the so-called schedule fees. When we visit a doctor or a specialist, it is clear on our bills that the amount charged above the schedule fee can sometimes be more than 100 per cent. If the viability of the local pharmacy is threatened, these small businesses may look at ways they can charge above the so-called schedule fee for PBS medications.

There were also concerns raised that, because of the cloak-and-dagger style of current negotiations, there will be nothing in this agreement to sustain the PBS beyond the next five years. This agreement is currently being negotiated behind closed doors between the Howard government and the Pharmacy Guild of Australia. There has been no ability for the parliament to have oversight of this agreement or for the Labor Party to have input into the process and the outcome. Labor has always been very supportive of the important role that pharmacy plays in the health care system, especially in the quality use of medicines. That is why we have not supported the sale of medicines outside community pharmacies. The services that pharmacists provide to the PBS are sufficiently important and valuable that they should attract fair financial reimbursement but, given the current pressures on the PBS, it is imperative that taxpayers get real value for this money and that all costs and reimbursements are transparent. Like most involved in community pharmacy, Labor is concerned that the current agreement is being negotiated by a government that is clearly more interested in cost cutting than in ensuring a sustainable PBS that provides needed medicines at affordable cost. Labor is also concerned that any commitments given by the minister for health cannot be relied on, given his performance in the Health and Ageing portfolio.

Schedule 2 of this legislation amends a number of provisions in the National Health Act 1953 to ensure that it is clear in these provisions that dependants, if any, of contributors to a health benefits fund with appropriate cover as well as the contributors receive the benefit of the regulatory provisions governing health insurance. These are technical amendments which Labor supports.

Schedule 3 of this bill includes amendments relating to health services tables. These are two technical amendments which relate to the conditions under which Medicare benefits are payable. It makes clear that in the Medicare tables it is permissible to specify the circumstances in which items of medical pathology and diagnostic imaging services apply and thereby specify the circumstances in which Medicare benefits are payable for those services.

Members now know what slipped into schedule 3 of this bill was also an amendment which provides the minister with a new power to make a legislative instrument to determine that Medicare benefits are not payable in respect of medical services which the minister determines should not be covered. Under the present system, items covered by Medicare are determined on the advice of the Medical Services Advisory Committee. The MSAC was established as a result of a 1997-98 budget measure to advise the Minister for Health and Ageing on the strength of evidence on new medical technologies and procedures in terms of their safety, effectiveness and cost-effectiveness and under what circumstances funding under the Medicare benefits scheme should be supported. The MSAC’s terms of reference are to advise the Minister for Health and Ageing on the strength of evidence pertaining to new and emerging technologies and procedures in relation to their safety, effectiveness and cost-effectiveness and under what circumstances public funding should be supported,
advise the Minister for Health and Ageing on which new medical technologies and procedures should be funded on an interim basis to allow data to be assembled to determine their safety, effectiveness and cost-effectiveness, advise the Minister for Health and Ageing on references related to new and/or existing medical technologies and procedures, and undertake health technology assessment work referred by the Australian Health Ministers Advisory Council and report its findings to that council.

The proposal before us would dispense with the professional advice provided by medical experts and hand this power to the Minister for Health and Ageing, currently a parliamentarian with a background in theology and pugilism. This would be parallel to the MSAC consisting of trainee priests and boxers. This is grossly unacceptable and preposterous. Labor’s shadow minister for health, Julia Gillard, stated she was ‘highly suspicious’ and that her ‘antennae were raised’ about the proposed powers, as all progressive men and women concerned about women’s reproductive rights were and still are. Why should we be highly suspicious? This is a health minister who has tried to use his portfolio responsibilities as a vehicle to pursue his own personal ideologies, even though he has received a warning from the Prime Minister not to do so.

Just like the Prime Minister, the Minister for Health and Ageing would love to leave this place his ideological legacy. Just as the Prime Minister could now retire knowing that he has left his 1950s extreme ideological legacy to workers in this country to undermine their standard of living and working conditions, the Minister for Health and Ageing would love to leave his legacy of illegal abortion and unaffordable IVF treatments to the women of this country, undermining their reproductive rights.

We will support this bill only now that Labor has forced the minister to withdraw this obscene, objectionable and totally unacceptable section of the bill. I applaud some of the female members of the government for the pressure they placed on their ministers to ensure that this piece of the legislation has been withdrawn. The Manager of Opposition Business has moved an amendment to the Health Legislation Amendment Bill 2005:

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

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

(1) failing to complete the Fourth Pharmacy Agreement in a timely fashion;

(2) providing an unnecessary and unjustified power to the Minister to enable him to override expert advice and limit Medicare benefits in any way he sees fit; and

(3) failing to consult with stakeholders on the need for this new power”

Members opposite interjected when I referred to the minister for health wanting to leave this place with illegal abortion and unaffordable IVF treatments. I refer to reports in April. I heard the minister for health on the radio, saying that he and the Treasurer wanted to limit Medicare funding for IVF treatments. Clearly, they are not aware that one in 35 babies in Australia are born thanks to IVF and 30 per cent of IVF babies result from cycles after three attempts. The minister for health, Tony Abbott, failed to tell the Australian people, particularly women, at the last election that he would be trying to restrict their access to IVF, just the same as the Prime Minister and the Minister for Employment and Workplace Relations did not go to the Australian electorate at the last election and say that they would be bringing in a raft of legislation which would undermine people’s conditions at work, which would undermine their family’s standard of
living and which would make them uncertain every day that they turn up for work. The government is to be condemned for not being honest with the Australian people. I commend the second reading amendment to the House.

Mr BROADBENT (McMillan) (1.59 pm)—It is my pleasure to participate in the debate on the Health Legislation Amendment Bill 2005. With the exception of the contribution of the member for Lalor today, you would have to commend the contributions of members to this debate: the members for Batman, Blair, Riverina and Charlton.

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

MINISTERIAL ARRANGEMENTS

Mr HOWARD (Bennelong—Prime Minister) (2.00 pm)—Mr Speaker, I inform the House that the Deputy Prime Minister and Minister for Trade will be absent from question time today and tomorrow. He is undergoing minor surgery and should be back at work on Monday. I know all members of the House will wish him well. The Minister for Foreign Affairs will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

Workplace Relations

Mr BEAZLEY (2.00 pm)—My question is to the Prime Minister and I refer to the introduction of the government’s extreme industrial relations legislation in the parliament today. Isn’t it the case that the Prime Minister did not reveal any of these extreme measures to the Australian people in the last election? Why did the Prime Minister mislead the Australian people about his true intent to reduce the pay and strip the conditions and entitlements of working Australians?

Mr HOWARD—These measures are not extreme.

Opposition members interjecting—

The SPEAKER—Order! Members on my left!

Mr HOWARD—These measures are big measures but they are fair measures.

Opposition members interjecting—

The SPEAKER—Order! The Prime Minister will resume his seat. Members on my left will allow the Prime Minister to be heard. I do not think anyone in this chamber could hear what the Prime Minister was saying.

Mr HOWARD—These measures are not extreme. They are good measures. They are big measures but they are fair measures which will strengthen the Australian economy. The assertion made by the Leader of the Opposition that nothing in this legislation was mentioned during the election campaign is wrong.

Building and Construction Industry

Mr WOOD (2.02 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister update the House on the establishment of the Australian Building and Construction Commission and the government’s moves to clean up the industry? Are there any alternative views?

Mr ANDREWS—I thank the member for La Trobe for his question and acknowledge his abiding interest in ensuring that the building industry—not only in his electorate of La Trobe but right throughout Australia—operates in a lawful manner. I can inform him and the House that the Australian Building and Construction Commission commenced its operations on 1 October, and last week the government announced the ap-
pointment of Mr Ross Dalgleish as the second deputy commissioner of the new commission. Mr Dalgleish has enormous experience in building industry regulation, having been a member of the New South Wales building task force in the 1990s—until it was abolished overnight by the Carr government, when it came to power in 1995, at the behest of the building unions.

It is important to talk about the building and construction industry today because the building and construction industry is one of the worst examples of the failures of the current workplace relations system.

Dr Emerson—Who built the Sydney Olympics on time and under budget?

The SPEAKER—Order! The member for Rankin!

Mr Andrews—It is a good illustration of why it is important that there be further reforms to the workplace relations system in Australia. The building and construction industry is notorious for its unlawful conduct. Indeed, in 2001—

Dr Emerson—Who built the Sydney Olympics on time and under budget?

The SPEAKER—The member for Rankin is warned!

Mr Andrews—In 2001 the National Secretary of the CFMEU, John Sutton, conceded—

Dr Emerson—Aren’t you proud of the Sydney Olympics?

The SPEAKER—Order! The member for Rankin will remove himself from the chamber under standing order 94(a).

The member for Rankin then left the chamber.

Mr Andrews—I was telling the House that in 2001 the National Secretary of the CFMEU, Mr John Sutton, conceded:

There has been some organised crime elements that have been making a bit of a push on the industry and the union over the last, say, six to nine months.

This culture of corruption and lawlessness, which Mr Sutton conceded in 2001, was the reason—

Opposition members interjecting—

The SPEAKER—Order! The level of noise is far too high. The chair will have to act.

Mr Andrews—This lawlessness, this corruption and these illegal activities, which Mr Sutton conceded in 2001, were the reason why this government established the Cole Royal Commission into the Building and Construction Industry. This is what Mr Justice Cole said in his royal commission report about the state of Western Australia—

Ms Hoare—What about Rodney Adler? What about John Elliott?

The SPEAKER—Order! The member for Charlton!

Mr Andrews—the state from which the Leader of the Opposition comes. He said that the building and construction industry in Western Australia is:

... marred by unlawful and inappropriate conduct.

Ms Hoare—What about the convictions?

The SPEAKER—The member for Charlton is warned!

Mr Andrews—He went on:

Fear, intimidation and coercion are commonplace. Contractors, subcontractors and workers face this culture continuously. At the centre of this culture and much of the unlawful and inappropriate conduct is the CFMEU.

That is what Mr Justice Cole found. Yet what response did we have from the opposition to the report of Justice Cole from the royal commission? The reality is that the Australian Labor Party opposed tooth and nail every recommendation or reform that the
Cole royal commission recommended to this parliament, including the establishment of the Australian Building and Construction Commission. What is their attitude to the royal commission findings and, in particular, the unlawful and corrupt conduct of the CFMEU?

Ms Hoare interjecting—

Mr ANDREWS—This is what the Leader of the Opposition condones—

The SPEAKER—The member for Charlton will remove herself from the chamber under standing order 94(a).

The member for Charlton then left the chamber.

Mr ANDREWS—It is this corrupt, illegal and lawless behaviour of the CFMEU that the Leader of the Opposition condones. This is what the Leader of the Opposition had to say in an interview with Tim Cox:

... the CFMEU is an affiliated organisation of the Labor Party, in good odour in the Labor Party.

That is what the Leader of the Opposition condones. No wonder this is a union which has put the interests of the union bosses ahead of the interests of the workers of Australia—

Opposition members interjecting—

Mr ANDREWS—They do not like this, Mr Speaker.

Opposition members interjecting—

The SPEAKER—I issue a general warning!

Mr ANDREWS—This is a union that is doing the bidding of the Leader of the Opposition and the reason why is that the CFMEU has donated $4.9 million to the Australian Labor Party since 1996. This government will act in the best interests of Australian workers. We will not simply kowtow to corrupt union bosses.
The question is to the Prime Minister. Didn’t the Prime Minister tell the National Press Club in 1992 that his industrial relations approach was a ‘dramatic and radical deregulation of Australia’s industrial relations system’? Isn’t it the case that today’s legislation is precisely that: a dramatic and radical deregulation of the industrial relations system that will crush the living standards of working Australians and their families?

Mr HOWARD—The changes introduced this morning by my colleague the Minister for Employment and Workplace Relations included a series of measures that are big changes to Australia’s industrial relations system. They are very fair changes and, so far from crushing the living standards, they will continue to enhance the living standards of Australian workers.

Mrs Irwin interjecting—

The SPEAKER—The member for Fowler will remove herself from the chamber under standing order 94(a).

The member for Fowler then left the chamber.

Mr HOWARD—What really aggravates the opposition is not this legislation. That does not aggravate the opposition. What really aggravates the opposition is that the workers of Australia are better off under this government than they have ever been. That is what aggravates the opposition. That is what sticks in their craw. They have chosen today as a national day of parliamentary protest. The reality is that what they cannot live with politically is that, over the last 9½ years, the working men and women of Australia have been looked after by this government.

Workplace Relations

Mrs BRONWYN BISHOP (2.14 pm)—My question without notice is to the Treasurer. Would the Treasurer outline to the House the economic benefits from workplace relations reform, and are there any other views?

Mr COSTELLO—I thank the honourable member for Mackellar for her question. I can inform her that Australia will experience enormous economic benefit from changes to workplace relations. Not only will that lead to a more effective—

Opposition members interjecting—

The SPEAKER—Order! The level of noise is far too high. There is a general warning already on issue, and I will continue to act if members will not take note of it.

Mr COSTELLO—Not only will workplace relations changes lead to a more productive Australian economy but they will give more Australians the chance of a job. That is what improvements in industrial relations are all about.

Mr Albanese interjecting—

The SPEAKER—Order! The member for Grayndler will remove himself from the chamber under standing order 94(a).

The member for Grayndler then left the chamber.

Mr COSTELLO—Mr Speaker—

Mr Ripoll—Tell us about Qantas sending workers overseas!

The SPEAKER—The member for Oxley will remove himself also.

The member for Oxley then left the chamber.

Mr COSTELLO—if you wanted some economic authority for that, the IMF in its article IV report on Australia of November 2004 said:

The government agenda of proposed amendments to the Workplace Relations Act continues to simplify procedures, increase labor market flexibility, and link wages and work conditions to productivity.

The IMF went on to say:
... the wage bargaining system needs further simplification, including a reduction in the overlap of the federal and state award systems ... There you have the International Monetary Fund, probably the world’s premier economic body, say that further wage deregulation in Australia—more flexibility—will be good for the Australian economy.

Who is opposing these industrial relations changes? For some reason I was sent a copy of the SDA news bulletin. The Shop Distributive and Allied Employees are urging a rally on 15 November. Their bulletin says: The ACTU is holding rallies across Australia on November 15 to oppose the legislation. I ask all delegates and health and safety representatives to attend. Listen to this:

We will reimburse loss of wages for delegates and representatives for the half-day.

*Opposition members interjecting—*

**Mr COSTELLO**—So outraged are the delegates of the SDA that they have got to be paid to—

*Opposition members interjecting—*

**The SPEAKER**—Order! The Treasurer will resume his seat.

**Mr Beazley interjecting—**

**The SPEAKER**—I call the Leader of the House.

**Mr Abbott**—Mr Speaker, I heard an interjection from the Leader of the Opposition which I believe was unparliamentary—certainly it was offensive—and it should be withdrawn.

**The SPEAKER**—The Leader of the Opposition will withdraw the unparliamentary remark.

**Mr Beazley**—I withdraw.

**Mr COSTELLO**—So we have the Shop Distributive and Allied Employees union paying its delegates to go to demonstrations—so outraged! All of this rather takes me back to why the Leader of the Opposition would be opposing these changes. On the one hand, he says he wants to focus on the economy, he wants to re-establish relationships with the business community and he charged $5,000 for business delegates last week to come and hear him tell them how he is going to get used to economic reform. There is only one thing the Leader of the Opposition can never do: he can never actually bring himself to vote for an economic reform.

**Mr Beazley**—Mr Speaker, I rise on a point of order. There was an explicit set of questions about whether this is of any benefit to the economy and the alternative propositions to it. All he is engaging in is bullying—

**The SPEAKER**—The Leader of the Opposition will resume his seat.

**Mr Beazley interjecting—**

**The SPEAKER**—The Leader of the Opposition will resume his seat! The Treasurer will come to the question.

**Mr COSTELLO**—I am coming to the alternative views. The alternative views come from the Leader of the Opposition, who has opposed every decent, worthwhile economic reform in the last 10 years, who opposed balancing the budget, who opposed reducing debt, who opposed monetary policy, who opposes industrial relations—

**Mr Beazley**—Mr Speaker, my point of order goes to relevance. I can tell him what the alternative policies are to this if he wants them, but he does not—

**The SPEAKER**—The Leader of the Opposition will resume his seat.

**Mr Beazley**—and therefore he is out of order.

**The SPEAKER**—The Treasurer will come back to the question.
Mr COSTELLO—The Australian Labor Party is opposing workplace relations reforms for the same reason that it opposed the reform of the taxation system, the balancing of the budget, monetary policy, the repayment of debt: Labor stands against economic reform, and Labor stands against opportunity for Australians.

Mr Beazley—He has not said a single thing about the alternative policies to this, and I am very prepared to give them to him.

The SPEAKER—The Treasurer has finished his answer.

Workplace Relations

Mr STEPHEN SMITH (2.22 pm)—My question is to the Prime Minister. I refer to the introduction of the government’s extreme industrial legislation in the parliament today. Prime Minister, isn’t it the case that this legislation is the biggest single attack on the living standards of Australian families, Australian employees and the Australian way of life since the minimum wage was introduced in 1907? Why is the Prime Minister putting his lifelong ideological obsession ahead of the real interests of working Australians?

Mr HOWARD—The answer to the first part of the question is no. The reality is that the living standards of the Australian people are dependent upon the strength of the Australian economy, and the worth of any reform to our industrial relations system is the contribution it makes to the strengthening of our economy. We can have the most regulated industrial relations system on earth and that will not stop a recession throwing a million people out of work, as it did in the early 1990s. It will not stop a recession driving down the real wages of Australian people.

The bitter reality for the Labor Party is that when it was last in government we had a far more highly regulated labour market than we have now but unemployment reached record heights under the stewardship of the Leader of the Opposition. The real wages of Australian workers were driven down. If the economy is malfunctioning, people will be thrown out of work and their wages will be suppressed. You therefore have to ask yourself a simple question in this whole industrial relations debate: which system will strengthen the Australian economy in the future? Will the path back to regulation strengthen the economy or will the path forward be to greater choice and flexibility? This government puts its faith in individual choice and flexibility.

Opposition members interjecting—

The SPEAKER—The member for Ballarat will remove herself from the chamber under standing order 94(a).

The member for Ballarat then left the chamber.

Mr HOWARD—Far from these reforms attacking the living standards of the Australian people, by the degree to which they will strengthen the Australian economy in the years ahead, they will create more jobs and provide higher real wages for the people of Australia and thereby strengthen the living standards of the Australian people.

Avian Influenza

Mr LAMING (2.25 pm)—My question is to the Minister for Foreign Affairs. Would the minister update the House on the outcomes of the APEC avian influenza preparedness and response meeting held in Brisbane over the last two days?

Mr DOWNER—First of all, I thank the honourable member for his question and his interest. The APEC meeting on avian flu took place in his home town of Brisbane. It was an Australian hosted meeting of the principal pandemic and disaster preparedness officials of the 21 APEC economies, as well as a number of representatives from the Pacific Islands Forum and non-APEC South-
East Asian countries. We were pleased to coordinate and host this meeting. It was the first time that these people from APEC had ever got together. I think the House would be aware that there is a risk of an influenza pandemic in the region but an important outcome of the meeting was that the participants concluded that such a pandemic was far from inevitable.

The meeting, which was chaired by our APEC ambassador, recognised the need for better regional cooperation and the need for high-level commitment to effective surveillance, transparency, openness and rapid response. I think it is fair to say that we, on Australia’s part, put a great deal of emphasis on the concept of transparency and openness, for very obvious reasons.

Three practical proposals emerged from the meeting. Firstly, we will be conducting a region-wide series of simulation exercises in order to ensure that we are prepared if the worst happens. Secondly, it has been proposed that there be a rapid response initiative which will include available experts and capabilities which can be drawn rapidly from the different countries of the region. Thirdly, we will establish an effective regional communications system, including a register of the various coordinators in the various APEC economies. These proposals will be put to the APEC ministerial meeting in Busan, South Korea, in a couple of weeks time, and to the APEC leaders meeting after that.

What we have been able to demonstrate by taking this initiative in APEC is the continuing importance and relevance of APEC and, if you like, the versatility of APEC to be able to adjust and deal with regional problems of this kind. The response from our APEC partners was very positive and very good. I am proud of the role that Australia played, not only in the initiative but in hosting the meeting.

**Workplace Relations**

Mr STEPHEN SMITH (2.28 pm)—My question is again to the Prime Minister, and it follows on from his answer to my previous question. Prime Minister, if these measures are so good for living standards and so good for the Australian way of life, where in the 687 pages of legislation and the 565-page explanatory memorandum—more than 1,250 pages—is the government’s guarantee that no individual Australian employee will be worse off as a result of these extreme and unfair measures?

Mr HOWARD—I have said it before and I will say it again: my guarantee is my record. It is a record of which I am proud and it is record that sticks in the craw of the Australian Labor Party. The Australian Labor Party are grieving, not about this bill but about the fact that we have done more for the workers of Australia than they ever dreamt of doing.

**Medicare**

Mr NEVILLE (2.29 pm)—My question is to the Minister for Health and Ageing. Is the minister aware of moves by the Queensland government to undermine the fundamental principles of Medicare? What is the federal government’s response?

Mr ABBOTT—I thank the member for Hinkler for his question. I know how important this issue is to him. His constituents have distinctly suffered because of the ineptitude of the Queensland government in this matter. It is a fundamental principle of Medicare that public patients should receive free treatment in public hospitals. Medicare simply means that every single Australian is universally entitled to free treatment as a public patient in a public hospital. What is happening now is that the Queensland government is seeking to destroy this fundamental term of Australia’s Medicare compact by denying to patients with health insurance...
their right to choose to be treated as a public patient and by imposing means testing on every other person.

On 19 October Premier Peter Beattie put out a press release which said:
The State Government will also examine the introduction of means testing and co-payments for non-urgent surgery...

To make sure that there was no mistake about this, Premier Beattie then went onto ABC radio and said:
It’s a means test. So those of you who fit within the means test, elective surgery, bang, you go through. The other list... should be people who are either in private hospitals... or they can be in a public hospital, as a private patient.

What we have from the Queensland Premier and the Queensland health minister is a clear statement that, as far as Queensland Labor are concerned, universal Medicare is dead. What they are introducing in Queensland is a two-tier Medicare system. There are obviously problems in the public hospitals of Queensland—and let there be no doubt who is to blame. The person responsible for the public hospital disaster in Queensland is Premier Beattie, who has been consistently underfunding public hospitals in Queensland to the tune of $600 million a year, according to the Commonwealth Grants Commission. That is despite a $2.1 billion increase in Commonwealth funding for Queensland public hospitals under the health care agreements and despite a $2.4 billion increase in Queensland’s funding, thanks to the GST.

Premier Beattie should spend this extra money on Queensland public hospitals. He should use the rivers of gold under the GST to support Queensland public hospitals. He should not be ripping off the people of Queensland—the 1.5 million people of Queensland with private health insurance—to bail him out of his public hospital problems.

Queensland Labor members of this House should be hanging their heads in shame at this repudiation of Medicare by the Queensland Premier. I have here an election dodger from the member for Lilley. The member for Lilley’s election dodger says: ‘Wayne Swan fighting to save Medicare’. If he is fighting to save Medicare, he should immediately be picking a fight with the Queensland Premier who wants to destroy Medicare as it has been known in this country. As everyone in Australia now knows, the Howard government is the best friend that Medicare has ever had. In Queensland, it is the only friend that Medicare has now got.

**Workplace Relations**

*Ms BIRD* (2.33 pm)—I am glad to be still here to ask my question. My question is to the Prime Minister. I refer to the fact that the government’s extreme industrial relations legislation abolishes the no disadvantage test, which is the key to protecting employment conditions and entitlements. Prime Minister, isn’t it the case that this means that, the next time an employee is faced with making an agreement with their employer, many prevailing award conditions such as penalty rates, shift allowances, overtime and leave loadings will not be taken into account? Prime Minister, isn’t this the real reason you will not give a guarantee that no employee will be worse off under these extreme and unfair industrial relations changes?

*Mr HOWARD*—The answer to the last part of the question is no. The answer generally to the question is that of course these measures are not extreme. These measures will make a major contribution.

*Ms Bird interjecting—*

*Mr HOWARD*—Yes, they are big. I agree with the member for Cunningham that these are big changes. They are big changes designed by a government that believes in
big economic reform for a big future for Australia. These reforms will make a major contribution to an even bigger economic cake for Australia in the future. I invite the member for Cunningham, just for a moment, to analyse this proposition—that is, you can have an elaborate industrial relations system, you can have all the rules and regulations and all the tribunals under the sun but if, at the end of the day, that industrial relations system does not contribute—

Ms George—Mr Speaker, I rise on a point of order on relevance. The member for Cunningham asked an explicit question that goes to a serious issue to do with conditions of employment. I would like to hear the Prime Minister’s answer to that specific question.

The SPEAKER—The Prime Minister is in order. Has he finished his answer?

Mr HOWARD—With great respect, once again, to the member for Throsby, who once led the union movement in this country, surely she would accept that, at the end of the day, no matter what system you have, if you do not have a strong economy and prosperous firms, you have fewer jobs and lower wages. It is as simple as that. Therefore, the question that has to be asked by the member for Throsby, the member for Cunningham and all of those people who sit opposite is: what contribution will an industrial relations system make to the future strength of the economy? That is the fundamental question. Our great claim in relation to these reforms is that they will strengthen—

Mr McMullan—Mr Speaker, I rise on a point of order, which is on relevance. The fundamental of the question was: why has the government scrapped the no disadvantage test? We still have not heard the answer.

The SPEAKER—The Prime Minister is in order.

Mr HOWARD—The question was about the thing we all should be about, and that is the living standards of Australian men and women. The living standards of the men and women of Australia are the product of the strength of the Australian economy; they are not the product of some separately divined industrial relations system.

Mr Kerr—Mr Speaker, I rise on a point of order, again on relevance. The question is not about a strong economy; it is about why a country with a strong economy would sacrifice the interests of individual workers.

The SPEAKER—The Prime Minister is in order. Has he finished his answer?

Mr HOWARD—I am not only in order; I have almost finished. I will finish on this point: over 9½ years, every time that we have tried to change the industrial relations system the Labor Party has said the sky would fall in. The Labor Party has said we are going back to child labour. The Labor Party has said the plague would descend upon the land. None of that has happened. We have enjoyed the best living standards in our history. I say again: my guarantee is the record of my government.

National Security

Mr TOLLNER (2.38 pm)—My question is addressed to the Minister for Transport and Regional Services. Would the minister advise the House what steps the government is taking to advance transport security links within the Asia-Pacific region?

Mr Gavan O’Connor interjecting—

The SPEAKER—The member for Corio will excuse himself from the chamber under standing order 94(a).

The member for Corio then left the chamber.

Mr TRUSS—This government is ever vigilant about maintaining high levels of security in our transport network both internationally and domestically. The honourable member for Solomon, who represents an area
which is particularly close to our northern neighbours, has a keen interest in ensuring that appropriate measures are taken to protect our relationship with countries from which we have important international travelling systems.

I have previously advised the House of our memorandum of understanding and new bilateral agreement with Singapore in relation to transport security. We have also been working closely with the Philippines government on their domestic port initiative and to improve security at their domestic terminals and on their ferries. We are working also with a number of Pacific nations on security exercises and audits of their security systems. Naturally, we have a particular interest in those countries which are the last port of departure before arrival in Australia. Aviation overviews have been conducted on airports in Tonga, Fiji, Nauru and the Solomon Islands and overviews are planned for Apia, Port Vila, Kiribati, the Marshall Islands and Palau. There are also port audits being conducted in association with the secretariat of the Pacific community in Samoa, Tonga, the Cook Islands, Honiara, Vanuatu and Fiji, and there will be another five similar audits conducted this financial year.

I am also pleased to advise the House that my department has recently signed a contract with its Indonesian counterpart to deliver a $1.1 million project aimed at strengthening aviation security in the Asia-Pacific region. This joint Indonesia-Australia aviation security project will be managed by staff of my department based in Jakarta and will see Australia and Indonesia working closely together to improve the security skills of airport operators and those in the transport industry in that region. This is part of a $10 million counter-terrorism capacity-building initiative with Indonesia which was announced in October 2002. We will be working with security experts in Jakarta and Denpasar and with the Indonesian government transport sector to improve aviation security skills and passenger baggage screening.

All of this sort of thing will help to build confidence in the transport sector in our region. A secure transport sector is absolutely critical to the overall security of Australia and our working relationship with our near neighbours, and especially for the international visitors who travel so freely between our countries. This is part of a determined effort to improve the security of our region, particularly following September 11. With those sorts of issues we need to be involved in working closely with our neighbours to secure transport in our region.

Workplace Relations

Mr BEAZLEY (2.43 pm)—My question is to the Prime Minister. I refer to the introduction of the government’s extreme industrial relations legislation in the parliament today. Isn’t it the case that on page 203 of the legislation the government has deceitfully inserted a new provision that will allow employees to be forced onto an AWA without the protection of the no disadvantage test, putting penalty rates, shift allowances, overtime and leave loadings at risk of being lost without compensation?

Mr HOWARD—I will analyse the allegation of the Leader of the Opposition, but there is no deceit in this legislation.

Honourable members interjecting—

The SPEAKER—Order! I remind all members that there is a general warning. It applies to everyone.

Indonesia: Religious Persecution

Mr FAWCETT (2.44 pm)—My question is addressed to the Minister for Foreign Affairs. Is the minister aware of the beheading last weekend of three Christian schoolgirls in Poso, Indonesia, and, if so, what is the government’s response to this brutal attack?
Mr DOWNER—I thank the member for Wakefield for his question. I know, because he has discussed it with me before, that he is particularly concerned about this incident. Let me make this point. There was a shocking incident in Poso, in Central Sulawesi, on 29 October. Five schoolgirls were on their way to school and they were attacked. As yet, the Indonesians have not identified the people who conducted the attack. One of the girls was badly injured, another escaped and three of them were beheaded. Like the Indonesian government, the Australian government—and, I am sure, the Australian parliament—strongly condemns these vicious attacks. We welcome the swift response by the government of Indonesia to this dreadful incident. President Yudhoyono strongly condemned the killings. He said:

I condemn this barbarous killing, whoever the perpetrators are and whatever their motives.

He then called an emergency cabinet meeting and sent Indonesia’s police chief and other government officials to Poso to assist with the government’s security response and its investigations. I understand that up to 800 additional police and security personnel have been deployed to Poso to ensure security. The situation in Poso—where there are Christians and Muslims alike—has, over time, been reasonably stable, and I understand that the situation remains stable.

We support the Indonesian government’s commitment to an open, pluralistic and tolerant society that respects human rights and the right of people of different religions to practise those religions. These girls were all Christians. We do not know at this stage the identity of the people who attacked them. They were wearing masks and were dressed in black, apparently. The Indonesians are still trying to establish their identity.

I very much appreciate the member for Wakefield raising this matter, because it was a particularly horrific incident. The girls’ heads were found well away from the location of the killing, which is a particularly macabre aspect of the incident. It has truly horrified the Indonesian government. Our officials have talked with Indonesian officials about the incident, and the Indonesians have told us that the whole situation was particularly horrific. I can only praise the response of President Susilo Bambang Yudhoyono to this, which has been as I have described it. I know that the Indonesians will do everything they can to bring to justice the people responsible for these horrific murders.

Workplace Relations

Mr STEPHEN SMITH (2.47 pm)—My question is to the Prime Minister and follows on from his answer to the previous question to him, in which he said there was no deceit in the legislation or at page 203 of the bill. Prime Minister, is it not the case that, on page 203, proposed section 104(6) is contained in the legislation deliberately to enable an employer to force an employee to sign an AWA as a condition of employment? Prime Minister, don’t this mean no choice for employees and only choice for employers? Prime Minister, won’t Australian employees simply be told, ‘Take the unfair AWA or you won’t get or keep the job’?

Mr HOWARD—I point out to the member for Perth that, under the existing law, an employer can say to somebody that signing an AWA is a condition of employment. So where is the change?

Road Funding

Mr HARTSUYKER (2.49 pm)—My question is addressed to the Minister for Local Government, Territories and Roads. Is the minister aware of recent comments by the New South Wales government that funding for the Pacific Highway has been slashed
under AusLink? What is the government’s response to these comments?

Mr Lloyd—I thank the member for Cowper for his question and also for the fantastic work he does for his constituents, particularly in relation to the upgrading of roads in his region. I visited the member’s electorate last week at his invitation and also at the invitation of the state member, Andrew Fraser, to see first-hand the position of the Pacific Highway. I can, unfortunately, confirm that I have seen the claims made by the New South Wales government—in particular, the New South Wales roads minister, Joe Tripodi—that the Australian government has slashed funding for roads in New South Wales. These claims are simply untrue. Over the past 10 years we have provided some $656 million to assist the New South Wales government with the upgrading and duplication of the Pacific Highway, which, of course, is a state highway. We have seen significant improvements on the Pacific Highway. Some 44 per cent of the highway will be duplicated once the three projects currently under construction are completed. The Australian government has significantly increased the amount of money available to the New South Wales government over the next three years for the upgrading of the Pacific Highway. There is $160 million per year over the next three years, or $480 million, to assist New South Wales with the upgrading of the Pacific Highway.

Since the day Minister Tripodi was appointed as roads minister, I have not heard one constructive comment from him in relation to assisting the people of New South Wales. I met with him on 30 August and offered to bring forward $30 million to this financial year to enable the Bonville deviation around Coffs Harbour to be started immediately. At that meeting, I also offered to assist the New South Wales government with urgent safety works on a section of the highway where far too many people have been killed. I have not heard back from Minister Tripodi. I wrote to Minister Tripodi on 15 September, re-emphasising the offer to bring forward $30 million and help him with the safety works. More than six week later, I still have not received a reply from Minister Tripodi.

People’s lives are at risk on this highway. Far too many people have died. Minister Tripodi should get off his backside and start working for the people of New South Wales. It is too important a portfolio for him to play politics. If he cannot start dealing with the people of New South Wales with some decency and some honesty, then the Premier of New South Wales should remove him from the portfolio. I table the letter I wrote to Minister Tripodi.

Workplace Relations

Mr Beazley—My question is to the Prime Minister and follows the one that he answered a moment ago. I ask the Prime Minister if he is aware that section 104(6) of the bill says:

To avoid doubt, an employer does not apply duress to an employee… merely because the employer requires the employee to make an AWA with the employer as a condition of employment.

Does that not mean that Australian workers are being told, ‘You take the unfair AWA or you don’t get or keep the job’?

Mr Howard—the answer to that is no. What that provision and what other provisions of the act make very clear is the proposition that, as under the current law, an employer can make as a condition of newly employing somebody that that person sign an AWA. But, in relation to an existing employee, you cannot force somebody onto an AWA as a condition of continuing employment.
Immunisation

Miss JACKIE KELLY (2.54 pm)—My question is addressed to the Minister for Health and Ageing. Given that under the previous Labor government vaccination rates dropped to unacceptably low levels, contributing to a whooping cough epidemic in Western Sydney, with adverse effects for many children in Western Sydney, would the minister update the House on the latest free vaccination being made available to protect Australian children from chickenpox?

Mr ABBOTT—I thank the member for Lindsay for her question. I appreciate how important this issue is to her, as a mother of young children. I can inform her that immunisation has been one of the great success stories of the Howard government. Since 1996 childhood immunisation rates have gone up from about 50 per cent to well over 90 per cent. In 1996 federal spending on vaccines was just $13 million; in the last financial year it was almost $300 million. So vaccination is one of the signature policies of this government.

And there is more good news. From 1 November—that is to say, from yesterday—all infants will have access to free chickenpox vaccine under the National Immunisation Program. This will save parents up to $55, which they previously might have had to spend on vaccinations. For many people, chickenpox is quite a serious illness. In an average year up to seven people can die and some 1,500 people are hospitalised as a result of chickenpox. This measure is a further strengthening of the National Immunisation Program and is another sign that the Howard government takes the public health of Australia very seriously indeed.

Workplace Relations

Mr GEORGANAS (2.56 pm)—My question is to the Prime Minister and I refer to the introduction of the government’s extreme industrial legislation into the parliament today. Is it not the case that page 29 of the bill removes the requirement that the minimum wage, and therefore the award safety net, be fair? Does that not mean that, rather than a fair go, the so-called Fair Pay Commission can set low and unfair wages?

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

Workplace Relations

Mr KEENAN (2.57 pm)—My question is addressed to the Minister for Small Business and Tourism. Would the minister inform the House why Australian small businesses and their employees support the government’s proposed workplace relations reforms?

FRAN BAILEY—I thank the member for Stirling for his question and for his very strong support of small business. Over the past 12 months I have listened to what small business have had to say, and what they want is relief from unfair dismissal. They want the flexibility to sit down with their employees to reach agreement for their mutual benefit. So small business strongly support the government’s workplace relations—not just for those reasons, important though they are. They support the government’s workplace relations because they know that they will get a system that will be easier, that will be simpler and that will be more flexible. It will cut the red tape, it will cut the cost of doing business, it will remove that duplication and it will boost jobs. For all of those reasons, small business support the government’s workplace relations. From a recent survey by the Office of the Employment Advocate, we know that 82 per cent of small businesses with AWAs have reported improved flexibility. Sixty per cent of them have reported improved productivity. It is no wonder that small business is such a strong supporter of this government’s workplace relations. It
enables them to get on with the job of doing their business.

Workplace Relations

Mrs ELLIOT (2.59 pm)—My question is to the Prime Minister. I refer the Prime Minister to his refusal to guarantee that penalty rates, shift allowances, overtime and leave loadings will not be lost without compensation. How will the Prime Minister explain to the 10,300 low-income families in my electorate of Richmond, many entirely dependent upon the minimum wage, how they are supposed to make ends meet as a result of his extreme attack on their wages, conditions and entitlements?

Mr HOWARD—in reply to the member for Richmond: it is not an extreme attack. The fair pay conditions will ensure that that does not happen. In relation to penalty rates, as the legislation makes quite clear—

Ms Vamvakinou interjecting—

The SPEAKER—Order! The Prime Minister will resume his seat. The member for Calwell is out of her seat and interjecting. She will remove herself under standing order 94(a).

The member for Calwell then left the chamber.

Mr HOWARD—the honourable member for Richmond talks about 10,000 low-income families in her electorate. I would want to see a profile of the employment conditions. Some of those people would no doubt be employed and would continue to be employed on awards. If she reads the legislation she will understand the continuing application of award conditions to those people. If she bothers to read the legislation she will understand that, in relation to people who are on agreements, penalty rates and loadings will be issues of negotiation unless they are specifically referred to in the agreement. The law will provide that the provisions of the award, which include penalty rates and loadings, will in fact continue. That question is all of a piece with an attempt by the Labor Party not to argue this issue rationally but rather to lift a crescendo of fear and misrepresentation. The Australian people have more intelligence than that. The Australian people will assess this legislation in a far calmer and more balanced fashion than the Labor Party has demonstrated over the last hour. We have seen over the last hour the Labor Party at its noisy worst. It is a reminder of why they lost the last—

Mr Beazley—Mr Speaker, I raise a point of order that goes to relevance. The Prime Minister was asked an explicit question.

A government member—He’s finished.

Mr Beazley—So that’s your answer? We need that TV debate, sport. You haven’t bothered to answer any of our questions.

Honourable members interjecting—

The SPEAKER—Order! The Leader of the Opposition will resume his seat.

Aged Care

Mr SOMLYAY (3.04 pm)—My question is addressed to the Minister for Ageing. Would the minister inform the House how the government is planning for the increasing demand on aged care services?

Ms JULIE BISHOP—I thank the member for Fairfax for his question and I thank him for organising an aged care forum in his electorate, where we discussed these types of issues. Can I assure the member that the Australian government is committed to ensuring that not only does our aged care system meet the current needs of older Australians but it will be flexible enough to meet changing needs and demands into the future.

Research shows that the baby boomer generation, the largest generation in Australia’s history and the next ‘older generation’, the first of whom will be turning 60 next
year, will be demanding more choice and more options in how, when, where and by whom aged care services are delivered. Already we are seeing an increasing demand for services to be delivered at home. The government has responded to this demand for choice. We have doubled the number of community care places in the planning ratio. We have significantly increased the number of community aged care places from the 4,000 packages available when we came to office to the 34,000 packages now available to older Australians. We have introduced a new model of care, the Extended Aged Care at Home program. There are now over 2,000 extended aged care at home packages available—that is, high-level care for people with dementia, and a world first.

We have also significantly increased support for carers, the people who provide support for older Australians to remain at home. We have had a sevenfold increase in the National Respite for Carers Program, from $19 million to about $135 million. This year in the budget a further $208 million for respite care was targeted at specific areas of need including, for the first time, government subsidised respite for working carers. So this is a reformist government. We have had nine years of reforms in aged care. The industry is responding magnificently and older Australians are benefiting. As for Labor’s attitude to older people, they neglected them in government and they have abandoned them in opposition.

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

QUESTIONS TO THE SPEAKER

Availability of Chamber Documents

Mr TUCKEY (3.06 pm)—Mr Speaker, I have a question for you. Could you please inquire of the chamber attendants, and advise the House in due course, if they provided a quantity of industrial relations reform bills in the usual place at the ministerial table prior to the commencement of proceedings today? Further, could you ask of those attendants if any of them noticed the member for Perth remove these documents prior to his allegation that these documents had not been made available to the chamber according to the usual practice of the standing orders of the parliament?

Mr Stephen Smith—Mr Speaker—

The SPEAKER—The member for Perth, I have a question to answer. You may wish to ask another question in a minute.

Mr Beazley—He has got information relevant to it.

The SPEAKER—The member for O’Connor may be aware that I was asked at the time when the legislation was introduced about the availability of copies of the bill. I ruled on that matter. That ruling was then debated, but the majority of the House upheld that ruling. I do not intend to revisit it. The member for Perth has a question?

Mr Stephen Smith—To assist you further, Mr Speaker, the point I made this morning was that the standing orders—

The SPEAKER—Member for Perth, I am not revisiting it.

PERSONAL EXPLANATIONS

Mr STEPHEN SMITH (Perth) (3.08 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr STEPHEN SMITH—Yes, by the member for O’Connor.

The SPEAKER—Please proceed.

Mr STEPHEN SMITH—Mr Speaker, the point I made to the House this morning was that standing orders, in my view, require that copies of the bill be available for every member—
Mr STEPHEN SMITH—I am explaining. Every member—

Mr STEPHEN SMITH—You would know, sport! Honest John—

The SPEAKER—The member for Perth will get to his point or resume his seat.

Mr STEPHEN SMITH—Honest John was always—

The SPEAKER—The member for Perth will resume his seat! You are not here to debate the issue.

Mr STEPHEN SMITH—Mr Speaker—

The SPEAKER—If the member for Perth will come straight to where he has personally been misrepresented, I will hear him; otherwise, he will resume his seat.

Mr STEPHEN SMITH—My point was that copies need to be available for all members of the House.

Mrs Bronwyn Bishop—Glass jaw or smirk, Pete?

Mrs Bronwyn Bishop—On a point of order, Mr Speaker: the standing orders require that the personal explanation be the reason why—

Mr STEPHEN SMITH—Mr Speaker—

The SPEAKER—The member for Perth will resume his seat.

Mr STEPHEN SMITH—Mr Speaker—

The SPEAKER—The member for Perth will resume his seat!

Mrs Bronwyn Bishop—He has to show precisely how he has been misrepresented—and either he took the documents or he did not.

The SPEAKER—I take it the member for Perth has finished his personal explanation—obviously.

Mr FITZGIBBON (3.10 pm)—Mr Speaker, I have a question for you under standing order 105. On 11 May this year I put on the Notice Paper a question to the Treasurer about the relationship between growing small business debt and the GST, and he refuses to answer it. The number of the question is 1272.

The SPEAKER—I thank the member for Hunter. I will follow that up under standing order 105. The member for Perth, on a question?

Mr Stephen Smith—I would like to finish my personal explanation.

The SPEAKER—No, the member for Perth had his opportunity. I called him again and he—

Mr Stephen Smith—He asserted I stole 60 copies. That is a lie.

The SPEAKER—The member for Perth will resume his seat.

Honourable members interjecting—

Mr Stephen Smith—He has to show precisely how he has been misrepresented—and either he took the documents or he did not.

The SPEAKER—I take it the member for Perth has finished his personal explanation—obviously.
Wednesday, 2 November 2005

HOUSE OF REPRESENTATIVES

DOCUMENTS

Mr ABBOTT (Warringah—Leader of the House) (3.11 pm)—Documents are tabled in accordance with the list circulated to honourable members earlier today. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:


Debate (on motion by Ms Gillard) adjourned.

MATTERS OF PUBLIC IMPORTANCE

Workplace Relations

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

The Government’s attack on the living standards of Australian families and the Australian way of life through its extreme industrial relations changes.

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) (3.13 pm)—Today John Howard betrayed Australian families, Australian workers and Australia’s national interest. With these extreme laws John Howard has pushed our people too far. These extreme laws push our people over the economic edge. Every Australian will tell you life just costs more and more under this government, yet it now wants to cut wages. A fair and decent wage is the only protection Australians have against rising petrol prices, rising medical and child-care costs and rising mortgage repayments. It is un-Australian. John Howard is attacking things that Australian families have held sacred for generations. This is one man’s tired old dream becoming the nightmare of an entire country. Last week an electrician from Penrith asked me how, when these laws are passed, he will pay his mortgage without overtime. A bricklayer from the Central Coast told me he was worried he would have no power to negotiate with his boss. He was worried about his job and his family’s future. Men working at Boeing in the Hunter want to get back to work but cannot because they have been denied the right to a collective agreement. This legislation will worsen their position.

I say to these Australians and every Australian: whilst this government has betrayed you and your kids, the Labor Party have only just started the fight for you. I give this commitment to every Australian: we will fight for your standard of living and your rights on every street corner, in every workplace and in this parliament for every waking hour until you get your rights back after the next election. Mark my words: today is the beginning of the end of the Howard government. They have gone too far; they have too much power. They are arrogant and think they can get away with anything. They do not even bother to pretend to respect this House or this democracy. There are 1,252 pages of legislation and they did not even give a copy to members elected to represent the Australian people on this side of the House or on the crossbenches. They have so much power; they just do not care to pretend any longer because they do not think they can get voted out. They hate scrutiny. They resent the way committees of the House and
the Senate expose their lies. They do not want experts looking into the detail of this law. They do not want Australians to get the truth about this law. Instead, they want to be able to ram this legislation through the House and then distract any attention from what they have done.

Working families must now wear the outdated ideology of a man who has no understanding of Australian workers, no idea about the families who rely on fair wage decisions from an independent umpire and no respect for the rights of Australians to organise and bargain together for a fair deal. It is a frontal assault on the Australian way of life, on fundamental freedoms for Australian families, on the values of Australian society and on the Australian belief in a fair go. It is an un-Australian attack on values that Australians have held dear for generations. It is the Americanisation of the Australian wages system and Australian conditions and there will be no opportunities for ordinary Australians to effectively respond to any of it.

It will make it harder for dad to be at the dinner table and harder for mum to take the kids to cricket training. No wonder Australian families are asking, ‘What’s it going to be like for our kids?’ And no wonder the government has broken its election promise to release a family impact statement on all pieces of legislation affecting families. It slid back into office on preferences around that promise and it has manifestly failed to keep it. It is no small wonder that one representative of a party to whom they gave those promises, who hitherto looked as though he had some time for this government, dismisses them completely as far as this legislation is concerned because he has been lied to and his position and his political integrity has been traduced.

Families will be under pressure to trade off precious time together, along with holidays, penalty rates, overtime and even Christmas Day. No wonder the Prime Minister refuses to give his former rock solid guarantee not to make workers worse off because, by taking away their rights, this legislation will make workers and families worse off, yet John Howard’s advertising campaign makes the bald-faced lie that this will be good for working families. The legislation introduced this morning is like a nest of termites that in the months and years ahead will gradually eat away the foundation of living standards of Australian families. It is not going to happen overnight. None of us believes that the sky will fall in or that something will immediately happen when this legislation, in whatever form, ultimately gets passed through the Senate.

What is going to happen is a slow, steady undermining. And if there is any slowdown in the Australian economy—that is not impossible with this sort of thing being introduced into the mix—then what will happen piecemeal will be the collapse of workers’ conditions, collapse of those penalty rates, collapse of that holiday pay, as the minimum wage will collapse massively under the operations of the new commission in whose hands it is being placed. It will delay the next wage case for a period of six months so that at least 1.7 million workers under awards will not receive a wage increase for a period of 18 months or longer. It destroys the legacy of the hard work of generations of Australian workers. It undermines the principle of fairness that underpinned the Australian industrial relations system for 100 years. It cuts the independent umpire out of the picture. The independent umpire that currently ensures fair wages and conditions and resolves disputes will be there no longer. It distorts workplace bargaining relationships in favour of employers over their employees. It massively shifts the balance against ordinary Australians in the workplace. It denies indi-
viduals the right to reject individual contracts—as I think we demonstrated amply—which cut pay and conditions and undermine collective bargaining and union representation.

The Prime Minister has said that his excuse for chickening out of the debate with me—a national debate on television, such as he did not have in the last election campaign when he concealed his intentions from the Australian people—was that he would answer our questions in question time. What do you think about that? We asked him 10 questions today and got not one answer. So he does not answer the questions in question time and he chickens out of a debate with me in public. He will not have himself held accountable for this under any circumstances at all. This legislation allows individual contracts to undermine the rights of Australian workers under collective agreements and awards, eliminating penalty rates, shift loadings, overtime, holiday pay and other award conditions. It takes away any protection from unfair dismissal for almost four million workers. What does that mean for the security of mums and dads? Trying to answer one of the questions we asked him, when we gave him a very explicit indication that the metaphorical industrial gun was pointed at the head of anyone who sat down to negotiate with an employer, he said, ‘Look at the balance of the legislation.’ Indeed we do, because each section of this intersects.

The fact that there will no longer be a fairness determination in fair pay issues to be considered by the so-called Fair Pay Commission, the fact that there will no longer be a no disadvantage test applying to AWAs, the fact that the AWAs will be ‘Take it or leave it, leave this room and leave this job’ and the fact that there will be no protection against unfair dismissals in most workplaces are all in the bill, and they do intersect, as the Prime Minister says. The upshot of that intersection will be the collapse of people’s wages and conditions, the collapse of those things that actually make the quite modest wages in most of the Australian system nevertheless usable for the purposes of sustaining a mortgage—in other words, the penalties, the time and a halves, the double times, the shift allowances and the rest and, if you work on public holidays, the substantial penalty payment. That is how people on $50,000 a year—the average wage—afford mortgages in this country. The fact that all that would go puts their families’ conditions in jeopardy and puts them in jeopardy, and the consequence of that is economically bad.

I cannot say it more often or more emphatically: the biggest deceit that is practised in all their propaganda is the statement that this is good for the economy. It is not good for the economy to cow workers and underpay them. It is not good for the economy for people to be passing in their mortgages. It is not good for the economy for workers to be unable to afford their holidays, their relaxation or a decent family life. Divorce is not good for the economy. Divorce is patently bad for the economy. It is not good for the economy that kids cannot afford to be educated when their parents seek to be able to keep up any fees that they need to pay for the school systems that they get into. It is not good for the economy. And that is all there is to it. It may lift profits, but profits are now at record levels. If profits are the key to future investment, the profits are already there. What this will do is crush the consumers who also actually happen to be the workers.

It is also so indescribably undemocratic. It proposes to fine union representatives up to $33,000 if they negotiate to include health and safety and training and other clauses in agreements. It will do nothing to lift the productivity of Australian workers, which productivity has been undermined by the government’s practice of stripping away funding
from training and education. That is gone in all of this.

Despite this disgraceful abuse of process, we are finding out more and more here about how John Howard intends to make us more like the United States. The dishonesty and deception is becoming clear. They say they want to simplify workplace laws and they produce 1,252 pages of complex law and legal explanation. Kevin Andrews could not even get his own department to write the law. They had to hire not one, two, three or four but 11 law firms to write it for them. They say the law will provide for fair wage decisions by the new Fair Pay Commission, but the bill does not allow the Fair Pay Commission to take fairness into account when it makes its decisions. They have explicitly cut out former section 88B of the current law which obliges fairness to be one of the issues taken into account by the body setting wages.

They say the bill aims to get rid of unions having a say in working conditions, but the bill gives the Liberal Party minister control over every wage agreement in Australia. The bill prohibits any workplace agreement from including what the minister decides is prohibited content, and the minister can decide to prohibit anything he likes. And it is a criminal offence to try to negotiate anything the minister prohibits. So with one stroke of a pen a Liberal party minister can interfere in every single enterprise agreement signed in Australia. Penalty: jail if you try to include what a minister has prohibited. This is the biggest threat to freedom that is in this parliament now—there is no question about that. This is the biggest threat to freedom and it is a threat to the freedoms of every Australian.

The Liberals have not always been like this. The man whom the Liberal Party most reveres, Alfred Deakin, was the man who introduced the Conciliation and Arbitration Bill as Attorney-General. He said this:

The task here commenced will be long and painful. There will be painful incidents, there will be the inevitable swing of the pendulum, and many obstacles will have to be surmounted ... Social justice is a lofty aim ... We have trusted for centuries to the various tribunals erected for the administration of civil justice, and I hope that we shall begin from this day forth to trust to these courts for industrial justice.

This Liberal Party has massively betrayed this legacy and will send us back to the position that existed prior to that Conciliation and Arbitration Act being put in place. We will fix this after the next election. (Time expired)

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (3.28 pm)—Nothing gets in the craw of the Australian Labor Party more than for them to be reminded that it has been this government that has created 1.7 million extra jobs and seen a 14.9 per cent increase in real wages. When it comes to the question of which party in government has done more for the Australian workers then we are prepared to trade our record and to rely on our record against the man who is walking out of the chamber at the present time, the Leader of the Opposition.

Mr Byrne interjecting—

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Holt should remember that there has been a general warning.

Mr ANDREWS—He wants a debate and he has gone scuttling out of the door.

Mr Byrne interjecting—

The DEPUTY SPEAKER—The minister will resume his seat. The member for Holt will remove himself from the parliament under standing order 94(a).
The member for Holt then left the chamber.

Mr ANDREWS—When one looks at the historic record the reality is that it has been the coalition in government which has delivered to Australian workers and their families. This government, in the last almost 10 years, has delivered 1.7 million extra jobs for Australian workers and their families. It has delivered a 14.9 per cent increase in real wages to Australian workers and their families. The rhetoric which we heard today—the overblown, almost hysterical rhetoric which we have heard today—from the Leader of the Opposition is very similar to the rhetoric which we heard in 1996 when this government introduced the Workplace Relations Act in the first place. I say to ordinary Australian men and women listening to this debate and to some of the extraordinary carrying on from the Australian Labor Party today: cast your minds back 10 years, to 1996, and listen to the same rhetoric which we have heard today. In fact, on 19 June 1996 the Leader of the Opposition, Kim Beazley, said:

... the government is attacking the very basis of people’s living standards ... Attack wages, and you attack families.

Isn’t that just what we have heard once again?

Mr Danby—It was right then and it is right now.

Ms Annette Ellis interjecting—

The DEPUTY SPEAKER—The member for Melbourne Ports and the member for Canberra are apparently slow learners.

Mr ANDREWS—The member for Perth went even further in 1996. This is the man who said on 17 October 1995:

The Howard model is quite simple. It is about lower wages; it is about worse conditions; it is about a massive rise in industrial disputation; it is about the abolition of safety nets; and it is about pushing down or abolishing minimum standards.

Mr Adams—Answer the charges!

The DEPUTY SPEAKER—Order! The member for Lyons! You sit in this chair, you should know better.

Mr Downer—Was this last week?

Mr ANDREWS—This was 11 years ago, Foreign Minister, when the member for Perth used the same overblown rhetoric that we hear once again from him today. The reality is that, on each count raised by the member for Perth and the Leader of the Opposition back in 1995 and 1996, they were wrong. The record of this government has been to increase massively the number of jobs for Australian families and to increase real wages. The level of hysteria that we are getting from the Australian Labor Party was repeated in this chamber today. We have today on the front page of the Age newspaper from Melbourne a report saying that Kim Beazley has declared John Howard’s industrial relations legislation ‘a greater threat to civil liberties than the controversial antiterrorism bill’. What we have got here is a Leader of the Opposition who is so desperate that he will say or do anything to grab media attention to get a headline in relation to this. These sorts of outlandish, hysterical claims are in accord with what we have heard from other leaders of the labour movement.

Ms Annette Ellis—So what’s the problem?

Mr ANDREWS—Brian Boyd, of the Victorian Trades Hall Council, says, ‘This is about enslaving workplaces.’ What we have done in the last 10 years is to considerably free up workplaces.

Ms Annette Ellis—So what’s the problem?

The DEPUTY SPEAKER—The member for Canberra will remove herself from the
chamber under standing order 94(a). You have been warned twice.

The member for Canberra then left the chamber.

Mr ANDREWS—Andy Gillespie, the President of the South Coast Labour Council, says that this will see ‘a real breakdown in society’. John Robertson, the Secretary of Unions New South Wales, calls this ‘a direct attack on families and the way our children are raised’. And then we have the Leader of the Opposition saying that this is going to lead to more divorce. Tomorrow we will be told that the industrial relations legislation is going to contribute to the global warming of the world. We had Janet Giles from Unions South Australia saying more workers would die of asbestosis related diseases because of this legislation. This is the overblown, hysterical campaign that is being run by the Labor Party. Bob Smith, a Labor member in the Victorian parliament, relates this to women and children being killed in America, and he went on to say that this is the road that the Prime Minister wants to take us down. This is absolutely bizarre. Mark these words and the sort of campaign that we are getting from the Labor Party.

Workers Online, the official online journal of the labour movement in Australia, said recently that the federal government’s changes to industrial relations could kill people. How bizarre and how hysterical is this campaign—and, as the Minister for Foreign Affairs says, how offensive are these comments!

We had the President of the ACTU—and this is worth reminding Australians—shown on Lateline on 10 August, saying this about the ACTU campaign:

I need a mum or a dad of someone who’s been seriously injured or killed. That would be fantastic.

That would be fantastic for their campaign! This is shameful conduct. These are shameful words. But this is the level of debate that we are getting from the Australian Labor Party in this overblown attempt to scare Australians about these changes.

Rather than listening to this overblown rhetoric and the frenzied attack that the Leader of the Opposition and, before him, the member for Perth were leading today, we ought to compare the record of what this government has done for the workers in Australia—the commitment that this government has made to the workers of Australia—with that of the Australian Labor Party. When the Leader of the Opposition—the member for Brand, Mr Beazley—was the Minister for Employment, Education and Training in the previous Labor government, what was his record? His record was one million Australians unemployed, and there were 329,000 long-term unemployed people in Australia at that time. The teenage unemployment rate in Australia when Kim Beazley was the responsible minister was 34.5 per cent. More than one third of teenagers in Australia were unemployed when the man who is now the Leader of the Opposition was responsible for employment policies under the previous Labor government. And he wants to talk about a record in relation to what we have done for Australian workers and their families.

Opposition members interjecting—

The DEPUTY SPEAKER—A general warning is a general warning.

Mr ANDREWS—Indeed, the Leader of the Opposition said at that time—and I think this is very telling:

I lost a lot of ambition and I stopped straining ... I thought that there was less capacity to achieve in that portfolio than just about any I have had.

Mr Danby—What is the relevance of this?

The DEPUTY SPEAKER—The member from Melbourne Ports will remove himself under standing order 94(a).
The member for Melbourne Ports then left the chamber.

Mr Andrews—The relevance, I say to the member for Melbourne Ports, is that, when it comes to judging a government on its record of what it has achieved for Australian workers and their families, we proudly stand by the record that we have achieved over the last 10 years. That stands in marked contrast to the abysmal record of the previous Labor government. Let us remember that just recently, on 1 April 2005, in a speech at the Sustaining Prosperity Conference, the Leader of the Opposition said:

We achieved 13 years of wage restraint under the Accord.

Well, they sure did. Real wages went backwards—went downwards—under the wage accord in the 1980s in Australia. He went on:

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. We left office with the wage share of GDP at 55.3 per cent. That allowed corporate profits to rise to record levels.

Here is the Leader of the Opposition, as recently as 1 April this year—and it was no April fool’s joke—making the point to the Australian people that he and the government that he was part of during the 1980s and the early 1990s had driven down real wages of Australians. And he has the gall to come in here today and carry on in the way in which he has about these changes that are being made. The reality is that there is even a false premise in the argument that has been advanced by the Leader of the Opposition today. In relation to the new Australian Fair Pay Commission, he says that these changes will drive wages in Australia down to those levels which are experienced in the United States of America. The minimum wage in the United States of America is about US$5 an hour. The minimum wage in Australia is almost $13 an hour, and then there are minimum wages for all the award classifications which rise to a worker earning about $1,100 to $1,200 per week.

In this bill we are not just retaining a minimum wage; we are retaining all of those award wage classifications. There will be minimum wage classifications for workers ranging from those earning about $500 a week to those earning $1,100 to $1,200 a week. What we have said and what is spelled out in this legislation is that the minimum wage—in being set by the Australian Fair Pay Commission in the future—cannot be reduced below the level at which it was set in the 2005 safety net review case by the Australian Industrial Relations Commission. So the whole premise that the Leader of the Opposition advances his argument upon this afternoon is based on a falsehood—that is, that we are going to create something which is not part of this legislation, is not part of anything that the government have stated, is not part of our intentions and is not part of the bill.

The reality is that this government has brought about more jobs and higher wages for Australians over the last 10 years. The reality is that that has been supported. But it is not just something which we believe in. Paul Keating, in his famous address to the Institute of Company Directors in 1993, spoke about the vision he had for the model of industrial relations that he was working towards. He was the last Labor leader in Australia who actually had some gumption to have some policy, and who stood up for something. We have not seen much of that recently.

Barry Jones was right when he said that the frontbench of the Labor Party is made up of 16 apparatchiks, 10 union officials and four others. He was quite right about that. The reality is that, when union members constitute just 17 per cent of the private sector work force in Australia, we see that union
members—union officials in most cases—constitute about 75 per cent of the Australian Labor Party. How in touch are they with the Australian people? But let me go back to what Paul Keating said. He said:

It is a model which places primary emphasis on bargaining at the workplace level within a framework of minimum standards provided by arbitral tribunals. It is a model under which compulsorily arbitrated awards and arbitrated wage increases would be there only as a safety net. This safety net would not be intended to prescribe the actual conditions of work of most employees, but only to catch those unable to make workplace agreements with employers. Over time the safety net would inevitably become simpler. We would have fewer awards with fewer clauses.

What are we doing? We are putting into legislation that which Paul Keating set out as his vision for industrial relations in Australia. Why did Paul Keating come to that realisation? He came to that realisation because of the recession of the late 1980s and early 1990s. He came to the realisation that no elaborate, strict set of industrial relations laws would save Australians from unemployment if we did not have a strong economy. That is why he came to that realisation. To Mr Keating’s credit, he at least had the guts in 1993 to make the first changes to improve the industrial relations system in Australia and move into a new century, rather than clinging to a system established over a century ago in Australia to deal with the problems of the 1890s. Regrettably, the Labor Party that sits opposite does not have the same vision and does not have the same courage that Paul Keating had to argue his case and to take it forward in 1993. The reality is as Bill Kelty said back at that time:

A more decentralised wage fixing system will put the spotlight back on the only place where Australia’s real economic battle will be won—in Australian workplaces.

Bill Kelty and Paul Keating could at least see what we needed to take Australia forward in the early 1990s. But what we have from the Labor Party at the present time is simply a determination to roll back industrial relations, not just beyond what we have proposed in this bill but beyond 1996 and the Workplace Relations Act—there is even a determination to undo some of those changes which Paul Keating started to put in place in 1993. Go to the Australian Labor Party’s policies. Go to their industrial relations policy and you will see a massive roll back— the term they do not want to use—of these policies that have been put in place by both sides of parliament.

I will finish with the words of a modern Labour leader that might once have rung true for the Labor Party. Tony Blair, in a speech to the Trade Union Congress in 1997, said:

You should remember in everything you do that fairness at work starts with the chance of a job in the first place …

That is what this is about—giving more Australians the chance of a job, giving those families who do not have a job the chance of a job, giving those 700,000 kids who are growing up in homes where no-one has a job the chance of a job. That is what we stand for, unlike the people on the other side who do not have the courage and do not have any convictions.

Mr STEPHEN SMITH (Perth) (3.42 pm)—After five months of waiting and a $55 million splurge on a Liberal Party advertising campaign, paid for by the taxpayer, we finally get the bill, the Workplace Relations Amendment (Work Choices) Bill 2005. We finally get 1,252 pages of a bill and an explanatory memorandum. What do we find, with the opportunity we have had—limited at this stage—to go through the detail? It is, as we said it would be, extreme, unfair and divisive. Make no mistake: these changes are revolutionary, not evolutionary. These changes are a savage and massive attack on
the living standards of Australian families—
on the wages and working conditions of
middle Australia. This is a massive and sav-
age attack on wages, through the govern-
ment’s attack on the minimum wage—a
minimum wage that currently sees nearly
two million Australian employees entirely
dependent upon it for their livelihood.

But the minimum wage cascades upwards
and, in the end, the government’s attack on
the minimum wage will have an adverse im-
 pact on the wages of all Australian employ-
ees. It is an attack upon their living standards
by reducing or removing their entitlements
and conditions, and it does that in two ways.
It does that by removing the no disadvantage
test, which protects for employees: penalty
rates, leave loading, overtime—those condi-
tions and entitlements which are so impor-
tant to making ends meet and to living stan-
dards. It allows those entitlements to be re-
 moved without any adequate, fair or just
compensation.

That is how the attack is effected on
wages and conditions—through attacking the
minimum wage and through the no disadvan-
tage test. It is also an attack upon the Austra-
lian way of life. This revolutionary piece of
legislation attacks some of the fundamental
values, virtues, characteristics and notions
that Australians have held dear since Federa-
tion. In particular, it attacks the notion of a
fair go—that all Australians, irrespective of
their socio-economic status, are entitled to at
least share fairly in our economic prosperity.
What this does is destroy the Australian
ethos of a fair go. How does it do that? By
pushing the unfair bargaining position in the
workplace even further against the employee
and even further in favour of the employer. It
is an attack upon living standards and an at-
tack upon Australia’s way of life. That attack
upon wages, entitlements and our way of life
will mean one thing: we will end up in Aus-
tralia with a significant proportion of people

who we will describe as the ‘Australian
working poor’. Not the American working
poor—this is the Americanisation of the Aus-
tralian working poor.

What is the best way of persuading the
Australian people that this is nothing more
and nothing less than an attack upon their
living standards and conditions? Go through
the 1,252 pages. Where do you find that sim-
ple guarantee from the Prime Minister—just
a simple guarantee that no individual Aus-
trian employee will be worse off as a result of
these changes? You will not find it, and you
cannot find it. The Prime Minister says, ‘My
guarantee is my record—trust me on my re-
cord.’ His record on the minimum wage is
that, if his submissions to the commission
had been agreed to since coming to office,
the minimum wage would have been reduced
in real terms by 1.5 per cent. The Prime Min-
ister says, ‘I do not need to give a guarantee
because all of these changes are essential to
our economic performance, essential to our
productivity, essential to our competitiveness
and essential to a thriving economy and a
prosperous society.’ Not one word did we
hear of this during the election campaign.

When did we hear the Prime Minister go
up hill and down dale saying that these pro-
posals—the proposal to abolish the no disad-
 vantage test, the proposal to remove unfair
dismissal rights from four million Australian
employees, the proposal to reduce in real
terms the minimum wage for nearly two mil-
ion Australian employees and the proposal
to unfairly push the bargaining power in the
work force even further against the employee
in favour of the employer—were essential?
When were these arguments made in the
course of the last election? At the heart of
these proposals to reduce living standards
and fundamentally alter the Australian way
of life is the way in which that bargaining
power is distorted even more in favour of the
employer.
We have had a modestly brief amount of time to pore over this legislation. We have found just two things, which I suspect will be of passing interest. Both things were effectively denied by the Prime Minister, Honest John, in question time. Some of us have been around long enough to understand that the expression ‘Honest John’ was always an ironic expression. It was put to the Prime Minister in question time that when it comes to the Australian Industrial Relations Commission setting the minimum wage—the safety net for nearly two million Australian employees entirely dependent upon the minimum wage for their livelihood and for meeting the necessities of life—fairness is a criterion, a current requirement. The Prime Minister in question time denied that that had been removed. What we find when we compare the current arrangements with the proposed arrangements is that the following provision is removed from the so-called Fair Pay Commission’s criteria that need to be taken into account:

... a safety net of fair minimum standards for employees in the context of living standards generally prevailing in the Australia community. That is removed. That is abolished. The so-called Fair Pay Commission does not have to take fairness into account, echoing the remark and the endorsement of the minister that, in this area of public policy, fairness is not a criterion that needs to be taken into account. We fundamentally disagree with that. One change that we have found on quick scrutiny is that the so-called Fair Pay Commission—which will actually be a low pay commission—does not have to take fairness into account when it comes to low-paid employees meeting the necessities of life. I happen to agree with Ross Gittins from the Sydney Morning Herald, who wrote in this context that, if the ‘Socialist Republic of Mongolia’ is required to call itself the ‘Democratic Socialist Republic of Mongolia’, it is because it is not democratic. The fact that the government is required to call this commission the Fair Pay Commission is precisely because it will be a low pay commission and an unfair pay commission.

The second matter—and this is where the pincer movement arrives—is the combination of the abolition of the no disadvantage test and the legislation now allowing people to be forced onto individual contracts, AWAs, and the spectre of the unfair dismissal proposal hanging over people’s heads. Again this was put to the Prime Minister in question time and again he denied it. The current provision in the act in respect of applying duress in the AWA context is found in current section 170WG of the act:

170WG Persons must not apply duress or make false statements in connection with AWA etc.

(1) A person must not apply duress to an employer or employee in connection with an AWA or ancillary document.

(2) A person must not knowingly make a false or misleading statement to another person with the intention of persuading the other person to make, or not to make, an AWA or ancillary document.

Subsection (2) of 170WG is also diluted in the provisions of the bill, and I will come to that, no doubt, in due course on another occasion. But when you look at the provisions, again denied by the Prime Minister after three questions from the Leader of the Opposition and me, you find on page 203, under proposed section 104, ‘Coercion and duress’, subsection (5):

(5) A person must not apply duress to an employer or employee in connection with an AWA—

— not unlike the provision in the current act. Subsection (6) says:

(6) To avoid doubt, an employer does not apply duress to an employee for the purposes of subsection (5) merely because the employer
requires the employee to make an AWA with
the employer as a condition of employment.
In other words, you take the AWA, with
the unfair conditions—with the penalty rates, the
leave loadings, the overtime, the work and
family balance provisions taken away un-
fairly—as a condition of employment or you
do not get or keep the job. That is where the
destruction of living standards and the capac-
ty for work and family balance comes in.
That is the pointy end of this despicable,
savage and malicious legislation, which we
will fight up hill and down dale to the next
election. After that election we will restore to
the Australian community a fair system un-
derpinned by fundamental principles which
reflect our national characteristics and values
and the virtue of a fair go.

Mr BARRESI (Deakin) (3.53 pm)—I am
pleased to join in this debate on the matter of
public importance. The MPI talks about the
‘extreme industrial relations changes’. In
every question from the opposition during
question time today the phrase was prefaced
with the word ‘extreme’. It may be useful for
members on the other side to know that sim-
ply declaring something to be extreme does
not make the legislation or the policy posi-
tion of the government extreme—far from it.

For an indication of what I mean, one only
has to look back over the last 10 years. I see
that the member for Perth and the member
for Brand are leaving the chamber. This is a
debate on their MPI, but they have already
made their ‘Churchillian’ comments about
fighting on the beaches, on the streets and in
the hills, as they have done throughout this
whole campaign. This is not an extreme
change; this is continuation of a program of
reform which they started back in 1993.
They may want to forget about Mark
Latham, the former leader. They may want to
forget about the member for Hotham and his
leadership. However, there is one person out
there in the Labor heartland whom they still
admire. That person is the last Labor Prime
Minister of this country, the former member
for Blaxland, Paul Keating. They admire him
and they only have to look back at what Paul
Keating had to say in 1993. He said:

Let me describe the model of industrial relations
we are working towards.

He went on:
It is a model under which compulsorily arbitrated
awards ... would be there only as a safety net.
The safety net would not be intended to prescribe
the actual conditions of work of most employees,
but only to catch those unable to make workplace
agreements with employers.

Over time the safety net would inevitably become
simpler. We would have fewer awards with fewer
clauses.

We will recite the statement from Paul
Keating over and over again because the op-
position is embarrassed by it. Yet, despite the
intention for reform back in 1993, the Labor
Party had to back down on many of the re-
forms because of pressure from the union
movement. This government will not back
down under pressure from the union move-
ment. We will not kowtow to the pressure of
the union movement, which has supple-
mented the financial coffers of the Labor
Party quite considerably over the last number
of years.

We will see today in question time a most
rowdy display from the other side. The oppo-
sition did this deliberately. They wanted to
be ejected. They wanted this on their CVs so
that they could go back to their union mas-
ters and say, ‘See, I stood up for you guys
and what you are all on about.’ They are a
shameful lot and their own words over the
past 12 years constitute a condemnation of
this MPI. They certainly do not reflect the
record of this government, and it is interest-
ing that this debate is taking place at all. The
fact that the Australian Labor Party are mak-
ing the allegation that these reforms will
have an adverse effect on families demonstrates their lack of a sound understanding of the needs of families and the effects of these reforms. They raised the issue back in 1996. Back in 1996 they did not say that the reforms would cause divorce and they did not say that the reforms would result in people dying of asbestosis. The language got more and more extreme with every year that has gone by. As the opposition see their position being eroded by the excellent economic performance of this government, their rhetoric becomes all the more extreme.

If you believe the ALP, next year the Family Court in this country is going to be flooded with cases, and schools are going to be abandoned because the kids will not be able to be educated. That is what the Leader of the Opposition said during this discussion of the matter of public importance. What an absurdity from the member for Brand—having to resort to extreme, illogical statements to make his point. While the statements were not as absurd back in 1996, they are still very insightful as an indication of where the Labor Party stands and how, in contrast, this government is able to perform and not deliver the doom and gloom predictions of the other side. In 1996 the member for Fraser said in this parliament:

We believe that this bill will probably not deliver anything like the economic benefits which it seeks, but it will definitely deliver the social costs which we fear—the social costs for individuals and families, the social costs for our society as a whole.

The member for Hotham, who at that time was yet to become opposition leader, said in the Australian, ‘You’ll get interest rates up and inflation up.’ He went on to say, ‘That is a recipe for economic chaos.’ Senator Forshaw said:

Once you remove the protections that exist in awards, as this legislation does, it will lead you very quickly to a position where employees will be worse off and will lose take-home pay.

Members on the other side of the chamber have made predictions of doom and gloom in the past. I admit they were not as extreme as the predictions we heard today from the Leader of the Opposition. Each time that we have introduced reforms—back in 1996 and now—we have seen, and will continue to see, an improvement in the living standards of everyday Australians.

Those opposite do not like this record. I am pleased that the Prime Minister and the minister will continue to repeat—as will all of us on this side—the record of this government, because the record is our guarantee. We do not need a written pledge on a piece of cardboard or on the back of a truck, with the media there as a stunt. All you have to do is look back on the record and you will see that we have had the highest number of Australians in employment, real wage growth of 14.1 per cent, the lowest unemployment rates, the lowest levels of industrial disputes, and interest rates which have remained low.

These predictions by individuals such as the members for Fraser, the member for Hotham and Senator Forshaw—and they are only three that I have picked out; the member for Throsby has also made some extreme comments in the past—will be seen to be hollow words, simply playing to their masters in the union movement. The government’s record is an excellent one. It is one that has its total focus on the economic conditions of this country and not on repaying the unions, who dominate those on the other side and who have made contributions of approximately $47 million to the ALP since 1996.

There are protections throughout this legislation. I am sure that if the ALP were truly honest with themselves they would go through it and realise that terms and condi-
tions would not be abolished. The Australian Fair Pay Commission will be there and will deliberate on the economic benefits of increases. There are protected award conditions. We are having an award review task force set up to look at ways of removing duplication—something which your hero, the former member for Blaxland, advocated back in 1993. He advocated the same thing. That is exactly what we are doing. We are protecting award conditions. Employees, as you know, also cannot be forced to sign agreements and unlawful terminations remain.

There are protections there, but of course the ALP do not want to hear this; they need to come in here and have themselves ejected so as to say to the union movement—to the SDA, which has donated $6.8 million; to the Liquor, Hospitality and Miscellaneous Union, which has donated $5.7 million; to the AMWU, which has donated $5 million; and to the AWU, which has donated $4.8 million—‘We are here representing you.’ They feel compelled to do so. After all, of the 86 ALP caucus members, 41 are former union officials. Kim Beazley is more beholden to the union movement than any other Labor leader. He said this on Workers Online on 8 July this year:

... I’ve at different points in time apologised to the union movement for not keeping the Senate in a balanced situation. We missed it.

We have many union leaders in parliament and there are going to be many more. We have good union leaders in there. We are going to get good union leaders in the future.

This is a party about union position and union power. It is not about the workers; it is about the union’s position. Of course he should be concerned—membership has dropped to 17 per cent in the private sector. What did your previous leader have to say about this domination by the union movement. Of course, they want to forget who it is. It is almost like they have had a memory loss. This is what your former leader, Mark Latham, said in The Latham Diaries:

No wonder union membership is in freefall. People work hard, pay their union dues and then watch union officials spend all day playing internal Labor Party factional politics. The average union worker couldn’t give two hoots whether their union sends delegates to the Labor Party conference.

This has nothing to do with the award and the conditions of Australian workers. (Time expired)

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

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

The DEPUTY SPEAKER (Hon. IR Causley)—I present a letter from the Speaker of the Legislative Assembly of the Northern Territory forwarding a resolution of the assembly relating to telecommunications infrastructure in the Territory.

BUSINESS

Rearrangement

Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (4.04 pm)—I move:

That business intervening before notice No. 2, government business, be postponed until a later hour this day.

Question agreed to.

ANTI-TERRORISM BILL 2005

First Reading

Bill presented by Mr Ruddock, and read a first time.

Second Reading

Mr RUDDOCK (Berowra—Attorney-General) (4.04 pm)—I move:

That this bill be now read a second time.
This bill is to clarify our counter-terrorism offences.

The Prime Minister announced today that the government will introduce urgent amendments to Australia’s counter-terrorism legislation and to pass those amendments immediately.

The government is acting in response to the assessment that a terrorist attack in Australia is feasible and could well occur. This assessment is backed up by an ongoing flow of creditable intelligence.

The Prime Minister has briefed the Leader of the Opposition and the shadow minister for homeland security on the serious and ongoing concern about potential terrorist threats.

The government is satisfied on the advice provided to it that the immediate passage of this bill would strengthen the capacity of law enforcement agencies to effectively respond to this situation.

The Prime Minister raised this matter in some detail with all of the state premiers late yesterday and received their unanimous agreement to the immediate introduction and passage of this amendment if the government judged, on continuing advice, that it was necessary.

The substance of these amendments were originally part of the larger antiterrorism bill, which remains to be introduced.

Given the need to ensure the availability of those strengthened counter-terrorism laws agreed to by the Council of Australian Governments, we will still need to make decisions on outstanding issues in relation to the larger bill as quickly as possible. The government is particularly concerned that the whole range of powers agreed to by COAG be available to law enforcement agencies before Christmas and that they be in place well ahead of the 2006 Commonwealth Games.

While the government believes it is important that all elements of the antiterrorism bill become law within time frame, for the reasons the Prime Minister has outlined, the elements of today’s bill have taken on a greater degree of urgency and, as a result, the government intends to secure their passage immediately, hopefully with the concurrence of this House and tomorrow with the Senate. Just to make it very clear, this does not alter the imperative for having the passage of the larger bill.

The amendments before the House today ensure that the terrorist act offences in part 5.3 of the Criminal Code are interpreted as they were originally intended to be interpreted.

They clarify that in a prosecution for a terrorist offence, it is not necessary to identify a particular terrorist act.

The existing offences contain a subsection that provides that a person commits the offence even if ‘the’ terrorist act does not occur.

When the offences were originally drafted, it was not the intention that the prosecution would be required to identify a ‘particular’ terrorist act.

The amendments will clarify that it is not necessary for the prosecution to identify a specific terrorist act.

It will be sufficient for the prosecution to prove that the particular conduct was related to ‘a’ terrorist act.

As agreed by COAG, the bill provides that COAG may review these amendments after five years.

The bill has been considered by the states and territories who have provided their agreement to its introduction.
I commend the bill to the House. I table an explanatory memorandum. Some matters have been raised with me, which I will consider. If there is any need to vary it, I will.

Leave granted for second reading debate to continue immediately.

Mr BEVIS (Brisbane) (4.08 pm)—The security of Australia and all Australians is one of the key primary responsibilities of any government. Indeed, it is a shared responsibility of this parliament. I acknowledge the courtesy extended to me and the Leader of the Opposition by the Prime Minister and the Attorney-General in arranging briefings on the matters which relate to the Anti-Terrorism Bill 2005, and I thank them for that.

Labor support the passage of this very specific and limited bill. It is, as the Attorney said, designed to deal with particular powers, to ensure that the law enforcement agencies may be able to deal with a terrorist threat even though the specific target or time of that terrorist event may not be known to the satisfaction of the court. We are aware that that has been a matter of some consideration within the government and within the security community for a little while. It is appropriate that Australia has tough laws on terrorism. It is also important that those laws are balanced. It is important that they are targeted at terrorists and only terrorists, and it is important that they come with strong safeguards.

Australians and our nation are today at a greater risk of threat, it has to be said, because of our involvement in Iraq. That is not often stated in this place; nonetheless it is the case. I am reminded of the assessment made by AFP Commissioner Mick Keelty to that effect, following the Madrid bombings. Mick Keelty was reported as saying—and he was not alone, either; the New South Wales and Victorian police chiefs shared his view—that our involvement in Iraq had increased the chances of an attack in Australia. I quote him from March 2004, speaking of the Madrid bombing:

... if this turns out to be Islamic extremists responsible for this bombing in Spain, it’s more likely to be linked to the position that Spain and other allies took on issues such as Iraq.

Regrettably, at that time, rather than heeding the advice and wise counsel of the AFP Commissioner, the Prime Minister’s office rebuked Mr Keelty and chastised him privately and publicly. He was not the only one who made that observation, though; other respected commentators made the same point. Rohan Gunaratna is often reported as an expert in these matters. He is the head of terrorism research at the Singaporean Institute of Defence and Strategic Studies. At that time, he was in Australia. He told a conference in Australia that the threat to our nation had increased since its involvement in Iraq and the Afghanistan wars. I think this would be an appropriate time for the Prime Minister to honestly explain that to the Australian people, as we deal with this legislation.

The less charitable may have made some observations about the timing of this bill, and I know the issue has been raised with the Leader of the Opposition in press interviews earlier today. This is, after all, the day on which the parliament is dealing with the politically charged issue of industrial relations reform. We would hope that there is no link in those matters. I suspect that time will tell us the answer to that.

The government’s intention is to convene a special sitting of the Senate tomorrow afternoon, I understand, so that this bill gains passage through the parliament and can come into effect before the end of this week. It may well be that a better course would have been for the Senate to convene later this day. That would have had some logistical
problems, I acknowledge, but there are many senators in the parliament this week with Senate estimates. It is a matter of some concern to us that the length of time of the bill’s passage through the parliament may give notice and opportunity to people to do things that they would not otherwise be able to do if the bill were given passage today rather than having to wait until tomorrow.

It is also important to recognise that the bill we are dealing with is extremely specific. The difference between the bill before us now and the operation of the law at the moment really does boil down to a determination about whether or not the law refers to ‘the’ terrorist act, being a specific event, or ‘a’ terrorist act, being a more generic event.

We should stop and appreciate the importance of the drafting of legislation, when we find ourselves here, now, dealing with a special bill to change the import of one word. Not only are we debating that as a part of business not normally scheduled but the Senate is being recalled, effectively to deal with that one change. I urge the government to recognise the importance of getting the drafting of these matters correct. That is why full and proper scrutiny of these matters before the parliament is important. The Attorney made reference to the larger, more substantial antiterrorism bill that will give effect to the COAG agreement, which I imagine will be debated in this parliament in the very near future. I urge the government to make sure that the parliament—this House, the Senate and a Senate committee inquiry—is given the greatest amount of time to deal with those matters.

We understand and acknowledge the need for those laws to be addressed before the parliament rises at the end of the year. More than two weeks ago Labor gave a commitment that we would facilitate time for debate in the parliament to ensure that those bills could be properly debated and dealt with before parliament rose at the end of this year. But it is important, especially in these areas, to get the detail right. That is important not just because of the big issues of getting the balance right—that is fundamentally important, and we all understand that—but it is important to make sure that these laws are operative, that we do not find ourselves in a situation in the future where these laws are unable to be used for the purposes the parliament intended because of some drafting flaw.

Here we are dealing with a bill effectively altering ‘the’ to ‘a’. That is effectively the change we are making here. Most people would wonder why such a simple change of words would be of great moment. But it is, and we understand why it is and the bill has our support on this side of the chamber. But I urge the government, the Attorney-General and the Prime Minister to take this opportunity to reflect on the process that the government wanted to pursue with the far more complex, more detailed and more difficult major antiterrorism bill.

The fact is that the government’s proposal was that that major antiterrorism bill be introduced into the parliament yesterday, on Melbourne Cup day, and debated immediately. That was the proposal the government wished to pursue. We are still to hear from the government about the date on which it will be introduced or the time that this House will have to debate it. We are yet to hear from the government about when the Senate will have the bill to consider and what length of time the government is willing to support a Senate inquiry looking into these matters. But do not understate the complexity of that task and do not diminish the importance of the parliamentary scrutiny in looking over those matters. These things deserve the full and proper consideration of the parliament and that should be made available. If that is
not clear from this debate, where we are talking about ‘the’ becoming ’a’, I am not sure how clearer it could be made.

We all hope that laws of this kind in the end are not actually needed to be acted upon. But we are nonetheless realistic enough to appreciate that the world in which we live is a complex one and that from time to time we do need laws of this nature to provide the necessary security that the parliament is obliged to provide and that the people expect to be provided.

In the exercise of these powers it is important that the community be involved, that we do not alienate key groups within the community whose support and assistance is fundamental to the long-term security of our nation. The wise application of these laws, the careful administration of these laws, is as important as the finetuning of the legislation that we are presently embarked upon. I urge the Attorney to ensure that the use of these laws is handled with due care and great focus. It is in all of our interests, as a society, that these laws are brought to bear with precision on those whom the parliament intends them to apply to and that we take great care to ensure that innocent people are not caught up in these laws. They are extraordinary laws for a free society such as ours, which is why, when the major bill comes before the parliament, it should be subject to a sunset clause.

I hope that the government takes those considerations on board, beyond the debate in this parliament and in its consideration of the administration of these laws. We will support this bill. We hope that it does facilitate an effective, improved security for Australia and Australians. That said, we would hope not to be in a situation where it is required.

Mr Turnbull (Wentworth) (4.19 pm)—The Anti-Terrorism Bill 2005, as the Attorney-General and the member for Brisbane have observed, serves to amend five sections of the Criminal Code. It deals with an apparent concern about drafting. I wish to discuss that, because the member for Brisbane has made some comments that were critical of the government and I feel it is appropriate to defend the government—and defend this parliament, of course—in respect of the drafting here. I may do so by illustration with reference to section 101.6 of the Criminal Code. Subsection (1) of that section provides:

A person commits an offence if the person does any act in preparation for, or planning, a terrorist act.

Read by itself that provision clearly does not refer to a particular terrorist act against a particular target on a particular day. It is a generalised description. The next subsection, however, provides:

A person commits an offence under subsection (1) even if the terrorist act does not occur.

There appears to be concern that the use of the definite article in subsection (2) influences the interpretation of ‘terrorist act’ in the first subsection so that ‘a terrorist act’ becomes a specific terrorist act at a particular place and time and so forth.

Laws of this kind obviously have to be treated by the parliament with a superabundance of caution. It is very appropriate that any concern about this interpretation is being put at rest today. But I have to say, in response to the member for Brisbane, that I do not believe that many people would have thought that the natural and ordinary meaning of the words that I have just read out refers to a specific terrorist act at a particular time and place. The use of the definite article in subsection (2)—‘even if the terrorist act does not occur’—is clearly intended simply to mean the terrorist act referred to in the previous subsection, as opposed to any terrorist act unconnected with the person who
has been charged. So this amendment is done out of an abundance of caution. If ever there were a statute that should be treated with an abundance of caution, it is this one.

The Attorney-General referred to the larger antiterrorism bill that is currently being discussed with the government backbench committee of which Senator Brandis is the chairman, and of which I am a member, and also of course with the premiers. That is a much larger and more complex piece of legislation and will be brought before the House very shortly, the Attorney-General has assured us.

I want to put on record my thanks to the Attorney-General for the remarkable attention that he has given to the backbench committee. There are many members of the backbench committee, but Senators Brandis, Parry, Trood and Fifield and the members for Kooyong, La Trobe and Stirling, in particular, have spent many hours with the Attorney-General—I think in total more than 10 hours. All of us have been completely united in a commitment to ensure that the legislation achieves the purposes which the government has set out for it—that is, to better equip our security forces and our police to preserve the safety and security of Australians from terrorism. After all, there is no greater purpose of government, no greater object of any state, than to protect the security of its citizens. That is the highest mission of this parliament and the government that is responsible to it.

This parliament—this government—and its predecessors have stoutly and successfully defended the security of Australia. We recognise that that security has been defended by many men and women over many years. We recognise that many of them have paid the supreme sacrifice to defend our security. Those people have also defended our freedoms and our liberties. Those liberties have been inherited by us over hundreds of years. We have benefited from centuries of freedom loving people here and in the British Isles and other parts of the world.

We are a free nation, a nation that is built on liberty. When we seek to protect the security of Australia against any threat, be it terrorism or anything else, all of us are committed, and all of us are completely united in endeavouring to ensure that the protection of the people, the establishment of security, is done in a way which impinges as little as possible on the freedoms of the people and the liberty of Australians.

That is the work that the backbench committee has been doing—constructively, with a very attentive and responsive Attorney-General, supported by his officers. I have no doubt that that has been in the forefront of the minds of the premiers and their officers, who have also been collaborating with the Attorney-General.

These are very dangerous and difficult times. We recognise that there are real threats—urgent threats of the kind that the Prime Minister and the Attorney-General have spoken of today. But all of us must recognise that, as we seek to defend and protect our security, we must defend our liberty. If we fail to defend our security, if we leave ourselves defenceless against terror, all of our freedoms inherited over the centuries will be set at nought.

These two objectives, far from being in conflict, work together. Our liberties are secure because we are protected from threats of terror, and our greatest protection against threats and our greatest protection against terrorists and the totalitarianism they represent is the liberty that resides in the heart of every Australian. I commend the bill to the House.

Ms ROXON (Gellibrand) (4.26 pm)—As the member for Brisbane has done, I indicate Labor’s support for the Anti-Terrorism Bill.
2005. As other speakers have made clear, it is true that the changes are fundamentally technical changes. They are minor changes. But, as I think all speakers have made clear, it is important for us, even if it is out of an abundance of caution, to make sure that the laws that we have in place do the job that everybody intended they would.

It is particularly important when you think that the offences that are affected by the changes in the bill that is before the House are the ones that are mainly described as preparatory terrorism offences—ones that make clear that, if you are providing or receiving training connected to terrorist acts, if you possess things connected with terrorist acts or if you are collecting or making documents or other materials that are likely to facilitate terrorist acts, there are specific offences regarding acts in preparation for a terrorist act or the planning of it.

Every single person in this parliament, and I would have thought every person in the community, wants us to be able to apprehend people who are actively involved in preparing to undertake a terrorist act. This is a serious thing. If there is any concern that the drafting of the provisions that are before us now is correcting what might have been an error before, we should support the changes. Because these are technical changes and we want to make sure that the laws have their intended purpose, we are prepared to support the government’s intentions here.

Given that these offences were introduced into our Criminal Code in 2002, when there was a substantial amount of scrutiny, it is fair to say that obviously this sort of interpretation was not understood at that time to be a problem. That has been indicated to some extent by the member for Wentworth. We have this ridiculous position where one paragraph relating to an offence refers to ‘a’ terrorist offence and then another paragraph or subsection refers to ‘the’ terrorist offence. People often joke that if you put a group of lawyers in a room you will get 10 different opinions about what something means. We need to make it abundantly clear to any person who might try to put a different sort of interpretation on this that that is not what is intended.

This parliament has to be able to pass laws that make it clear that, if you are taking preparatory steps to commit a terrorist offence, even if the exact date, time or place is not clear, that is something we want to be able to prosecute. As the explanatory memorandum notes, this is exactly the type of thing that will be caught by the bill that is before us today.

We understand that the government has received agency advice that this is needed, and clearly we are not in a position to do anything other than believe that it is important for these bills to be passed. When the changes are such technical ones and, in a sense, cautious ones, it would obviously be inappropriate to stand in the way of the legislation moving through the House. Let us face it: you cannot be too cautious with terrorism. We know that terrorists do and often can leave the final details of any of their planning until quite late in the process. If we can nip any of that in the bud by making sure that the offences clearly go to the preparatory steps then at least we will not be dealing with how we would prosecute people after an event—one that all in this House hope never happens—but rather before the event.

So I want to lend my support to the changes that are being moved today. As other speakers have already raised today, I too have a bit of a question mark over the timing of this legislation and its being rushed through the House on a day when the nation’s attention is quite rightly on the very dramatic changes that the government is...
proposing in the industrial relations arena. We also know and flag that there are far bigger issues, far more contentious issues and, frankly, far more difficult drafting issues that need to be dealt with in the broader antiterrorism bill that will be before the House very shortly.

Like the member for Brisbane, I would like to make it clear—and I am pleased that the Attorney-General is in the House while I do this—that this sort of example is surely one that teaches us that we must be very careful with new laws that we propose. The parliament is one place where careful scrutiny can identify unintended consequences of drafting when legislation is dealt with in a hurry—which, as we know, occurred with the broader antiterrorism bill—and when it is being negotiated between a range of people. We need to take care that the final version of the bill that is passed by this House will clearly, concisely and appropriately state what this parliament intends.

Whilst I am pleased to hear from the member for Wentworth that the Liberal Party backbench has had such attention from the Attorney-General in putting forward their views, I would think—no disrespect to the Liberal backbench—it is actually something that the public, let alone the rest of the parliament, might also want the opportunity to do. Perhaps many of us do not necessarily want a 10-hour meeting with the Attorney, but we would certainly like 10 hours to see the bill. We think the public is entitled to it. We think parliamentarians are entitled to it. We also think—not because we have got tickets on ourselves—no-one is the holder of all knowledge.

The bill that we are debating here today is an example of where people can get it wrong, where we can think it means one thing and someone else thinks it means something else. Let us make sure that the substantive bill that we are going to debate is able to be scrutinised properly by the parliament, that we can all go through it with a fine tooth comb, that we can make sure that the tough measures that are needed do not have loopholes in them, requiring us to be back here in another three months time fixing them up. Also, we must make sure that the safeguards are appropriate and are what the community expect and demand when we are going to introduce far-reaching laws.

I make a plea to the Attorney: this legislation is really important. We are prepared to support the important measures that need to be taken but we do expect certain respect to be shown to the parliament. We think we have something to offer and the public has something to offer in looking at the final form of the broader bill that the government puts forward. We can assist in getting the terms of the legislation right. We can raise problems and we can have a proper debate, as this parliament should—a debate befitting of a national parliament—to make sure that the laws that we introduce in the future have the balance right, are watertight where they need to be and protect the other values of our community.

Labor are prepared to support this bill today. We hope that the Attorney can take on board our suggestions for the broader bill when it comes before the House, and we trust that we will have, at the very minimum, the respect that has been apparently shown to the Liberal backbench by our being given more time, sufficient time, to go through the final bill that is going to be debated in this House.

Mr ANDREN (Calare) (4.34 pm)—We have these emergency provisions in the Anti-Terrorism Bill 2005 apparently to meet a specific terrorist threat. It is a specific threat that has been known about for some time, I understand—even before yesterday’s Mel-
bourne Cup, even before today’s introduction of the IR bills, even before question time today and even before today’s matter of public importance. The Prime Minister’s statement suggests that the ASIO report on the potential for home-grown terrorism has much to do with these rushed provisions before us today. Surely that intelligence has been around for many months.

The amendments in themselves essentially change ‘the’ to ‘a’ terrorist act and, according to my legal advice, they should cause no great alarm. But that same advice says that it is absolutely extraordinary to recall the Senate to pass them. Does the Attorney-General really expect ASIO, the Federal Police and the state police to wait for the Senate vote before acting on any pending terrorism threat? These amendments are extraordinary because there are already laws of conspiracy and ASIO provisions that cover the crime of planning a terrorist act. These rushed amendments are extraordinary only because I firmly believe that they have the effect, if not the intent, of ramping up community concern, of locking in the doubters and further wedging non-government representatives who have received scores of sound and reliable advice from law practitioners all over this country—led by the likes of Ian Barker QC and John Dowd, a former Liberal Attorney-General in New South Wales. The draft antiterror laws that we have seen so far are indeed extreme in some measures and erode the freedoms that our soldiers fought for.

Barker QC says that the proposed laws—no doubt the first draft that he saw, courtesy of Jon Stanhope’s courageous move to put them on the web—will give the government the ability to control, monitor and jail people who have not committed a crime. He said that these people will not be charged with a crime. He went on to say:

Today we are on the edge of a slide into our own 21st century form of fascism: secret arrests, secret detention, secret interrogation by secret people. This will be the product of the anti terrorism bill—at least in the version that he had seen to that point—itself kept secret until the last minute to avoid scrutiny by those it will put at risk—the Australian public.

The Australian public was denied any access to the bill until Mr Stanhope chose—I repeat: with great courage—to put it on the web for Australians and legal practitioners to have a decent look at it. Here last-minute legislation is being introduced into the House, with talk of impending acts, still with 24 hours before the Senate deliberates on the matter.

My Victorian Independent colleague Craig Ingram commented today that such laws may well have the effect of turning young men into potential terrorists, so alienated may they feel if and when they are wrongly taken into custody and interrogated on suspicion that proves groundless. Why has the terrorism alert not been raised if there is an urgent need for these measures? It still stands at medium. Where is the briefing offered to all members? ‘Trust us’ is not good enough.

A few minutes ago I received advice that sections 101 and 102 of the Criminal Code relate to ‘a’ terrorist act. I am advised there is no difference of legality between the terms ‘the’ and ‘a’, notwithstanding the views of the member for Wentworth. The advice is that there is no necessity for these amendments, so I have a serious suspicion that they are far more about politics than policing. I will not oppose the bill, but I am deeply sceptical of the motives of the government. The newspaper headlines tomorrow will not be ‘Industrial relations’ but ‘Terror scare’. Is that truly the reality?

Mr RUDDOCK (Browne—Attorney-General) (4.38 pm)—in reply—I thank the member for Brisbane, the member for Gell-
brand, the member for Wentworth and the member for Calare for their observations during this debate. I say firstly that the firm advice to the government is that the amendments are necessary. I would not be bringing them forward for any spurious motives, as was suggested by the member for Calare. The Prime Minister announced today that the government would be introducing and seeking the passage of these amendments urgently. This is a matter on which advice has only just been made available to us, and at the first available opportunity we shared it with Leader of the Opposition. The timing was not a matter of my choosing. I would have been culpable if I had endeavoured to manipulate the timing of these matters. I simply make that observation.

We did receive specific intelligence and police information this week which gives serious cause for concern about a potential terrorist threat. We have not yet received any information that would require a change in the general terror alert for Australia but will respond immediately if such advice is received. Further action in relation to the threat is a matter for the police and intelligence agencies. While some people, including some of the member for Calare’s advisers—if I gleaned what he said today correctly—have used terms like ‘police state’, agencies are completely independent in these matters and form their own judgments, and we have to be guided by their advice. They do not act under instruction from us. If there is any doubt about that, the collaborative nature of the work that occurs between security police, national and state, and their agencies should put paid to any other view.

It is the responsibility of government and parliament to respond when credible advice is given. These laws are designed to meet the threat and strengthen the capacity of authorities to deal with the situation. It does not mean that there will be some immediate action; we are dealing with the potential for action. Members of the public should not be alarmed. These measures are to assist our operational agencies by giving them the full power they need to protect Australians from what is an ongoing threat. The national counter-terrorism level of alert remains at medium—that is, a terrorist attack could occur. We have been at a medium level since September 2001. Members of the public can be confident that they will be advised of any significant change in the situation as it relates to safety. Australians should be confident that Australia has a well-prepared and well-planned set of security arrangements in place. Safeguarding the community from terrorist attack has always been the government’s highest priority. As the Prime Minister said this morning, this is not a political issue but something that the parliament can act upon in a unified fashion in the public interest. I am grateful for members’ contributions to this debate and their preparedness to support the measure and for the Senate resuming tomorrow to consider the bill.

I will say a couple of things about timing. Legislation is not drafted in public; it never has been. I have been in the parliament for 32 years. Proposals are developed and they go to parliamentary counsel. Sometimes there is a degree of consultation, where people are invited to contribute on a confidential basis, but not always. This legislation is being developed under a reference of power from the states. There is an agreement—the states will be consulted—and it was only proper that the states should know what we had in mind and be able to offer a view and influence the decisions before the material was made public. That was our view and our expectation about how it should be handled. It did not occur, but it was the proper way for the matter to be dealt with. The government is entitled to consider what it wants to put before the Australian people. The party room...
are entitled to consider matters before they are put publicly on their behalf.

Ms George—And parliament is entitled to have time to consider them.

Mr Ruddock—And they are entitled to have those matters considered. I do not deny that the opposition should have time to consider proposals once they are developed. This matter is proceeding in a collaborative way. In relation to the further matter of the discussions with the states, with very good will on the part of the premiers, we are proceeding to finalise the documentation which we would hope to bring to the parliament as soon as that agreement has been concluded. Cognisant with what we have said about our desire to secure passage of the proposed measures before Christmas, we would want to see that the parliament is able to give it proper consideration. I thank the member for Wentworth for his personal observations, which were very generous. I find him to be a very generous colleague.

The drafting of legislation is a very specialised role. The Office of the Parliamentary Counsel work under an enormous degree of pressure to prepare competent legislation for us. They do not always get it correct, but they get it more correct than, I think, a lot of the kerbside drafters would if they were undertaking the task. I commend Parliamentary Counsel for their role, but I recognise that, from time to time, we have to be prepared to deal with issues that arise. Legislation is the subject of judicial review and commentary. The fact is that sometimes you face a situation where what you had intended is not read the same way by those who are called upon to adjudicate separately in their role as judicial officers. One ought not to be surprised that, from time to time, we have to deal with these issues. I conclude by commending the bill to the House. The bill is in the public interest and its speedy passage through the parliament has been indicated. I thank members for their indication of support for the bill.

Question agreed to.

Bill read a second time.

Third Reading

Mr Ruddock (Berowra—Attorney-General) (4.47 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Committees

Public Works Committee

Report

Mrs Moyle (Pearce) (4.48 pm)—On behalf of the Joint Standing Committee on Public Works, I present the committee’s 18th and 19th reports of 2005, which are respectively titled RAAF Base Amberley redevelopment stage 2, Queensland and Relocation of RAAF College; RAAF Base East Sale, Victoria, and RAAF Base Wagga, New South Wales.

Ordered that the reports be made parliamentary papers.

Mrs Moyle—by leave—The first of the proposed works is intended to ensure the continued operation of RAAF Base Amberley over a 30-year planning horizon. The proposed works are estimated to cost $285.6 million. They will provide new working accommodation and infrastructure for the Multi Role Tanker Transport and 9th Force Support Battalion elements and upgrade and refurbish the base’s engineering services and infrastructure.

An inspection and public hearing was conducted at RAAF Base Amberley on Friday, 9 September 2005. The committee observed that the relocation and consolidation of the Multi Role Tanker Transport and 9th Force Support Battalion units is a major pro-
ject, and wished to know what alternative options Defence had considered. Defence assured the committee that consideration had been given to a number of alternative sites, but RAAF Base Amberley had been identified as the optimum solution on both financial and operational grounds.

As project delivery methodology is a key issue in Public Works Committee inquiries, the committee sought assurance that this large and complex project would be completed on time and within budget. Defence informed the committee that it had employed individual contractors and consultants for each of the three major project elements of the proposal and gave assurances that specific contracting and delivery methodologies would deliver the project as scheduled.

During the site inspection, the committee noticed services and facilities in proximity to the base that may be affected during the redevelopment works, such as the nearby Amberley State School. Defence explained that measures would be incorporated into the project to minimise local impacts, such as the re-routing of construction traffic to avoid the school area. Evidence provided by witnesses such as the Ipswich Region Chamber of Commerce and Industry and the Ipswich City Council was supportive of the redevelopment and emphasised the positive relationship between the base and the local community. I must say that this is a positive feature of all the reports that I will deliver today. The base has gone to a lot of trouble to engage the community, and the community is very solidly behind these projects.

The committee was pleased to see that the proposed development would incorporate ecologically sustainable development initiatives such as multiple metering points to allow accurate measurement and monitoring of building energy usage. Defence stated that all project elements would comply with the Ecologically sustainable development design guide for Australian government buildings, a copy of which was tabled at the public hearing.

With base redevelopment works scheduled to begin later this year, pending parliamentary approval, the committee asked whether this would have an effect on the base’s operational capability. Defence responded that works would be planned so as to maintain full F111 and Caribou capabilities throughout construction.

Having given detailed consideration to the proposal, the committee recommends that the proposed RAAF Base Amberley redevelopment stage 2, Queensland, proceed at an estimated cost of $285.6 million. I would like to thank the member for Blair. Although he could not be at the hearings on the day we scheduled them, he has taken a keen interest in this development and has given it his support.

The RAAF College relocation project, which forms the subject of the committee’s 19th report of 2005, comprises the relocation of RAAF college headquarters from Point Cook, Victoria, to the RAAF Base Wagga; the Officer Training School from Point Cook to RAAF Base East Sale; and the No. 1 Recruit Training Unit from RAAF Base Edinburgh, South Australia, to RAAF Base Wagga. The proposed works are estimated to cost $133.4 million, with at least $60 million to be expended at each site. The works will replace aged facilities and infrastructure, ensure compliance with current occupational health and safety standards, produce cost efficiencies and address deficiencies associated with overcrowding and the dysfunctional layout of existing facilities.

Public hearings and inspections were conducted in both Sale and Wagga Wagga on 16 September 2005. During its investigations, the committee noted that some RAAF Col-
lege elements would continue to operate at the RAAF Base Richmond, New South Wales, and RAAF Base Amberley, Queensland. Given the expected financial and operational benefits of partial co-location, the committee was interested to know whether Defence had considered the consolidation of all RAAF College elements at a single site. Defence explained that this option had been rejected, partially due to studies conducted in New Zealand and the United Kingdom which had recommended against the co-location of recruit and officer training. Further, Defence expects synergies and opportunities to arise from the development of discrete training centres of excellence at established operational air bases.

In respect of environmental impacts, members were pleased to learn that the works would be developed in accordance with the Ecologically sustainable development design guide for Australian government buildings and section J of the Building Code of Australia, as appropriate. Defence also demonstrated that measures would be taken to protect native flora and bird life at each site.

Defence submitted that the proposed relocation project may result in the demolition of redundant facilities at RAAF Base Edinburgh, pending the results of a comprehensive heritage study and asbestos survey. The committee wished to know the number and condition of the buildings to be demolished, the amount of hazardous material to be removed from each base and the impact that this may have upon the project budget. Defence reported that both RAAF bases Wagga and Sale have comprehensive asbestos registers and would be asbestos free by 2007. Defence was unable to provide the number of buildings to be demolished at RAAF Base Edinburgh but assured the committee that the allocated demolition budget would be sufficient, as it had been calculated on the basis of full demolition of all surplus facilities. The committee recommends that Defence supply it with a comprehensive list of all buildings to be demolished at RAAF Base Edinburgh, and associated costs, as soon as that information becomes available.

The inquiry generated a considerable number of public submissions, all of which were highly supportive of the proposed works. The committee was pleased to learn of the economic and social benefits that are expected to flow on to the communities of Sale and Wagga Wagga as a result of this project. The committee has thoroughly examined this proposal and recommends that the RAAF College relocation project proceed at an estimated cost of $133.4 million.

Again, I would like to thank to my colleagues, including the member for Gippsland, who was unable to be at East Sale when we held our inquiry but who has taken a keen interest in this project and recognises the benefit to his area. The same goes for the member for Riverina, who was at the Wagga Wagga hearings and who has also taken a very great interest in this development. I would like to thank my committee colleagues and all who helped with these inquiries, particularly our secretariat and Hansard. I commend the reports to the House.

Mr JENKINS (Scullin) (4.56 pm)—by leave—I wish to supplement the comments made by the Chair of the Public Works Committee, the member for Pearce, in relation to these reports. In relation to the 18th report, RAAF Base Amberley redevelopment stage 2, Queensland, I have to admit that I was represented on that inquiry by the deputy chair, the member for Gorton, who I hope protected my interests. With regard to the 19th report, Relocation of RAAF College; RAAF Base East Sale, Victoria, and RAAF Base Wagga, New South Wales, I hope that I
was able to look after his interests in that inquiry.

In much of the work of the Public Works Committee, the thing that does impress me from time to time is that we get the advantage of seeing the impact of some of these proposed works on the local regional community, in both an economic and social sense. I would refer to the report to do with the relocation of the RAAF colleges to Wagga Wagga and East Sale as the tale of two cities. Both those places were, as the chair has said, very welcoming of these proposals. In fact, they were very keen—highly anxious—to make sure that these projects went forward. I think that impressed the committee at its inspections and at the public hearing.

The other thing of note is that the RAAF in both places has been a very good corporate citizen in its relationship to the community, and that is also important. Over time, in the expertise that the committee has developed in relation to Defence projects, I think that we have been impressed with the way that Defence is able to have the proper amount of consultation about what is involved in projects such as these, to ensure that the committee goes forward with them and to make sure that the projects give opportunities for further development within the communities.

With regard to the RAAF Base Wagga, mention has been made of the honourable member for Riverina. She appeared before the committee. Certainly she is an advocate for her community. She could be referred to as a champion of her community and was able to display that. I think she indicated that there had been collaboration with the Wagga Wagga City Council and local businesses in putting this together.

The other thing that I must say impressed me about RAAF Base Wagga was the fact that the Riverina TAFE has quite a range of involvement with the training that already goes on there for technical members of the defence forces. I think that is a great collaboration which has had ongoing and off-base benefits to the local community in that, as the member for Riverina was able to inform the committee, former members of RAAF have gone on to work within the Riverina TAFE system, and there has been an advantage in the transfer of skills not only to the defence forces but also to the wider community.

At RAAF Base East Sale the local community was represented by the Wellington Shire and a member of local Rotary. I take note of the words of the member for Pearce as the chair about her conviction that the member for Gippsland was an active participant. I noted at one stage that one of the people who appeared before us was worried that their project had dragged its feet, and I was not too sure what that actually said about the people who had been involved. The council had put together the RAAF Base East Sale Expansion Community Committee, and I think that was very active in making sure that any elected representative was on their toes. Perhaps the tale of two cities was the observation of one member, a champion for her community, well and truly on her toes and in there fighting, and of another who may have had to be reminded.

The second set of comments that I wish to make is by way of an apology to the defence forces. Throughout the inquiries that we have had I have taken a great interest, as the wider committee does, on matters environmental. At RAAF Base East Sale I was moved to ask some questions about the mascot of the 32nd Squadron, which happens to be the sulphur-crested cockatoo. Quite rightly I was told in evidence by Air Commodore Green that on an air force base birds are more of a hazard. I then asked whether the flock of cockatoos
occupying the place where the training school would be built would be happy going elsewhere, and the Defence witnesses said that, of course, one hectare out of 700 hectares did not make much difference, and I acknowledged that on the day. But since having been to the inspection the October edition of *Australian Geographic* has come out, which has a feature article about cockatoos. This leads to the apology, because the *Australian Geographic* article about cockatoos has highlighted how big a pest they are, and in fact in Victoria the sulphur-crested cockatoo is unprotected and is fair game. In that regard I also acknowledge in relation to the superb parrot at RAAF Base Wagga Defence’s intentions to make sure that the migratory habits of the superb parrot are not interfered with by the building works that go on there. I hope that anybody from Defence who gets to listen to or read this statement understands that I will be much more careful when haranguing them about their protection of flora and fauna in future projects.

In conclusion, as this is a rare opportunity that I have in speaking to these reports, can I thank my fellow members of the committee for their forbearance with me and the way in which they educated me along the way. Most importantly, I thank the hardworking secretariat of the committee for their endeavours. There are very many reports that the Public Works Committee puts in, and I think we have to acknowledge that the work done between inspections and between public hearings, and I should mention even before public hearings, is quite detailed. I wish to express my gratitude for the diligence of the committee secretariat.

**The DEPUTY SPEAKER (Mr Wilkie)**—Order! The time for this debate has expired.
Charlton, Blair, Riverina and Batman for community pharmacies—that they not go into supermarkets and not be consumed by supermarkets. It was very clear in the speeches of all the members how important community pharmacies are, be they in the city or country. I commend once again the members for Batman, Blair and Riverina for their approach to this bill, particularly as the member for Batman comes from the Labor Party, the member for Blair comes from the Liberal Party and the member for Riverina comes from The Nationals. They do reflect a clear understanding of what backbenchers and shadow ministers can bring to this place.

Importantly, in this place we are the bridge, the liaison person, between our communities, our electorates, and executive government. We can do that by representation, we can do that by speaking to ministers, parliamentary secretaries or even the Prime Minister and we can do that by going, for example, to the Assistant Treasurer and talking about superannuation for older people, which one of my pharmacists, John Benyon, brought to my attention recently. I can say to John today that we have moved the age limit on superannuation from 65 to 70. Because our people growing older, leading full lives and are wishing to continue to work, the representation from Mr Benyon, my local pharmacist, was that that should go to 75. There are a whole lot of people over 70 leading active full lives still contributing in the workplace and wanting the same benefits that they would have been receiving when they were 69. That is an example of the representation that comes through members to this House in all its forms, be it through backbench committees, the committee process—which the member for Scullin has just talked about—by direct representation or by representation by correspondence. But it is important that we remain that bridge to our community and that we never forget that we are responsible to the communities that elected us on all of these issues.

The member for Lalor—‘law-la’, as a former member, Mr Jones, kept saying, not ‘lay-law’—suggested that the government were not committed to community pharmacies. We are. We have got a longstanding and proven record on that, as has the previous government. We have a five-year agreement with the community pharmacies. It is a strong commitment; it is an ongoing commitment. It is a commitment that is important to me because community pharmacies play a number of roles, including the distribution of medicines. Because of the way they now distribute those medicines, we have greater control over what people are taking. We are having fewer medicine injuries or hospitalisations of people because of the way that medicines are being delivered.

Just as important to me is the local interaction at a small business level that these pharmacies have, and I will go through a few of them in my electorate so you will see how important they are. The chemists are actually another pair of eyes—like our community nurses, our doctors and anybody who is dealing with an aged person, particularly those in Meals on Wheels delivering meals and other services such as home help—looking out for elderly people and seeing how they are going. They can pick up the small changes that they may need to pick up and therefore be a helping hand for those people in need, particularly those in country areas.

I come to the other point that the member for Lalor made. She criticised the government’s decision on calcium tablets, a decision which was released last Friday. Calcium tablets are very expensive, but despite this the government has continued its strong commitment to people suffering renal failure—something that has been mentioned. Sufferers may have to take up to 12 tablets a
day and incur a large cost because of this. After receiving advice from the Pharmaceutical Benefits Advisory Committee, the government has decided to keep calcium on the PBS listing for sufferers of renal failure.

Why are community pharmacies particularly important to me? One reason is that they are an excellent source of feedback for members of parliament. I refer particularly to people like Craig Holmes, who has diligently kept informing his local member about the issues. Pharmacies are important to me as the member for McMillan, particularly because of the make-up of the electorate. In my electorate I have got Warragul Chemart, Bloch’s Pharmacy in Meeniyan, the Bunyip Pharmacy—in another small town—D Solanki Pharmacy in Bunyip, the Drouin Amcal Pharmacy, the Drouin Guardian pharmacy, Escotts Macal in Moe, Federation Pharmacy in Moe, the Foster Pharmacy—in another of my small but important towns—Hines Pharmacy in Leongatha, Korumburra Pharmacy, Lloyd Street Guardian pharmacy in Moe, Miners Dispensary in Wonthaggi, Trafalgar Pharmacy, Pakenham Amcal, Pakenham Pharmore Pharmacy—which is a Priceline pharmacy; Andrew Rule is there—Rewell Leonard Pakenham Chemart Pharmacy, Oldham’s Newborough Pharmacy, Inverloch Chemart—in another small town—Wonthaggi Amcal, Mirboo North Pharmacy, Nagle’s Pharmacy in Leongatha and Toora Pharmacy. They are important because they are delivering services in rural communities that are actually needed at a local level. Having those pharmacies in my electorate, I want to make very sure that we protect those rural community pharmacies by ensuring that the supermarkets do not take up the more profitable areas of pharmacy, which would put pressure on my rural communities, particularly on community pharmacies. So they have to be supported.

By the way, they are also a great source of employment in the community and we do not want to be cutting off the spider’s legs of those pharmacies whose services go out into the community. This agreement that the government has reached with the pharmacy board is really important because we are holding local communities together. Pharmacies are very much a part of those communities and a part of the care of our old and very young—a topic on which I have spoken before.

I was invited recently by Sandra Bell, on behalf of the diabetics group, to a meeting of local constituents at Baw Baw Health and Community Care. I meet a lot of groups in the area but, importantly, when Keith Pretty, a former clerk of council, and his wife, Pam, asked me to be there it was a meeting I could not knock back. If Keith Pretty invites you somewhere in my electorate, you make sure you go. The meeting was for older adults with type 1 diabetes. We sat down for a good hour and a half and we talked through their issues. They wanted to make me aware of the need for Lantus to be placed on the PBS. Each script currently costs about $105 and the long-term diabetics, as they attested to that day, explained to me that it was a most effective treatment in giving them relief that they do not have using the other forms of insulin products that are on the PBS. It was a pretty open discussion with this group. It must be very hard for people who have type 1 diabetes considering the problems that they explained to me that day. They were honest, open and generous with me in explaining their condition and how they and those around them deal with it. I did not say ‘suffer’ because not one of them said to me, ‘I am suffering through this.’ They were dealing with it.

Not only were they brave in the way that they spoke about it but they wanted to ask me whether I would advocate on their behalf
with the government to put Lantus on the PBS. They talked about the mood swings they suffered and how their families had to deal with those mood swings. They talked about the difficulties they faced when the insulin in their body was not correct. They talked about the fact that they could die of their illness. They talked about the fact that they are isolated because they need to have someone around them constantly. And they talked about the things that you and I take for granted that they just could not do without constant companionship. I was really moved by these people.

Of course, I will be writing to the Minister for Health and Ageing and asking him to have another look at this issue. He has responded once to them. It has been to the board and, at this stage, it has been rejected. But Lantus made such a life-changing difference to these people that I could not be a reasonable local member without taking their concerns to the minister and asking for the decision to be reconsidered. It gave them a balance in life that was crucial to the things that we accept as normal if we have not got type 1 diabetes. They also talked to me about the increasing incidence of diabetes in our young people.

To be informed on the issues is the only way we as local members can take these matters forward. On behalf of this diabetic group, I will certainly be taking their issue forward to the health minister. There is no guarantee in any of these things, because experts are always having to consider the costs to the Pharmaceutical Benefits Scheme and all of the other matters that must be taken into consideration when looking at an issue like this. But when you sit down and speak to people who have type 1 diabetes who take this new form of insulin, who can live their lives in a different way, we have to, surely, as the government, as a nation, look at the treatment available to people with type 1 diabetes. If the life-changing benefits can be proved, as was put to me by the group, it has to be considered. I say to the health minister now that I think it is time to relook at this drug for type 1 diabetes. This group absolutely convinced me that we are doing the wrong thing by not delivering this new form of insulin to people to improve their lifestyle and to give them a rest from what they are on. If we have developed a new form of insulin that gives a constancy of insulin supply to the body rather than the ebb and flow injection system that we have at the moment, we should allow people to access it more freely. I will not name names, but a teacher wrote me a letter in which she said:

I was faced with a choice of two types of insulin. One was on the PBS but was far more unpredictable in the blood sugar levels one could expect. I am a secondary school teacher and drive a car and I did not feel this offered me an acceptable risk. I also pride myself on keeping good control so that I will minimise any health problems in the future. Furthermore, this insulin I could possibly have taken would not have been a single injection at night but would require 2 injections, night and morning, making a total of 5 injections per day. (I have had problems in the past simply from puncturing my skin so frequently from injections). So, although this insulin was on the PBS, because of the three drawbacks I have outlined, I did not consider it to be a viable alternative when there was another insulin which performed better.

The second insulin I could choose was LANTUS. This offers better, or predictable control, without the highs and lows, making it safer for me to operate as a responsible contributor to society. The better control it offered would also be better, long-term health and it had the advantage of being only one injection per day maintaining my regime of 4 injections per day rather than 5. Health-wise the choice was obvious. LANTUS was the better insulin for my situation. However, it is not on the PBS and I had to pay $160 for each script at the chemist which only last me three months—and I am on a very low-dose insulin!! Being an insulin-dependent diabetic is not something over which I have any choice, however
I do choose to look after my health to my own advantage and to the advantage of society as a whole. To this end and asking Mr. Broadbent to please make representation on my behalf to have LANTUS INSULIN included on the Pharmaceutical Benefits Scheme. I would be very appreciative if this could be done.

This lady has been an insulin-dependent diabetic for 28 years and has a normal regime of four injections per day. Three are quick-acting insulin, which she injects before each meal, and one is a slow-acting insulin, which is injected at night. The slow-acting insulin has been taken off the market. There are two points I want to make here. I am very proud to be the federal member for McMillan, but I am even more proud that I was honoured by these people, who were so honest with me during the meeting, that they opened their hearts and their minds and their situation to me so I could come and advocate on their behalf, absolutely knowing that I was representing some people who had come to me with real honesty and concern about their situation. If Lantus can go on the PBS, that might be a victory not only for the parliament but for the whole of Australia.

Mr JENKINS (Scullin) (5.23 pm)—I rise in support of the second reading amendment moved by the member for Lalor to the Health Legislation Amendment Bill 2005. The bill before us has three schedules. The first has amendments to the National Health Act 1953 relating to the Australian Community Pharmacy Authority. The intent of this piece of amending legislation is to extend, until 30 June 2006, the existing arrangements that pertain to the approving of pharmacists to supply medicines under the Pharmaceutical Benefits Scheme—that piece of policy known as the pharmacy location rules. The current act suggests that these rules and the authority itself would cease on 31 December 2005. Schedule 2 has amendments relating to dependants under the National Health Act 1953. The amendments are about private health insurance cover extending to the dependants of contributors where the dependants are also covered by the type of membership of private health insurance that the contributor has.

The third schedule contains amendments to the Health Insurance Act 1973—amendments relating to the health services tables. The first set of amendments under schedule 3 are technical amendments, but the second amendment in the present form of the bill, which is before us for this discussion at the second reading stage, would provide the Minister for Health and Ageing with a new power to make a legislative instrument to determine medical benefits that are not payable for certain medical services which the minister would determine should not be covered by Medicare.

I wish to speak to the measures in the first and third schedules. We are in the predicament of these amendments having to be made to the actions of the Australian Community Pharmacy Authority and the pharmacy location rules because the government is yet to make a decision about the form of the agreement that it will put in place with the Pharmacy Guild. Already in this parliament we have discussed and passed amending legislation, the effect of which was to extend the life of the authority until 31 December since it was due to finish on 30 June this year. So already once we have discussed this measure—the need to extend the life of this piece of policy by six months—and now, yet again, we have had to come into this place to extend it for another six months.

I have a great deal of concern about the need on two occasions to extend these provisions on the basis that the government is dragging its feet in coming to an agreement with the industry about community pharmacies. One of the real problems is that an
agreed study of the industry was put in place—this was done through the Allen Consulting Group—and when the draft report was made available to the Pharmacy Guild they described it as being ‘incomplete, inaccurate and entirely at odds with the terms of reference’. One of the issues that the consultant’s report touched upon was that of competition. When we talk about competition in pharmacies, that is code for putting pharmacists in supermarkets. That is the short and the end of it.

We have already seen over many years the naked desire of the two major supermarkets to capture this part of what they merely see as being the retail market. I have often argued when we have a general discussion of these matters that it is as if medicines are provided under the PBS as merely goods; there is never a discussion of the value-added professional service by pharmacists that is an integral part of the PBS. Until we understand that, I do not think that we have any right to simplistically say that we can make price comparisons on drugs that can be bought over the internet without appropriate advice or allude to the way that some drugs could be provided by the supermarkets.

There are two elements in this equation. One—and this is what we are discussing here—is the ability of pharmacists, under the PBS, to dispense drugs that are prescribed by medicos. There are also other categories of drugs that can only be purchased over the counter at a pharmacy. But in each category we have a system that has been built over many years on the basis that the professional value adding of advice of pharmacists—through their training—is important. If we are to mention in debates like this the reduction in medicine-induced illness or attendances at hospitals and the more efficient use of medicines by people in the community, then we have to acknowledge that that has been brought about, in large part, by a system that is based on the community pharmacist being part of the professional team that gives advice. Until the argument is made by the supermarkets that they understand that, I do not think we can go forward. This is not the same as talking about cutting the price of a can of baked beans or a packet of Weeties or biscuits. It is about something that has been important to the Australian health system, based on the training of professional people that give a service. That is the important thing.

The government must ensure, in coming to an agreement with the pharmacy industry, that this is done in a way that is transparent. It is no good having an on-off process that drags on, where people in the public really do not know when we might see the finalisation of the next agreement. Some of us on this side who have been around long enough remember the arguments and political agitation from pharmacists when the first agreement was put in place. I must say that I am a little concerned that we have not seen that level of agitation against this government, when still we see the process just dragging on. It is all right that the honourable member for McMillan comes in and expresses his personal support for community pharmacies and is joined by a number of his colleagues in this debate who express their support for community pharmacy. I simply say that at the moment there is still a question mark over what the decision of executive government might be. The issue of the next agreement is just dragging on. Until we see resolution or a transparent process that explains what is being considered, there has to be doubt.

As I understand the pharmacy location rules—which some might consider overly anticompetitive—there is an opportunity for discussion with those who represent pharmacists. But until we see a determination of this question or the government being a bit freer
with the information that surrounds what is under consideration, I think it is quite right for members on this side to query the motives of the government. At the same time, individual members from the coalition parties who have an understanding of the importance of community pharmacy might advocate on behalf of community pharmacy. I have said in other debates—and now in this parliament it is even more important—that backbench members of the coalition parties should understand that they cannot just believe they can have full trust in the executive government.

When we on this side say that, it is always tinged and we are told that we are being political. But I know that there are many members of the governing parties who understand how important it is that they as individual members take the executive to task. This is one issue where they have to, because I am concerned that at some stage early next year we will be back giving another six-month extension. There is nothing out there in the ether being discussed or shared with people that indicates that this agreement is reaching finalisation. I am sick of hearing this year that it is ‘nearly a done deal’, yet here we are in November again having to extend the life of the authority and the life of the rules for another six months in the absence of any other alternative.

As I have discussed, the measures in the third schedule of this bill—in the form that is before us—give the minister the power, by legislative instrument, to determine that a Medicare benefit might not be payable in respect of professional services rendered in specific circumstances. To say that this has been a controversial proposal would be absolutely understating the importance of this. If—as has been circulated for discussion at the consideration in detail stage—this obnoxious part of the amending legislation is to be removed, then I think that those on this side who have had difficulty with this aspect of the bill might be reassured and might be able to support the other, sensible amendments. Even if we think the amendments regarding pharmaceuticals indicate just how bogged down the process is, we would allow them to go forward.

Members of the governing parties have said to the minister, ‘This is a bridge too far; don’t do it.’ Based on the community’s response, their agitation, and the position of the Australian Labor Party very early in the piece, it would be very pleasing and a healthy development for the executive government of this nation—with all its excesses and the way in which it displays how out of touch and arrogant it is—to at least be called to task on this measure.

I note that, in addition to the proposed amendments to the bill that have been circulated, a further schedule is to be added—these amendments relate to the CEO of Medicare Australia. This is on the basis that, from 1 October, the Health Insurance Commission no longer existed and was replaced by Medicare Australia, which has a different statutory make-up. Therefore, the powers of many pieces of health legislation, which referred to the HIC making decisions, will be changed and the CEO of Medicare Australia will be the replacement decision maker.

This is happening at a time when I notice in today’s Australian, under the headline ‘Hockey orders Medicare to cut flab at head office’, that the Minister for Human Services, Mr Hockey, has a proposal to reduce the number of face-to-face contacts that are made at Centrelink or Medicare offices. He believes that, if we moved to using more email and SMS communications, it would be more efficient. He said the less interaction that is required for day-to-day services, the better. That is his primary focus. I am not sure that, with regard to things to do with
people’s health and welfare, that is the type of world we should be blithely moving into—embracing that form of technology. If we use technology to our advantage—in the way that pharmacists do, by having online services that they can tap into—that is okay. But why are we imposing on people who would like to be able to go to Medicare to make immediate provisions the type of world that the Minister for Human Services envisages? I hope that, by putting in place a review of the way in which Medicare does its business, the minister will take into account what the clients of Medicare see as being appropriate and the style of service that they would like. In my electorate, given that we do not have a Medicare office there, there are many people who say they want a return to face-to-face contact.

Earlier in this debate, the honourable member for Batman discussed, very thoroughly, matters to do with mental health, and those matters have been picked up by a number of speakers since. In fact, he said that what we need at this point with regard to mental health services is a full review of the policy of deinstitutionalisation. As with other proposals that the member for Batman floats, I have no problem with having a review. I have a belief that, in the main, the policies that commenced in the late 1990s to reduce the number of institutions and get mental health patients out of large institutions was the right way to go. I do not want to play the blame game of suggesting that the Howard government has not spent money that it allocated for the services or that it is all the fault of the states. At the end of the day, the people who require the service do not care who is paying, but they expect governments to look at the problem and assist those who are working in the community and who are providing services in the community since deinstitutionalisation to come up with sustainable projects that we can put in place to ensure the improved health and prospects of people with mental illness.

I acknowledge that, in a debate earlier in the week where we were discussing homelessness, the number of people with psychiatric disabilities or mental illness has in fact increased, and that is another indicator of the need to review the policies. But, when we do it, let us not play the blame game. Let us step back from the issue and decide whether we have overbalanced in putting too many people out into the community, where a modified form of institutional care may or may not have been appropriate. One of the great challenges for us as a nation is to be able to do that with the national good in mind. In conclusion, I urge the minister to spend some of his energy—the undoubted energy he displays in this place—on making sure that the agreement with the pharmacists is completed so that they can get on with business.

Mrs ELLIOT (Richmond) (5.43 pm)—I rise to speak on the Health Legislation Amendment Bill 2005 and support the amendments put forward by the shadow minister for health. In particular I want to focus on and speak about schedule 1 relating to the pharmacy location rules. We have seen so much about the Minister for Health and Ageing’s incompetence in concluding a new pharmacy agreement time and time again, but I would like to put on the record my support for community pharmacies and the great work that they do. I believe that community pharmacies should be protected and that we should not have a situation where supermarkets are able to open pharmacies. They need to be community based. People need to be able to access medicines from proper health professionals who can provide them with the appropriate and correct advice that they need for their medical concerns. Pharmacies provide such a vast range of free services to the public, including advice and consumer information. This advice helps prevent illness
and avoid medicine mismanagement. Of course, this in turn saves our health system.

I think that the provision of pharmaceuticals is a particularly pertinent issue for today, because today is the day that key medical and consumer groups have joined forces to oppose the cruel and mean decision of the health minister to remove calcium supplements from the PBS for osteoporosis sufferers. In an unprecedented move, groups such as Osteoporosis Australia, the Australian and New Zealand Bone and Mineral Society, the Australian Rheumatology Association and the Australian Orthopaedic Association have come together to speak about the health minister’s callous and irresponsible decision to remove calcium from the PBS.

I would like to take a step back. During the campaign last year, when the health minister came to the electorate of Richmond, he did not say to people that he was going to be taking calcium off the PBS and that people who were suffering from osteoporosis and kidney disease would be left high and dry. When this became clear to the people of Richmond a couple of months ago, when they became aware of the health minister’s sneaky plans to take calcium off the PBS and when they realised that the medicine they so desperately need would no longer be affordable to them, there was a massive public outcry in Richmond. So many people contacted my office to ask what could be done and how we could get the health minister to change his mind on such an important issue.

In September I hosted a public meeting at Tweed Heads, where we heard first-hand from health professionals and locals how important it is to keep calcium on the PBS. We heard from kidney disease patient Melissa Moran from Bogangar, who spoke about her experience with the disease and urged the government to reconsider its decision. In a very passionate and moving speech, she addressed the forum and said:

I need at least three bottles of calcium tablets a month. If calcium goes up to $13 a bottle, I will struggle to pay for this. Couple this with the price of fuel and the cost of raising three teenage boys and two teenage stepsons; I am really not looking forward to Christmas this year.

She went on to say:

It is really important that calcium tablets remain on the PBS. I need calcium tablets to stay healthy. My children need me to stay healthy. Please don’t make it impossible for me in Australia in 2005 to lead a normal life living with end stage renal failure.

So a few days ago we saw the health minister bowing to public pressure, the advice of the PBAC and just plain commonsense which forced him to reverse his decision to remove calcium from the PBS for people suffering chronic renal failure. It was about time the health minister backflipped on this. I would really like to commend all the people in my electorate—it shows what can really be achieved by working together as a community.

But the health minister cannot just stop there: he has to go further in terms of those osteoporosis sufferers, because the experts keep telling him that calcium is vital for the treatment and prevention of osteoporosis. Up until now the health minister has refused to release the advice of the Pharmaceutical Benefits Advisory Committee. Now we know why: because this committee of experts is advising the health minister to reverse the mean and cruel decision to delete calcium from the PBS for osteoporosis sufferers. And he thinks he has the right to ignore this advice, to save $6 million dollars a year. This is a government that is happy to waste $55 million on a propaganda campaign to take away Australians’ rights at work, and it is too mean and out of touch to spend $6 million to prevent osteoporosis and treat the
crumbling bones of people who desperately need their calcium. We now know, despite the health minister’s secrecy, that in a special meeting of the Pharmaceutical Benefits Advisory Committee the minister was advised that it was:

... concerned that these patient groups would not be optimally treated if they ceased taking calcium tablets should they become less affordable by de-listing.

At the public meeting in September that I spoke of earlier, we heard from an osteoporosis sufferer, Mrs Helen Taylor. She spoke about how, because of the debilitating nature of her condition, she already has to pay hundreds of dollars a year for special shoes just so she can walk. She helps her husband run a farm business in the Cudgen area near Tweed Heads, and she wants to keep doing that. She wants to stay healthy and independent. She says if calcium is removed from the PBS she will not be able to afford the medicine that she needs. She made it very clear: the removal of calcium from the PBS would be a significant financial burden on her and her family and this in turn would have a significant impact on her health and wellbeing. She urged me to tell her story and the stories of hundreds of other locals like her.

But if the health minister is not interested in the personal stories of everyday Australians—those at the mercy of his bad decision—will he at least listen to the advice of experts? The Pharmaceutical Benefits Advisory Committee is telling him he needs to put calcium back on the PBS. Professor Philip Sambrook, Medical Director of Osteoporosis Australia, said:

Calcium supplementation plays a critical part in the management of people with osteoporosis. People with osteoporosis should also be included in the listing. The Government’s decision to remove calcium will affect many Australians taking calcium supplements in an effort to reduce their risk of osteoporosis and fractures.

He concludes:

I believe this is a poor decision by the Health Department, especially when calcium supplements are commonly prescribed for post-menopausal women and in conjunction with osteoporosis medications, as well as for other diseases.

Another expert, Ms Judy Stenmark, CEO of Osteoporosis Australia, said:

The Government is not helping people with the disease ...

She urges the health minister to reconsider, as:

Pensioners, concession cardholders, people from lower socio-economic groups and specifically those who are on multiple medications (which is commonplace) are the main groups of people who will be disadvantaged by this short-sighted decision.

Professor Lyn March, President of the Australian Rheumatology Association, said:

The government is overlooking the important issue that calcium supplements are commonly used by people on multiple medications.

She said that the health minister’s:

... comment that paying full price for calcium supplements is relatively inexpensive is just nonsense to these people.

Didn’t the minister bother to find out that 80 per cent of people with osteoporosis earn less than $15,000 per annum? How can it be possible to think that, when you earn less than $300 a week—when every cent counts—calcium off the shelf is ‘relatively inexpensive’? How out of touch have you become, Minister?

But this decision does not just cost the ill in our community; this decision will also pose a significant cost to our health system. Osteoporosis already costs around $2 billion a year in health costs, with a heavy burden—68 per cent—on hospitals and nursing homes. There is a further $5.6 billion in indirect costs—such as lost earnings, volunteer
carers, modifications and equipment—to the community, representing 1.2 per cent of GDP or approximately $400 for every Australian. The mortality rate for hip fractures in the elderly is very high—about 20 per cent in the first 12 months. Against all these staggering figures, the minister still wants to cut calcium from the PBS to save $6 million, and it just does not add up. And this is from a government that never stops telling us how financially and fiscally responsible it is!

So, Minister, again the experts are urging you to reconsider, including Professor Geoff Nicholson from the Australian and New Zealand Bone and Mineral Society. He said:  

... the cost to the healthcare system of increased rates of fracture would far outweigh a short term saving to the PBS by de-listing calcium supplements.

We must all work to reduce the rate of osteoporotic fractures in the Australian community and this is a step in the wrong direction. The Royal Australian College of General Practitioners says the removal of calcium will increase the long-term burden of osteoporosis. Osteoporosis Australia says that removing calcium supplements from the PBS will only achieve a minimal cost saving overall, while broadly affecting already disadvantaged members of the community.

Today I am again calling on the health minister to listen to the experts, to listen to the stories of the ill, and to do the right thing and put calcium back on the PBS. Minister, you have already realised that your decision to remove calcium for those with kidney disease was wrong and you have back-flipped on that decision. Now the same thing needs to be done for osteoporosis sufferers. Do it because the sick and frail will otherwise not be able to afford the medicine they need. Do it because it makes good economic sense for the sustainability of our health system. And do it because it is morally and ethically the right thing to do.

This is a major issue within my electorate, where over 20 per cent of people are aged over 65. They have many grave concerns, particularly in relation to their health care, and osteoporosis is a major concern for people within this age group. I call upon the minister to reverse his decision in relation to having calcium on the PBS for osteoporosis sufferers.

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

Mr HATTON (Blaxland) (5.54 pm)—Madam Deputy Speaker, you just said that an amendment has been moved by the shadow minister and that our discussion now focuses on the amendment as well as the Health Legislation Amendment Bill 2005. I was remiss when I was in the chair. Although I had asked for a seconder to the amendment, I said that it was time to pursue the question that the bill be read a second time. But when I was advised by the clerks that that was not a very bright thing to do, I informed the House and the listening Australian public that the best policy to follow, when you make a mistake, is to admit it sooner rather than later.

I and my colleagues ask that, just as I, some hours ago in his House, admitted to a mistake that I had made—and admitted it earlier rather than later—the Minister for Health and Ageing admit fully, freely and openly in this House the mistake that he has made, in a deliberate fashion, concerning the provision of calcium tablets to people who suffer from osteoporosis. In the dead of night he put out a press release which indicated
that, for one class of patient, he had stepped back from the position he had originally taken on the provision of calcium. He has not yet conceded that there is a case so compelling that the relevant professional bodies involved with the treatment of osteoporosis have, for the very first time in their history, gone public by issuing press releases calling upon the minister to retract the change that he made, to recant what he said previously and to reinstate the provision of calcium supplementation for osteoporosis sufferers.

I do not think we should have to wait a moment longer than the end of this debate to hear the minister—or whoever is taking the minister’s part in this—say in this House, in full public view, that the government will change its mind on a matter on which the minister has made a massive error. If I can do it from the chair, as minister he should be able to do it in this House—and with alacrity.

I will go to a simple example. This is a minister operating on his own, with unfettered power. It is a power that does not properly respond to professionals within the area. It is a power that is not fettered by sets of conditions laid down by departmental officers or by the minister having to take decisions to cabinet and argue a case for changes. That is a considerable worry—hence the decision that an amendment be moved by the shadow minister regarding one of the three schedules to the bill.

The amendment does not relate to schedule 1 because schedule 1 is pretty simple. Schedule 1 simply says, in effect, ‘The government have not made up their mind yet about what they are going to do about the fourth pharmacy agreement so they need an extra six months to consider it.’ Whether the government will do it within that time, I do not know.

Our amendment points to the fact that the Minister for Health and Ageing has been dilatory in failing to complete the fourth pharmacy agreement in a timely fashion. We know that the third agreement was made in 2000. We know that there has been adequate time for the minister to consult with the industry, and we know that he should have been able to complete the agreement by now. The minister is getting a rap over the knuckles from the shadow minister because he has not been focusing on the practical fundamentals of his job as Minister for Health and Ageing; he has been too busy politicking.

The amendment is not about schedule 2. As the member for Blair rightly pointed out earlier, schedule 2 is pretty simple as well. It reflects a situation where it is open for people—it has not really happened but there is a potential there—to misinterpret the general way in which people who have private health insurance are dealt with when their families are covered by private health insurance. This simply clarifies the fact that when you are dealing with the individual who pays for the private health insurance, if there are associated persons—that is, other members of the family—then they have to be taken into account. They cannot be deprived of services.

Our amendment relates to schedule 3. There is a provision in schedule 3 that fundamentally worries the opposition and the shadow minister. It should worry every member of the government, both frontbench and backbench, and every member of the Australian community. What is proposed in the second set of changes in schedule 3—and there has been some suggestion that the minister may step back from these proposals and seek to amend them; I hope that he does—is that a new power be inserted in the Health Insurance Act to allow the minister—not the department, not the PBAC, not qualified bodies but simply the minister for health on his own—to determine that Medicare benefits are not payable for certain services rendered in specified circumstances.
In a previous case where there was advice to the minister about calcium supplements, the minister still took the stance of knocking that provision off but drew part of it back. We hope that he will take the advice, be big enough to admit that he made a mistake and provide calcium for osteoporosis sufferers and others who need it urgently because of their medical condition. To put unfettered power in the hands of the minister for health, who acts so politically in this role rather than in a way directed towards the public health interest of this country, is extremely worrying.

That a cabinet would have no care or concern in relation to decisions taken in this area and that a minister, on their own, could simply do what they wanted—driven by whatever convictions that minister had—would be a very dangerous thing. The shadow minister for health quite rightly argued that to trust this health minister when he acts in the political way that he does—when he has already demonstrated in relation to a range of different services provided under the Medicare tables that if he had his druthers he would be knocking those out—and to provide him with that specific power would be dangerous to the nth degree.

There is a possibility here that the minister may listen to the very widespread concern within the community about this innovative initiative to provide a minister on his own with unfettered power—it has never been done in the history of the Commonwealth—and step back from this. Based on previous experience, one can only doubt that he would proceed in that way, that the minister would front up and say: ‘Yes, I was wrong. I was wrong not only in relation to calcium supplements for the people I knocked back initially but also in relation to those people who have osteoporosis. I have listened to all of the expert advice and I have to admit freely and fairly that I was wrong—and here is the change.’ Hopefully that will happen today. The hubris that this minister has with regard to his carriage of matters within the health area hopefully will not drive him to pursue this power that allows him to singly make up his own determination. If he does, the opposition have already indicated that we will pursue our amendment. It states:

... providing an unnecessary and unjustified power to the Minister to enable him to override expert advice and limit Medicare benefits in any way he sees fit; and

... failing to consult with stakeholders on the need for this new power.

If the minister persists on the provision we will divide on it. There is some scuttlebutt that he may not.

Our amendment is very important because, in our system of government, there are a range of considerations of just how effective this parliament is. It could be argued that the days of truly effective parliamentary democracy, as representative democracy, have long passed and that we have moved into a period of executive government. I think you can put a pretty strong argument with regard to that. Some have argued that we have moved from the point of having a government where the Prime Minister and cabinet take responsibility, or at least say that they take responsibility—whether or not in the end they exercise that—and are answerable to having a full prime ministerial government. This government has not had a really good history in those terms since 1998 when, during the first term of the parliament, eight ministers went by the board. They were either sacked or they offered up their resignations. There was ministerial accountability then. But to give a minister unfettered power and to allow him to make changes that would dramatically impact on people without his having to argue those changes through the cabinet and to convince his cabinet colleagues of them, I think, is highly dangerous.
Hopefully the minister will retract with regard to this provision.

I want to go to the matters dealt with in schedule 1 of the bill, because I think they are pretty important. It contains a technicality. We do not know whether the six-month extension is to bring the fourth pharmacy agreement to finality. The amendment involves a set of pretty fundamental questions about how Australia’s pharmacies will work from now and into the future and how the location of pharmacies will be arranged in future. What has been hanging over the top of this agreement since 1996—and it is much worse now than it was before—is the prospect that the two great conglomerates, Coles and Woolworths, with their supermarket chains dominating the Australian landscape, could dominate the pharmacy landscape. If they were allowed to incorporate pharmacies into their businesses, they could demolish local pharmacies almost overnight.

There are two specific areas in competition policy that have been protected since this government came to power: one is the local newsagency and the second is the local pharmacy. It was the Prime Minister’s intention before he was elected in 1996 to deregulate local newsagencies—to demolish their location specific anticompetitive position so that there would be a freer rein in terms of competition. That has not happened. Those newsagencies are under threat, at this stage not from what the government might do about competition but from dramatic technological change and the fact that people can get a great deal of information from the internet that would previously have been obtained from local newsagencies. Members of this House now have this facility: instead of getting newspapers in the normally produced form, you can download them from the internet and use them electronically. That will have a major impact on local newsagencies in the future. But what would kill local pharmacies stone-dead would be if the two biggest retail chains in the country incorporated pharmacies into their operations. Local pharmacies would simply not be able to compete. As in the industrial relations area, in the bill before us today local pharmacies have a choice of either being incorporated into that larger entity or being beaten out of local towns as a result of the big chains moving in. Those big chains would have a competitive advantage.

In debating the bill in the House earlier today, the member for Riverina quite rightly said that it was fundamentally important for people to stand up for their local communities and those local pharmacies because, in health terms, they really are critical. For health to operate properly, as you would know, Madam Deputy Speaker Bishop, the skills of pharmacists are needed to provide people with the best possible advice in the aged care area. Whether it is for people who are still at home or for people who are in institutionalised care, you need well-qualified individuals who are skilled in this area to guide and help people. That has a benefit to the Commonwealth because money is saved. The education campaigns that have been run in the past have that as an end point, but it is also to secure a better health outcome for aged people. As the pharmacy agreement is to be extended by six months, there is no definite outcome yet in relation to local pharmacies; they are still in limbo.

I know what pressures governments come under in dealing with local pharmacies and any kind of rationalisation. I well remember what happened in 1987 and the campaigns that were run by the pharmacists against the Hawke government. At the time I was working for Mr Keating, and I came into close contact with a very organised and very potent campaign by pharmacists. We faced then what governments always face, but, because
the government is the key instrument here and all of the fundamental business of the pharmacies is provided through the PBS, pharmacies have had to try to improve their chances by taking other ranges in, but essentially there is a direct link. If you have an overprovision of services within a particular area, that does not make much rational or economic sense. There are times when you have to have a winnowing. That happened under Labor when we were in government; it has also happened whilst this government has been in power. But the winnowing that has happened to make the system more effective is nothing compared to the whirlwind that would engulf local pharmacies if Woolworths and Coles were able to supplant them. Part of the strength of local communities Australia-wide was evidenced in the argument put forward by the member for Blair that, in his electorate, you only had to walk from one local town to another to understand the central importance of a range of services, but particularly pharmacy services, within local towns.

I want to make some concluding remarks to support some of the key things said by the member for Batman about mental health in what was a wide-ranging but fundamentally important discussion on this matter. This is Mental Health Week. It was expected that this bill would be discussed within that context and that issues germane to it would be considered. The member for Batman gave a very interesting speech. In it, he underlined the fact that in Australia our health system concentrates on physical health. It does not concentrate on problems with mental health. Those problems affect a high proportion of the population. There is not a street in any town in Australia that is not directly affected by mental health issues.

The member for Batman also argued, quite rightly, I think, that it is time to look at the impact of deinstitutionalisation and what happened in New South Wales under Professor David Richmond, who is a constituent of mine, where people were taken out of mental institutions. That process occurred in the 1980s and 1990s and now needs to be significantly rethink. We have apparent and significant problems in that people in the community have not been adequately supported by government and that the programs there have not served their purposes. It is vital that at the federal level, though it is not our direct concern, we understand that we must rethink this area for the benefit of all Australians and their families who are afflicted so savagely by mental health. I thank the House.

Ms JULIE BISHOP (Curtin—Minister for Ageing) (6.14 pm)—I have the pleasure of summing up the debate on the Health Legislation Amendment Bill 2005. I acknowledge the contribution of those who spoke, though the opposition speakers deviated from the content and substance of the bill and revealed once more their continuing and consuming obsession with the Minister for Health and Ageing. In the case of the shadow minister, it really is bordering on the pathological. I thank government members for their thoughtful contributions. I thank the member for Riverina and the member for Blair, both of whom are colleagues from the class of '98. I thank the member for McMillan, who is still in the chamber, for his contribution. It is good to see him so competently representing his electorate, which I had the pleasure of visiting the other day. He is demonstrating to his electorate his deep interest in health issues.

Schedule 1 of the bill amends the National Health Act 1953 to extend until 30 June 2006 the existing arrangements for approving pharmacists to provide medicines that are subsidised under the Pharmaceutical Benefits Scheme. These arrangements would otherwise end at 31 December 2005. This
amendment gives the government time to consider the findings and recommendations of a review under the third pharmacy agreement. Schedule 2 of the bill amends the National Health Act in relation to dependants of contributors to health funds. The purpose of the amendment is to ensure that it is clear, in provisions regulating the conduct of health funds, that dependants of a contributor to a health fund, as well as the contributor, receive the benefit of the regulatory provisions. We hope that is crystal clear.

Schedule 3 of the bill amends the Health Insurance Act 1973 to make it clear that it is permissible to specify in the Medicare tables the circumstances in which items of medical pathology and diagnostic imaging services apply and thereby specify the circumstances in which Medicare benefits are payable for those services. Schedule 4 of the bill amends the Medical Indemnity Act 2002 to replace references to the Health Insurance Commission, or HIC, with ‘Chief Executive Officer, or CEO, of Medicare Australia’ in order to reflect the conferring of Health Insurance Commission functions to Medicare Australia. That is the substance of the bill. I commend the bill to the House and present a supplementary explanatory memorandum.

Ms JULIE BISHOP (Curtin—Minister for Ageing) (6.18 pm)—by leave—I move government amendments (1) to (3):

1. Clause 2, page 2 (at the end of the table), add:

2. Schedule 4 1 October 2005. 1 October 2005

3. Page 10, at the end of the Bill, add:

Schedule 4—Amendments relating to the Medicare Australia CEO

Medical Indemnity Act 2002

1 Subsection 59A(2) (table item 10)

Omit “HIC”, substitute “Medicare Australia CEO”.

2 Subsection 59E(2)

Omit “HIC”, substitute “Medicare Australia CEO”.

3 Subsection 59E(3)

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

Note: The heading to subsection 59E(3) is altered by omitting “HIC’s” and substituting “Medicare Australia CEO’s”.

4 Paragraph 59E(5)(b)

Omit “HIC”, substitute “Medicare Australia CEO”.

5 Subsection 59E(6)

Omit “HIC” (wherever occurring), substitute “Medicare Australia CEO”.

I present a supplementary explanatory memorandum to the bill.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Ms JULIE BISHOP (Curtin—Minister for Ageing) (6.18 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
MIGRATION AND OMBUDSMAN LEGISLATION AMENDMENT BILL 2005

Consideration resumed from 13 October.

Second Reading

Mr JOHN COBB (Parkes—Minister for Citizenship and Multicultural Affairs) (6.19 pm)—I move:

That this bill be now read a second time.

This bill makes some important amendments to the Migration Act 1958 and the Ombudsman Act 1976.

The amendments, together with those earlier implemented by the Migration Amendment (Detention Arrangements) Act 2005, generally build on reforms to immigration detention arrangements announced by the Prime Minister in June this year and on other arrangements that the government has introduced over recent years.

These amendments do not alter the government’s approach to immigration or mandatory detention. They show, however, the responsiveness of the government by ensuring that our existing policy is administered with flexibility and fairness, and in a timely manner.

Protection visa decision time limits

On 17 June, the Prime Minister made a commitment that all primary protection visa applications will be decided within three months of the receipt of the application.

This three month time limit also applies to decisions by the Refugee Review Tribunal (RRT) when reviewing protection visa decisions.

Schedule 1 to this bill provides a 90-day time limit for decision on all primary protection visa applications and any subsequent RRT review of such decisions. This implements the commitment made by the Prime Minister that primary decisions be made within three months.

This time limit also applies to repeat protection visa applications allowed by the minister under section 48B of the Migration Act, and to cases remitted to the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) or the RRT by any court or tribunal.

This bill will also allow for the 90-day time limit for decision-making to be applied to the processing of applications for permanent protection by temporary protection visa holders and certain temporary humanitarian visa holders.

A key feature of protection visa arrangements is that persons granted temporary protection are unable to access a permanent protection visa until they have held their original visa for a specified minimum period of time—in most cases either 30 or 54 months.

As a matter of fairness to applicants, decision making on these applications for further protection does not commence until the specified minimum period of time has passed.

Accordingly, the commencement of the 90-day time limit is to be prescribed in regulations. The regulations will provide that the time starts from the point at which the applicant has held their temporary visa long enough to be able to access a permanent visa, or from the date of lodgment of their further protection visa application, whichever is the later.

The proposed amendments to the Migration Regulations 1994 to achieve this have been drafted by the Office of Legislative Drafting and Publishing and I table a copy to accompany this bill.

In his June announcement, the Prime Minister also set a deadline for DIMIA to complete all assessments of applications for permanent protection visas from the existing...

The 31 October 2005 deadline applies to those further protection visa applications on hand at the time of the Prime Minister’s announcement where the applicant had already held their temporary visa for the specified minimum period needed to be able to access a permanent protection visa. This deadline has not been incorporated into this bill, as most of these applications will have been decided by the time it commences.

The emphasis contained in this bill on clear time limits for the prompt finalisation of applications does not mean that cases should be decided irrespective of whether there are critical issues still outstanding which are beyond the control of DIMIA and the RRT.

Nor will the new time limits operate to the disadvantage of applicants.

On the contrary, DIMIA officers and RRT members will continue to be obliged to make fair decisions in a manner that gives applicants a proper opportunity to present their case.

In the 2004-05 program year, where there were not factors outside DIMIA’s control which prevented finalisation, DIMIA decision makers completed almost 80 per cent of the initial primary protection visa case load in the community within 90 days.

In this regard, Australia’s average processing time for protection visa applications already compares well with European countries and is on a similar level to that of the United Kingdom and the United States of America.

DIMIA and the RRT will now aim to ensure that all cases will be decided within 90 days.

Where these time limits have not been met, this bill requires that periodic reports will be provided to the Minister for Immigration and Multicultural and Indigenous Affairs by the Secretary and Principal Member of the RRT on the reasons why these time limits were not met. The minister will then table these reports in parliament.

These reports will provide additional assurance to the parliament and to the public that protection visa and review applications are dealt with in a timely manner.

It should be noted that delays to decision making can occur which are beyond DIMIA or the RRT’s control. These include cases where the applicant fails to cooperate, there are delays with security checks or the receipt of information from other governments, or there are major increases in protection visa applications.

Reasons why protection visa decisions take longer than 90 days to decide will need to be specified in any reports provided to the minister.

Other than the reporting requirement, no right, obligation or liability is created should DIMIA or the RRT fail to make a protection visa decision within the time limit.

It should be noted that priority processing will continue to be given to those applications made by people in immigration detention.

Commonwealth Ombudsman

Schedule 2 to the bill concerns the Commonwealth Ombudsman. The government announced on 14 July 2005 that the Ombudsman would be given an enhanced role as the Immigration Ombudsman. This bill will enable the Ombudsman, when investigating matters of immigration and detention, to call him or herself the Immigration Ombudsman, and contains a range of other provisions to support and facilitate the Ombudsman dealing with immigration and detention com-
The bill will facilitate the early provision of information to the Ombudsman through amendments to provide that disclosure of information to the Ombudsman during a preliminary inquiry or investigation will be taken to be authorised by law for the purposes of the Privacy Act, and not prevented by any other Commonwealth enactment. It should be noted that disclosure of information under these provisions will still be discretionary; a person or agency will be entitled not to provide information at this stage, but the Ombudsman could then consider issuing a section 9 notice compelling provision of the information.

The bill will also provide that action by Commonwealth contractors and subcontractors in the exercise of a power or the performance of a function for or on behalf of an agency will be taken, for the purposes of the Ombudsman Act, to be action by the agency, where the contract is for the provision of goods or services to the public. These amendments implement the government's response to the recommendation in the Joint Committee of Public Accounts and Audit report 379, Contract management in the Australian Public Service, that the Ombudsman Act be amended to extend the jurisdiction of the Ombudsman to include all government contractors. The government agreed that the Ombudsman should have jurisdiction to investigate government contractors providing goods or services to the public. These amendments remove uncertainty about the Ombudsman's jurisdiction over government contractors.

The amendments relating to disclosure of information and the Ombudsman's jurisdiction over contractors will apply to all matters within the Ombudsman's jurisdiction, not only when the Ombudsman is investigating an immigration or detention matter.

The bill also repeals the current provision which excludes immigration detainees who have not made a complaint to the Ombudsman from the entitlement which would otherwise apply to receive mail from the Ombudsman. This will enable the Ombudsman to contact immigration detainees at his or her own initiative—for example, when performing functions under part 8C of the Migration Act, concerning reports and assessments of the adequacy of detention arrangements of long-term detainees. Technical consequential amendments are provided for, in relation to the Ombudsman's role as Postal Industry Ombudsman, to be established under separate legislation.

**Disclosure of identifying information**

The immigration identification and authentication scheme in the Migration Act, allowing the collection of personal identifiers in various immigration circumstances, has now been in effect for almost a year.

This scheme contains strict controls for the collection, access and disclosure of personal identifiers such as photographs, fingerprints and iris scans.

In the Migration Act, the disclosure of personal identifiers is subject to robust protections, which prevent the disclosure of information, such as photographs, except in clearly specified circumstances.

These circumstances allowing for disclosure do not include situations where DIMIA believes disclosure is reasonably required to identify, authenticate the identity of, or locate persons of interest.

An illustration of this is that an immigration officer is currently unable to show a member of the Australian community a photograph of a person who is a suspected non-citizen to confirm who the person is.
The prohibition against disclosing personal information when trying to identify or locate a person significantly detracts from the ability of immigration officers to perform their functions under the Migration Act.

One of the concerns of the inquiry into the circumstances of the immigration detention of Cornelia Rau about the handling of Ms Rau’s case was that DIMIA had been reluctant to publicly release photographs of Ms Rau in an effort to identify her.

The amendments in schedule 3 to the bill are part of the government’s response to the recommendations of the inquiry.

The amendments feature provisions allowing the secretary of the department to authorise the release of a person’s identifying information to the public to identify or locate the person in connection with the administration of the Migration Act. Public release of personal information will only be permitted when other reasonable efforts to identify or locate the person have failed.

Safeguards have been built into the amendments to ensure that public disclosure can only be authorised after the person’s views have been taken into consideration (if possible), the sensitivity of the information has been assessed, and it is reasonably necessary to disclose the information.

This will be an important mechanism in making absolutely sure that all possible steps are taken to identify or locate persons of interest to DIMIA, particularly where the person is in immigration detention.

Legislative instrument technical amendments

Schedule 4 to the bill proposes technical amendments to the Migration Act and Migration Legislation Amendment Act (No. 1) 2001 which are consequential to the commencement of the Legislative Instruments Act 2003 on 1 January 2005.

These amendments are to preserve the operation which various migration legislation provisions had prior to the Legislative Instruments Act, which has to date been preserved by regulations under the Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003, as an interim measure. The amendments in schedule 4 also ensure that migration legislation is otherwise consistent with the new legal and procedural framework created by the Legislative Instruments Act.

Summary

In summary, the bill will improve the speed and transparency of protection visa decision making by DIMIA and the RRT.

It will ensure a greater level of accountability and explanation of the protection visa determination process overall.

It will also assist the Ombudsman to handle immigration and detention complaints and inquiries quickly and efficiently.

It will finetune the very important protections surrounding the release of personal identifiers and allow immigration officers to better identify or locate persons in connection with the administration of the Migration Act.

These changes contribute to the continuing development and improvement of migration law and administration in Australia.

I present the explanatory memorandum to the bill.

Mr BURKE (Watson) (6.34 pm)—The Migration and Ombudsman Legislation Amendment Bill 2005 before the House is an incremental step in the right direction and is supported by the opposition. It is important to know that part of the problems that have existed in this government’s incompetence when it comes to administering the immigration program has been that, regardless of the letter of the law, there has been a culture
within the department that has been driven from the cabinet table. With that in mind, I move Labor’s second reading amendment as circulated:

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

(1) notes that, for the bill to be effective in delivering more humane treatment of detainees, it is essential that the culture within the Department of Immigration, Multicultural and Indigenous Affairs needs to change;

(2) recognises that the independent reports produced by Mr Mick Palmer AO APM and by the Commonwealth Ombudsman, Prof. John McMillan, of an inquiry undertaken by Mr Neil Comrie AO APM, each conclude that the cultural problems became entrenched in the years leading up to 2001;

(3) condemns the refusal by the then Minister for Immigration and current Attorney-General to take responsibility for that culture;

(4) condemns the refusal by the current Minister for Immigration to take responsibility for the continuation of that culture;

(5) agrees with the finding of Mr Palmer’s report that “Reform must come from the top” and therefore calls on the Prime Minister to dismiss the Attorney General and the Minister for Immigration;

(6) calls on the Government to take action to terminate the contracts which outsource the management of detention centres to Global Solutions Ltd; and

(7) calls on the Government to return the management of detention centres to the Commonwealth and locate all detention centres on Commonwealth Territory”.

We would be able to have more faith in the incremental step in the right direction if there were a genuine belief that the improvements contained within this amendment were characteristic of the attitude of government members in both chambers. When I look at the speaking list and see who has chosen to speak on this amendment there are a number of people who I do believe are quite sincere in their support of this legislation, but I do not believe for a moment that that is characteristic of the attitude of the government. Unless that is to be characteristic of the attitude of the government, you will not get the cultural change that will actually drive what these amendments are trying to achieve.

For some time the Labor policy on this has been quite explicit, and I will quote it with reference to the first schedule, which is to do with 90-day reviews. I am reading directly from our policy document that was adopted some years ago: ‘Provide an independent review of those claims not determined in 90 days’. Labor has been relentless in its belief that within 90 days you should be able to process claims. But what has been the response of government members to this? Those I will quote are not members who have chosen to speak in this debate. This is a speech that was given by the member for Deakin that was given years ago in a different context. This is a speech that was given by the member for Deakin on 22 June this year, after the cultural problems had become patently obvious, after a number of good government backbenchers had tried within the government to move things closer to the bill that we have today, which once again endorses the 90-day policy that Labor has held for some time. What did this government member say in this chamber on 22 June this year? I quote:

Mandatory detention would cease to exist if we have in the legislation the ability for reviews to take place within 90 days and then every month afterwards. People out there will know that they are going to get a decision within 90 days and after that every month. Mandatory detention is dead.

That is what was said by a member of this parliament, the member for Deakin, while
standing over in the back corner of the chamber, about the 90-day rule; yet we find now it is coming to us as government legislation. I welcome it as government legislation. I welcome this bill and I welcome the move towards saying that after 90 days there has to be a review. We then say there has to be a review every month afterwards; this bill says every four months afterwards. This detail is a step in the right direction, and we are not going to vote against a bill because it does not take things quite as far as we would like them to be taken, but that was the objection we had. On the 90-day rule, on the exact number of days that appears in the amendment today, we were told by the member for Deakin that, if parliament ever passed that, that would mean that ‘mandatory detention is dead’.

It is great to look at the speaking list for this bill and see who has put their name down. Funnily enough, the member for Deakin is not on the list. Nor is the former Minister for Citizenship and Multicultural Affairs, who is now the Minister for Agriculture, Fisheries and Forestry, the member for Gippsland. What did he say? What did the minister say on 22 June 2005 about the 90-day rule? What did he say about having a review after 90 days? He quoted part of our second reading amendment to the Migration Amendment (Detention Arrangements) Bill 2005:

... the Ombudsman should report monthly on the continued detention of all detainees held for 90 days.

What was the response from that minister? I quote:

Ninety days! That is an administrative nightmare ...

That is what the former minister for citizenship had to say about the exact number of days, the precise number of days, that are now within the bill that is before us today.

And government members wonder why Labor sees that you do not get cultural change with the people who are on the frontbench of this government! There are backbenchers in this government who have pushed things in the right direction, and we are pleased to see a more forward, but you do not get the cultural change when that is the attitude of the frontbench, notwithstanding the fact that at the time this minister was representing the minister for immigration in this chamber. He said in that same speech:

You cannot have the Ombudsman reporting on detention after 90 days. It would be an administrative nightmare that would be utterly unworkable.

That is what we had from the former minister for citizenship.

Ms Corcoran—It’s just as well he’s moved on.

Mr BURKE—I am pleased that he has moved on and I am pleased that we have not heard those sorts of comments from the new Minister for Citizenship and Multicultural Affairs. But how can we believe that the government are serious about the culture of change when they ridicule a proposal—because they are so determined that by instinct they have got to disagree with the Labor Party and so by instinct they have no choice but to say, ‘Yes, must ridicule the proposal’—only for us to find that, under public pressure, legislation in an identical form finds its way into this chamber? Ridiculed in June—‘Ninety days! That is an administrative nightmare’—it is now legislation in November. He goes on to have another swipe at us and then says:

You cannot have the Ombudsman reporting on detention after 90 days. It would be an administrative nightmare that would be utterly unworkable.

What faith can we have in the sincerity of government ministers about cultural change?
We could have some faith in the sincerity of a handful of backbenchers. We could have some faith when there is huge public pressure and the government says, ‘Okay, maybe we’d better do something.’ But this is not just a policy that they ruled out and this is not just a policy that they thought was not a great idea. This is a policy that the minister for citizenship was ridiculing this year as ‘utterly unworkable’.

There is a good reason why we want the 90-day rule that is in this bill, and it is simple: mandatory detention should not mean indefinite detention. Mandatory detention should not mean that people can go on in detention for the rest of their lives. Coming to Australia without lawful sanction, coming to Australia on fake documents or coming to Australia without following the due processes is something you should not do, but we should not have a situation where people who are believed to be guilty of that face tougher penalties than do murderers and rapists and are detained for longer—indefinitely—while not knowing what their future holds. The Ombudsman himself has referred to the mental health issues that people have had on Nauru when they have been there for more than two years, with two years being given as a benchmark. We genuinely want to see a situation where mandatory detention never again means people wasting away their lives in a way that does not apply to hardened criminals. We do not want to see that again. We do not want to see a situation where we have person after person who is stateless treated in the same way as Peter Qasim and having no future. This bill is a step in the right direction. I wish I could believe that across the frontbench of the coalition government there was sincerity in the principles behind it. I really wish the minister who had made the comment was not at the time the Minister for Citizenship and Multicultural Affairs. He was ridiculing what only months later is government legislation.

After the principle of 90 days, the second thing that this bill deals with is improved processes for identification, and that is good. It is good to see improved processes for identification, but it should not be thought for a minute that the government can claim that it was the absence of this which brought about the problems which have been made so public now, first with Cornelia Rau, then with Vivian Solon and now with a list, growing regularly, of more than 222 people who have subsequently been released as being found to be not unlawful.

This issue of identification has been used by the government to try to cloud the real problems which have existed within the culture of the department—a culture which I have always said did not begin as a culture from public servants but a culture which was driven directly from the cabinet table. That culture driven from the cabinet table of blaming the victim was never more clear than on Tuesday, 12 July this year when cabinet received copies of the Palmer report. It was not released until the end of the week. They released it, gave copies to the media, gave them nine minutes to look at the Palmer report and said, ‘Any questions?’ There was that sort of arrogance in the release of it. But the arrogance from the former Minister for Immigration and Multicultural and Indigenous Affairs, now the Attorney-General, a few days earlier was even worse. An article written on AAP by Sharon Mathieson on that day says:

If Ms Rau and Ms Alvarez had cooperated with authorities and revealed their true identities it would have been much easier to avoid treating them as illegal immigrants, he said. Some text follows, and it goes on:

The Palmer review will comment on how those issues were dealt with, whether they were dealt with well enough, but it shouldn’t disguise the
problems you have in dealing with the people who do not give accurate information about who they are and their background.

First of all, there is the absolute offensive nerve of linking Vivian Solon to people who give false identities. How offensive is it when we know that Vivian Solon said she was an Australian citizen? How offensive is it when we know that Vivian Solon gave her name as Vivian Solon? How offensive is it when we get the Comrie report—the first report that I know of that actually carries in it a comment which says:

In a government department for which the correct spelling of names is paramount—and could avert a wrongful detention—measures need to be taken to stress to staff that great care must be exercised when recording clients’ names and other personal details.

Immediately before that it says:

It also appears that a number of DIMIA officers assumed that the name Vivian Alvarez should be spelt in a particular way. The various permutations of the spelling of the name that are found throughout DIMIA files appear to be the result of either false assumptions or carelessness.

The false names were not the fault of the victim, whom the Attorney-General chose to blame. How many times do you actually get a formal recommendation in a report to government which says:

Further, all staff at DIMIA should be reminded of the need for great care in the spelling and recording of names in files and records.

That is in recommendation 6 and yet so desperate have the Attorney-General and the current Minister for Immigration and Multicultural and Indigenous Affairs been to avoid any personal responsibility that, with the Palmer report in his hand that day, the Attorney-General was able to go out and blame the victim. And there is the blaming of Cornelia Rau. Is there no understanding of mental illness across this government? Is there no understanding of the mental health problems that people face? Is there no understanding when somebody says, ‘I am Anna Brotmeyer and I have only been in Australia for three weeks and I am here unlawfully,’ that, yes, question marks are appropriate? But when she later changes her story and says it is not Anna Brotmeyer but Anna Schmidt, when the three weeks becomes three months and she says that she has never been in Australia before but gives that information in an Australian accent, surely we can get beyond the situation of an Attorney-General who just chooses to blame the victim. Yes, people with mental health issues do give false identities. Yes, that does happen. And the department of immigration has to be big enough, smart enough and thorough enough to be able to deal with that responsibly. People turn up at police stations and say, ‘I am Jesus Christ, come to save the world.’ We do not deport them to the Middle East.

When someone gives a false identity, questions have to be asked. So I support the amendment that calls for better use of identifiers. I support all of that, but I do not want to hear one government speaker try to use that as an excuse and claim, ‘That is why these mistakes occurred.’ These mistakes occurred and these individuals had their lives wrecked. One of them is still over in Manila. While the department is spending its money on merchandising and drink bottles, Vivian Solon is still in Manila in a wheelchair.

The day the Comrie report comes out we have a minister for immigration making jokes about the Elton John song I’m Still Standing—this when we have a report about a woman who is still in a wheelchair in Manila because this government cannot find the money to bring her back and make sure that she is cared for for more than six months. There is no way this provision, at any point in this debate, should be used to justify the mistakes that have occurred. Will this amendment help to identify people? Yes,
Labor supports it. But is this the reason people have been treated so appallingly? No. The treatment that has occurred to people lands squarely at the door of the previous minister for immigration and the current minister for immigration. Even though the Attorney-General on the day the Comrie report came out, when asked, ‘Do you feel any responsibility?’ said, ‘None at all,’ every one of those 222 people knows the responsibility rests on his shoulders. And there is no shortage of people within the department who will tell you privately about exactly how the culture in that department changed.

The third area of change in this bill is with respect to the Ombudsman. Much has been made of the different inquiries that have been referred to the Ombudsman. Labor, throughout this process, have said that the appropriate inquiry is a royal commission. We wanted to have an inquiry which could subpoena documents, which could compel witnesses to appear, which could provide immunity to whistleblowers and which could conduct cross-examination in public. We wanted it to be able not only to deal with government departments but to call witnesses to appear, which could provide immunity to whistleblowers and which could conduct cross-examination in public. The Ombudsman can do some of those functions. The Ombudsman certainly has more power than Mr Palmer had. Mr Palmer was given the power to scratch the surface. Mr Comrie was given slightly more powers and was able to get far enough to describe the government’s administration of the department of immigration as ‘catastrophic’. But the Ombudsman is now where these inquiries lie.

I have full faith in the Ombudsman. I wish the Ombudsman had more powers, but I have full faith. The best evidence that we can have full faith in him is the difference in the quality of information which we get from the Ombudsman to that which we get from the department. When the Ombudsman was asked to catalogue the time that each person had spent in immigration detention we were given a table—a table by an honest Ombudsman. That table categorized the groups of people, those 222 people who were later found to be not unlawfully here. Thirty-six people were described as being in detention for less than one day. Then it goes one to three days; four to seven days; one to two weeks; two to four weeks; one to two months; two to three months; three to six months; six to 12 months’ one to two years—there were eight people; two to three years—there were 12; three to four years—one; four to five years—none; five to six years—one; and six to seven years—one.

When the same question was asked of the department, the table did not go as far as six to seven years. It did not go as far as one to two years. When we are here carrying out our responsibilities as members of parliament on behalf of the Australian people, what is the level of disclosure we were given about the people possibly held in wrongful detention? This was the table: four to seven days—28; eight to 21 days—13; 21-plus days—56. And that was it. Individuals held for up to seven years were described as being held for ‘more than 21 days’. I have to say that is one of the most disgraceful exhibitions I have seen of a culture of cover-up. Someone has six to seven years of their life wrecked, and a callous department—with an answer that went to the minister’s office before it came to us—describes those 56 cases, bundled together, as ‘more than 21 days’. It is one thing to just have more than 21 days of your life wrecked, but to think that that is a fair way of describing people—eight people who lost one to two years of their life in a detention centre, 12 people who lost two to three years, one person who lost three to four years, one who lost five to six years and one who lost six to seven—thank God the Ombudsman is involved. What we get from what
is meant to be the due process of parliamentary inquiries is 'more than 21 days'.

The opposition is meant to believe that the culture of cover-up is at an end. This was the answer we were given to a question asked at a budget estimates hearing on 25 May. The answer came out some time subsequent to that. This was after we knew about Cornelia Rau and after we knew about Vivian Solon, and we get told the best way to describe someone who has had years of their life wrecked through incompetence is to say they were detained for 'more than 21 days'. I have seen in this portfolio some sad situations of cover-up, but to mislead members of parliament in that fashion on information that went through the minister's office before it came to us is callous and disgusting. Everybody who was involved at every level of that answer being provided to us should be absolutely ashamed. How sick can someone be in their own mind to think that 'more than 21 days' is a fair description of wrongful detention that rates up to seven years?

There are important issues for the Commonwealth Ombudsman to be investigating, such as the treatment of Mrs Agha. In question time I asked the Minister for Citizenship and Multicultural Affairs representing the Minister for Immigration and Multicultural and Indigenous Affairs about Mrs Agha, a woman who was given advice by her doctor that she was not fit to travel. The advice that she was not fit to travel anywhere was given to the department, and to get a second opinion they made her travel to the appointment—and two days later she was dead. When asked, the minister’s response was at say, ‘At no time did we try to deport her.’ We have not alleged that they were trying to deport her. What we are saying is that you do not check if someone is fit to travel by making them travel to get the second opinion. That sort of incompetence leaves a trail of human wreckage throughout this department.

I see positive steps in an amendment like this, but every time we hear a comment from a government minister the fear comes back into you that the culture that drove these errors, that told public servants this was what was expected of them, will continue to be driven from the cabinet table.

Of course the government has found people that it believes are responsible for the problems in Immigration. Some years ago this was said:

... the Prime Minister has turned the principle of ministerial responsibility on its head. The Prime Minister of this country has established a new principle: The greater your blame, the deeper your implication and the more you are responsible for a mess, the more scapegoats you find.

There was some further discussion and it went on:

The real architect of the shambles of the last few weeks ... is not the former Chief Executive, it is not the former Chairman of the Bicentennial Authority and it is not the three officers of the Department ... who have apparently been demoted because of their role in the matter; the real person to blame and the man who does not have the courage to cop it and to admits responsibility for it is the Prime Minister of this country ...

Those words were not said by Kim Beazley or any of Labor's previous leaders. Those words were said by a Leader of the Opposition—the then Leader of the Opposition in 1985. On 11 October 1985 the then Leader of the Opposition, who is now the Prime Minister, saw clearly that it is not good enough to blame three public servants when the responsibility should be sheeted right home to the Prime Minister. And what do we find in the Comrie report? A recommendation that three public servants be blamed and government ministers who are quite happy to say: ‘Yes, we'll blame the three public servants. There will be disciplinary action against them. But the three people who drove the culture—the current Attorney-General,
the current minister for immigration and the
current Prime Minister—take no blame
whatsoever.’

If it is good enough in 1985 for the then
Leader of the Opposition to say, ‘You don’t
just blame three public servants; you take
some responsibility for yourself,’ then what
about now? There were two independent
reports, both of which make clear that the
cultural change occurred in the years leading
up to 2001. We all saw the behaviour of the
Prime Minister in 2001; we all saw the be-
haviour of the minister for immigration in
2001. We know exactly where this culture
came from. And for those three public ser-
vants who have been given the blame, yes I
agree: anyone who is responsible for the de-
portation of an Australian citizen and
chooses to do nothing about it and cover it
up is blameworthy and should face discipli-
nary action. But that is not just three public
servants; it is also three people who are at the
cabinet table. It is the Prime Minister, it is
the Attorney-General and it is the minister
for immigration.

The other positive step forward in this bill
is that the Ombudsman’s powers will be ex-
tended to contractors, so we will start to
move another step away from the way in
which this government has hidden behind
private contracts as a way of trying to dodge
responsibility and dodge ministerial account-
ability. It is about time that GSL had its con-
tracts terminated, and once we get the over-
sight of the Ombudsman you watch the next
stage of the abuses start to appear in a far
more public form.

Only the other day I was at Villawood.
The occupational health and safety is appall-
ing. I used to conduct occupational health
and safety inspections. Never in my life have
I seen a situation where a toaster is posi-
tioned on the floor. And on top of the toaster,
because the cord will not reach high enough
unless you place it on top of the toaster, is
the kettle. This is in stage 1 at Villawood—
the same place where about 40 people sleep
in double bunks in the same room. This is the
way detainees are being treated. This shows
the sort of oversight that we need to have.
We need to make sure that that stops. We
need to make sure that never again do we see
five detainees being transported from one
detention centre to the other and, as they
drive through the heat of the desert, being
denied light, airconditioning, food, water,
medication and access to a toilet. I do not
want to continue to hear people who have
come out of detention centres refer to the
term ‘toilet privileges’. I do not want to con-
tinue to hear about the situations that we
have in there of inhuman treatment without
oversight. And I do not want to continue to
get answers from a government department
that describes a person losing up to seven
years of their life as ‘someone who was de-
tained for more than 21 days’. It has to end.
This is a step in the right direction but, no
matter what laws are put on the statute
books, unless you change the culture you do
not fix the problem. And the culture will not
be fixed as long as we have at the cabinet
table the current Attorney-General and the
minister for immigration.

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

Mr Albanese—I second the amendment
with great honour and reserve my right to
speak.

Mr BROADBENT (McMillan) (7.04
pm)—I rise to speak on the Migration and
Ombudsman Legislation Amendment Bill
2005. I have some comments on the per-
formance of the member for Watson—I will
call it a performance rather than an address.
It was lacking in substance and truth in part,
but I would suggest to the member for Wat-
son that, on behalf of his party, he take the
truckload of logs out of his own eyes before he enjoys the right to criticise the member for Deakin or my good friend the member for Gippsland. The Labor Party, through this period of 12 months, has not had a good record, and the member for Watson came to his portfolio position by the Labor Party having such a poor record on this issue.

With regard to the second reading amendment that has been moved, item 4 refers to the ‘responsibility for the continuation of that culture’. I spoke to the people from A Just Australia recently. They have reported to me that a marked cultural change has happened in the Department of Immigration and Multicultural and Indigenous Affairs, and I would like to congratulate Andrew Metcalfe, the head of that department, for his good work in that area and his style and approach to his job.

The bill proposes several amendments to the Migration Act 1958, most specifically in relation to the processing and time lines applied to protection visa applicants. The bill also deals with accommodating the new responsibilities carried by the Commonwealth Ombudsman, Professor John McMillan, as a result of changes announced in June this year. The amendments in this bill, particularly in relation to the requirement that all protection visa applications be determined within three months of the receipt of the application, are the result of the Prime Minister’s announcements of 17 June.

These amendments are both necessary and promising. They are necessary in order to streamline and improve both the time taken and the method used in processing protection visa applications for a particularly vulnerable group of people. The amendments are promising because they demonstrate that, since the changes in June, the desire to implement further progress is still present. We believe as a government that these changes are a further attempt at demonstrating genuine transparency and accountability in the way the process is undertaken.

I will deal firstly with the amendments relating to the length of time allowed for processing and decision making by both the Minister for Immigration and Multicultural and Indigenous Affairs and the Refugee Review Tribunal. The proposed amendments to the existing legislation would see the introduction of a 90-day processing time limit for the determination of protection visa applications and for the completion of reviews undertaken by the Refugee Review Tribunal. For those applications where it takes longer than 90 days to make a determination, schedule 1 of the amended bill would require the Secretary of the Department of Immigration and Multicultural and Indigenous Affairs, and the principal member of the RRT, to report to the minister on a four-monthly cycle about protection visa applications and to review applications that exceed this time limit.

The amendments would also require the minister to table such reports before the House and the Senate and would allow the minister to request further reports to be provided by the secretary of the department and the principal member of the RRT. The 90-day time limit will also apply to applications for both temporary protection visas and temporary humanitarian visas, but the start time will be set in the regulations, as processing of these applications does not normally start until a set period has passed.

The key feature of these temporary visa arrangements is that a person who is granted these visas is generally not able to access a permanent protection visa until they have held their original temporary visa for a minimum period of time. Where they lodge a further application for protection, decision making on those applications is not commenced until the relevant minimum period of
time has passed. The bill enables this approach to be maintained via amendments to the migration regulations to be made when the bill is given royal assent. The regulations will prescribe that, for the processing of applications for permanent protection by TPV holders and certain THV holders, the 90 days will be counted from the point at which the applicant has held their original visa long enough to be able to access a permanent protection visa.

These amendments relating to time limits have no bearing on the tests currently applied for refugee status, and the tests will remain unaltered and prescribed by both existing domestic legislation and international refugee conventions. The 90-day time limit for the Refugee Review Tribunal to determine applications will start when the tribunal receives a statement about the decision under review from the secretary of the department. The secretary is required to provide this document to the RRT within 10 days of receiving notification from the RRT of the application for review. The time commences at this stage, as the tribunal cannot commence its consideration of the decision until it receives this statement.

These amendments relating to time limits are separate and subsequent to the amendments put in place by DIMIA to meet the Prime Minister’s time limits. Some of the changes that have already been put in place to improve and streamline the processing of protection visas include: overhauling interviewing and assessment processes; streamlining decision records, especially for straightforward approvals; front-loading other checks, especially character checks to minimise any delays in the granting of visas; working with other agencies and governments to identify and deal with potential bottlenecks in the resolution of key criteria for visa decisions; working with the tribunal to ensure the speedy transfer of information and relevant case files from the department to the tribunal; and increasing management reporting to ensure the close oversight of the progression of applications through the protection visa process.

Likewise, the Refugee Review Tribunal has already put several changes in place, aimed at completing Refugee Review Tribunal reviews within 90 days, such as the deployment of cross-appointed member resources from the Migration Review Tribunal to the RRT; action to recruit additional members; arrangements for training and use of additional cross-appointed members; an increase in registry staff and the number of days worked by part-time members; and the recruitment of additional registry staff. There is also revision of work practices and processes of members, registry, country research and legal staff to ensure the most expeditious conduct of the review as possible. Other changes include improved litigation procedures with DIMIA and enhanced IT and other communications, file transfer arrangements with DIMIA, proposals for possible legislative changes to streamline statutory procedural processes and liaison with refugee industry representatives seeking cooperation in minimising delays. Where are we today? In a press release a couple of days ago, the minister, Amanda Vanstone, said:

Of the 3400 applications in that group, the Department had finalised all those within its power to as at close of business yesterday.

The Department of Immigration and Multicultural and Indigenous Affairs has delivered on the Prime Minister’s commitment to finalise existing applications by temporary protection visa holders for permanent protection visas by 31 October 2005. The Prime Minister, as you would recall, Mr Deputy Speaker, announced on 17 June that he wanted these changes. As of yesterday, of the 3,400 people in the group to be finalised, 3,095 decisions had been made by the department, with
2,865 receiving permanent protection visas, 45 receiving further temporary visas, 135 negative decisions and 50 people withdrawing their applications.

Applications for some 270 people cannot be finalised until security assessments by an outside agency are completed. Of the remaining 35 people, some have serious criminal charges pending or have serious criminal convictions which require further detailed consideration before a final decision is made. A small number of cases are reliant on further critical information from other sources, including from the applicant.

All remaining applications are being actively managed to ensure that any outstanding issues are resolved as soon as possible. Applications for further protection visas not included in the commitment to provide decisions by 31 October are to be finalised by the department in accordance with the announcement by the Prime Minister that the 90-day time limit should apply to all protection visa applications. On 17 June this year there were 59 children behind razor wire in Australia. Today there are none.

This is an important bill, important for this parliament, for the nation and for the people of Australia. Australia’s processing time for protection visa applications already compares well with European countries and is on a similar level to that of the United Kingdom and the United States of America because of these changes. In the 2004-05 program year, when there were not factors outside DIMIA’s control which prevented finalisation, DIMIA decision makers completed almost 80 per cent of the initial protection visa caseload in the community within 90 days. In the 2004-05 program year, again when there were not factors outside DIMIA’s control which prevented finalisation, DIMIA decision makers completed over 80 per cent of the initial protection visa applications in detention within 42 days. Progress is being made on this front.

Under schedule 2 of the bill, the Ombudsman may use the term ‘Immigration Ombudsman’ when performing functions in relation to immigration detention. The Ombudsman will have authority to perform functions and exercise powers under Commonwealth or Australian Capital Territory legislation. Schedule 2 also enables an agency or person to provide information to the Ombudsman, notwithstanding any law that would otherwise prevent them doing so. This is in keeping with the current investigative powers of the Ombudsman, in that his or her main function is to investigate administrative actions either upon a complaint being made to him or her under the Ombudsman Act 1976 or of his or her motion. In a media release dated 1 September 2005, the Commonwealth Ombudsman’s office defined the Ombudsman’s powers as:

The statutory powers and immunities created by the Ombudsman Act places the Ombudsman in the same position as a Royal Commission. The Ombudsman can require any witness to attend and give evidence on oath; protect a witness against any civil or criminal liability resulting from any evidence given; require the production of relevant documents from any person, or any Commonwealth, State or private body; and enter premises.

The bill also contains a range of other provisions which will support and facilitate the Ombudsman dealing with complaints and inquiries as expeditiously as possible. These include amendments relating to access to information and to contractors. The amendments put forward here affect all agencies within the Ombudsman’s jurisdiction, not just the Department of Immigration and Multicultural and Indigenous Affairs.

The bill will provide that action by Australian government contractors and subcontractors for or on behalf of an agency will be
taken for the purposes of the Ombudsman Act to be action by the agency where the relevant contract is for the provision of goods or services to the public. This ensures that there is no uncertainty about the Ombudsman’s jurisdiction over government contractors. The Ombudsman would deal with the relevant agency that has contracted for the provision of services as if the agency were delivering those services. It is expected that contact would be made through nominated agency officers who would then liaise with the contractor.

The bill also provides the Ombudsman with power to enter premises where the contractor is performing the contract. To date, the Ombudsman has been able to investigate some contractors whose contracts and functions were deemed to have been taken by the relevant agency. In some cases, this required close analysis of the functions and detail of the contractual relationship even before the Ombudsman could commence an investigation. These amendments clarify the Ombudsman’s power in relation to government contractors and subcontractors. These amendments implement the government’s response to a recommendation in report 379 of the Joint Committee of Public Accounts and Audit, Contract management in the Australian Public Service, that the Ombudsman Act be amended to extend the jurisdiction of the Ombudsman to include all government contractors. The government agreed that the Ombudsman should have jurisdiction to investigate government contractors providing goods or services to the public.

The bill deems actions of Commonwealth contractors providing services to the public for or on behalf of a Commonwealth agency to have been taken by the relevant agency. It will ensure that, notwithstanding changes to the way agencies deliver their services, the public will have a right to complain to the Ombudsman as an independent and impartial investigator. The Ombudsman usually investigates agencies in a cooperative way, requesting information and being provided with it with minimal formality. This enables the Ombudsman to make investigation decisions quickly and efficiently. In most cases, the complainant will be considered to have consented to or have expected disclosure. Similarly, disclosure to the Ombudsman would usually be accepted for secrecy purposes as being within the duties of an agency staff member or as being for a lawful purpose connected with the agency’s performance of a function. Only on rare occasions—typically when an agency believes it is impossible to cooperate lawfully in this way—has the Ombudsman had to issue a notice compelling the production of that information under section 9 of the Ombudsman Act 1976.

The need for this provision arose because of occasional reluctance by some agencies to provide the Ombudsman with information, notwithstanding an express willingness to assist. The Ombudsman’s efficient internal processes would be jeopardised if the Ombudsman were required to issue notices in any significant proportion of cases. The introduction of legislated time limits, additional responsibilities of the Ombudsman and a greater commitment to efficiency and fairness is promising, but there is still more that could be done. For example, since July 1997 all asylum seekers who have not applied for a protection visa within 45 days of arrival in Australia have been placed in the bridging visa E category, where they are not permitted to work and are denied access to Medicare. According to the Melbourne based Hotham Mission, around 40 per cent of people fail to comply with the 45-day rule. Whilst this may help filter out potential bogus claimants from genuine ones, it is also an impediment for people inhibited by poor English language proficiency, well-meaning but ill-informed
family and community members, as well as people still traumatised from experiences in their place of origin.

By allowing these people the right to seek work, there would be a number of benefits, even if their removal from Australia was pending. First, it would alleviate the present burden on charity, church and community groups that support this group of people through private donations and philanthropic endeavours, apart from the federally funded Red Cross refugee assistance scheme. There are many people in my own electorate that are members of organisations such as the Uniting Church’s social justice group that provide tireless assistance to these people. Lesley Welch, who lives in Warragul, is one such person that dedicates a large part of her time to highlighting the issues affecting refugees and helping them settle in our community. SANE, a group in my own township of Pakenham, are caring in the same way for an individual. Second, the current shortage of skilled workers, particularly in regional areas such as my electorate of McMillan, would be greatly assisted by this group of people being allowed to seek work. Finally, it would instil a strong sense of self-worth in these individuals by allowing them to provide for themselves and their families through the fruits of their own labour, rather than having the humiliation of being forced to accept the charity of others in order to survive.

There are probably some of us who thought we would never be speaking on a bill such as this, but today we are. Today there have been amazing changes made to the way we deal with our refugee situation. Importantly, I pay tribute tonight to the people who were so important to the changes that were made. It is not members of parliament, who represent the community, who can make these changes. Real people in real country Australia come to members and say, ‘I have a problem and I want to talk to you about it.’ It does not matter what the problem is, we have an opportunity and a responsibility to talk to each of those people. There were times during the election campaign when Rural Australians for Refugees did not want to talk to me, they only wanted to fight with me, so it was very difficult to have much of a conversation with their representatives; but once the election was over and I was able to sit down with my constituents and quietly discuss some of the issues outside of the heat of an election campaign we were able to come to a resolution that can make a real difference to the lives of people in Australia.

I hope the member for Watson will tone down his rhetoric and concentrate most directly on the substance of what has been put before us here today. He was not the shadow spokesman during most of the time this issue was being discussed, but I know that he was an active participant in what the Labor Party were doing. There were many members on both sides who had regard for the changes that needed to be made.

I thank sincerely those people in my electorate who were kind enough to contact me and encourage me in the process. There are some really good people out there, and through this process I was able to deal with many people in my community, especially those in the schools, which are so important to me. I met with a lot of them this week and heard them sing their songs, especially Korumburra Primary School. Probably one of the most amazing mornings I have ever spent in my electorate was at the Korumburra Primary School—although I should not leave out the Minister for Ageing because that was a great day too. I had better be very careful about that.

On the day that I was called to meet with the Prime Minister over this issue, I went to Korumburra Primary School in the morning.
They were very pleased that I had a meeting with the Prime Minister. In mentioning the Prime Minister I will say this: without a Prime Minister who listened and was prepared to work through the issue line by line, piece by piece, we would not be debating this legislation today. I recognise the efforts of the Prime Minister, John Howard, on behalf of these people. I commend the bill to the House.

Debate (on motion by Ms Julie Bishop) adjourned.

QUESTIONS TO THE SPEAKER

Tabling of Documents and Reports

The SPEAKER (7.25 pm)—Yesterday the Chief Opposition Whip raised two matters: first, access by members to details of papers to be tabled and, second, the possibility of having a dynamic blue program to assist members and others to follow proceedings. In relation to papers, the honourable member was concerned that services to members should be no less than those available to senators. On 12 October he mentioned access to papers under embargo and the listing on the blue program of papers for tabling.

I am pleased to advise that the Auditor-General’s Office has agreed that copies of its reports may be provided under embargo to members before tabling. In relation to the list of government papers, I understand that on Wednesdays the list of papers is available to senators earlier than they are to members. I would not want members to have a lesser service than their Senate colleagues and I am confident that the service can be developed to address that shortcoming—but hopefully without the waste that would occur if we were to add to the size of the blue program, given that some 670 copies are printed. The Deputy Clerk is available to talk over the options with the honourable member and will report back to me.

On the second point, the House does not have a dynamic blue program to parallel the Senate’s dynamic red, but since 2002 the Votes Officer’s minutes have been available online to members and their staff. This service covers both the chamber and the Main Committee, updates approximately every 15 seconds, details both the name and exact commencement time of every member speaking and contains a greater level of detail than the dynamic red.

Importantly, if proceedings depart from the program, this service records very quickly just what has happened and, when used with the BillsNet service, very useful links are available. I would be happy to arrange for more information to be provided on this service to any member who is interested. I also welcome any feedback on the service.

Mr PRICE (Chifley) (7.27 pm)—Mr Speaker, I sincerely thank you for your response and the advice that you have provided to all honourable members. I applaud the action that you have already taken and that which we are looking to work through as a consequence of your statement. Forgive me for saying that I have always believed that the most important role of the office that you hold is the protection of ordinary members and ensuring that they are effectively able to do their jobs. I can but commend you for the steps you have taken. With the effluxion of time, I am sure that all members will be much better placed. In particular, I would like to record the appreciation of opposition members for your statement.

I also indicate that I did have the opportunity to speak with the Deputy Clerk. I found the discussions very fruitful, and I look forward to working through with him some of the issues that we have discussed together. Again, I thank you on behalf of, I suspect, all...
members of this place but specifically wish to record the appreciation of all opposition members.

The SPEAKER—I thank the Chief Opposition Whip.

ADJOURNMENT

The SPEAKER—Order! It being approximately 7.30 pm, I propose the question:
That the House do now adjourn.

Skills Shortage

Ms LIVERMORE (Capricornia) (7.30 pm)—There is no doubt that the Workplace Relations Amendment (Work Choices) Bill 2005 introduced by the Howard government today represents the biggest threat to a fair go in the workplace and, consequently, the biggest threat to the living standards of ordinary Australians that we have seen in this country’s history. But tonight I would like to draw attention to one of the other changes which this government has slipped through this week. While the Work Choices bill betrays working Australians, this other change is an example of how the Howard government has seriously failed those in Australia who have seen this skills shortage coming. For a start, a large number of skilled occupations have been on the national skills shortage list for close to 10 years. Completion rates for traditional apprentices have declined from 71 per cent to 60 per cent, and 40 per cent of people who start one of the government’s new apprenticeships do not complete their training. This has been going on for years and now the government is saying: ‘Oh, no, a skills crisis! We’d better import skilled workers and trainees from overseas.’ In the meantime, 270,000 Australians have been turned away from TAFE colleges around the country. What a difference that would have made to the number of skilled tradespeople and other similarly qualified workers available to fill positions in Australia.

The fact that the Howard government sat by while the skills shortage became a skills crisis and did nothing about it, except for the quick fix of an increased migration program, is a clear demonstration that it is far too busy engaging in ideological crusades to address the factors that really underpin the future economic prosperity of this country. The Howard government’s only economic policy is to lower wages, when prosperity in the 21st century is built on a highly skilled and productive workforce able to compete in the global marketplace because of their innovation and ability to adapt to new technology. We are not in a race to the bottom.

The Howard government has not been doing enough to invest in that skilled workforce. That represents a national failure but also a lost opportunity for thousands and thousands of Australians, especially young Australians, who have missed out on vital training and therefore on the chance to take up the many skilled positions that we know are sitting unfilled around the country—certainly in areas like mine where the coal industry is booming right now.
What message was Minister Amanda Vanstone sending young Australians and their parents when she announced in her press release this week that these changes to the migration system ‘reflect the government’s commitment to helping Australian employers access the labour they need’? I ask: how about the Howard government putting some effort into training young Australians as a better way of helping Australian employers access the labour they need?

Not surprisingly, that was exactly the reaction of two parents in Rockhampton this week. I understand that ABC radio ran the minister’s statement as part of a story on Tuesday. Not long after, my office in Rockhampton received two phone calls about the story. One of those calls was from Mr Glen Thompson and the other was from Mr Barry Thompson. While these gentlemen are not related, they now find themselves with a common cause because both have a child aged 20 and both of those young people have been trying to get an apprenticeship. These men would not be alone in my electorate in believing, as we in the Labor Party believe, that it is the government’s responsibility to train Australians first and train Australians now.

Of course we support skilled migration but not as a bandaid to cover up policy failures by a government that has denied opportunities to Australians. As Kim Beazley made very clear in the announcement of Labor’s Skills and Schools Blueprint on 29 September, we will meet the challenge of providing the skilled workforce Australia needs by working with schools and business to create the opportunities and incentives for young Australians to complete the trade qualifications they need to secure their future and ours. This government does not want to invest in Australia’s work force; it just wants to pay them less.

Workplace Relations

Mr TUCKEY (O’Connor) (7.34 pm)—The previous speaker, the member for Capricornia, might look at the 4,000-odd union awards that exist in Australia and see how many of them limit the number of apprentices allowed to be employed by an employer. I can tell you, as the leader of the racing industry in Western Australia, that I tried to get apprentices approved for farriers. The union dominated committee there refused to have such an apprenticeship training scheme. We had the people.

The member for Capricornia has a reputation in this place for telling half the truth, as she did when she talked about somebody’s AWA. Mr Speaker, something worse than a half truth has been perpetrated in this place today. As you are well aware, Sir, you were the subject of a dissent ruling by the member for Perth. In fact, it was the member for Perth, as recorded on this tape, who had removed all the documentation that had been placed at the appropriate time, at the appropriate spot on the ministerial table, by the hardworking attendants of this chamber.

This tape shows beyond doubt that, at the appropriate moment—when the clerks, in doing their job, read out the first reading statement of the IR bill—a large quantity of those documents were placed in the appropriate place to meet the requirement of availability in this House. Not interested in that, the member for Perth came up with a motion to suspend standing orders, which resulted in a division. This tape shows that, during that division, he walked around, picked up all the documents from the appropriate place and took them over to his advisers. And they scampered out the door with them—I presume to be given to Greg Combet.

Mr Sercombe—Mr Speaker, I rise on a point of order. I seek your clarification on whether the matters that the member is now
dealing with ought to be the subject of a substantive motion rather than the member engaging in this diatribe.

The SPEAKER—I have been listening closely to the member for O’Connor. At this stage I believe he is in order, but I will continue to listen closely.

Mr TUCKEY—Mr Speaker, I am making no accusations; I am describing what is on a tape recorded in this parliament. I am relating what really happened. It is well known in this place that the word ‘availability’ relates to a number of the bills being placed on the table, which are frequently never used. Furthermore, I thought it was outrageous to see our hardworking attendants forced to run in here with large packs of these bills to distribute when everybody in this place knows that, if the bills run out after the first reading, you press your button and an attendant will bring you a copy. It is a reflection on the attendants of this place that the member for Perth would base such an attack upon them. He has been caught with his fingers in the cookie jar. He made what I believe was a reflection on the Speaker by moving a dissent motion when he had pinched the bills, and what is more—

The SPEAKER—Order! The member for O’Connor—

Opposition members interjecting—

Mr TUCKEY—Well, he pinched them, didn’t he? I have the evidence.

Opposition members interjecting—

Mr TUCKEY—Go on! You come in here, you mob of hypocrites, and you complain—

Ms King—Mr Speaker, I rise on a point of order. I ask that you require the member to withdraw all of the offensive comments he just made.

The SPEAKER—I ask the member for O’Connor to withdraw.

Mr TUCKEY—I withdraw, but the member for Ballarat is trying to defend the indefensible. You do not stand up in here and take the Speaker on when you are the cause of the problem. There were no grounds for dissent from the Speaker’s ruling in the circumstances. It is arrant hypocrisy and it is unparliamentary. If you want to pull those sorts of tricks and discredit our own attendants in this House, implying that they have not done their job as is the practice of this parliament, front them up. Tell these gentlemen over here that they are incompetent. Tell the Speaker he is incompetent, but do not do it by sneaking all the bills from the table and getting your advisers to run them out the back door. (Time expired)

Skills Shortage

Ms KATE ELLIS (Adelaide) (7.39 pm)—I rise tonight to speak on the government’s recent announcement concerning the issue of skilled migration visas. We have known for too long now that there is an acute shortage in skills in a number of key professions and in many of our traditional trade areas. The labour market is currently hamstrung by this skills crisis, and this has been widely recognised across our community and by unions and employers alike. However, despite the fact that the evidence of the skills shortage crisis is irrefutable, we have seen the government in complete denial in its response to the issue. The Prime Minister has openly stated that the evidence of an economy-wide skills shortage is ‘limited’ and that, considering the current situation, to call it a crisis simply indicates a ‘pessimistic disposition’.

All I can say to the Prime Minister is that it must be nice to have your head in the sand. Ignorance must be bliss when 80 per cent of employers are constantly worrying about finding skilled workers and young Australians are denied the opportunity to develop
their skills and knowledge and thus improve their standard of living. Although the government will boast that the New Apprenticeships scheme created 400,000 new apprenticeships, it will conveniently omit the fact that 40 per cent of people who undertake apprenticeships do not complete them. It will conveniently omit the fact that nearly half of the people who actually complete apprenticeships do not think their skills have improved and complain that they are merely being used as cheap labour. And the government will conveniently omit the fact that only one in every four apprentices gets any formal training at TAFE or a similar institution.

Now we are seeing the Howard government turn to the skilled migration program as a quick fix to this significant problem. We are seeing the government expand the skilled migration program in an effort to cover up its failure to foresee the magnitude of the shortage and its complete incompetence in establishing long-term and effective policies in this area. Since 1997, the Howard government has increased the skilled migration program by an extra 270,000 places. Rather than investing in Australia and in young Australians, the government has turned its back on them. Since 1998 it has turned its back on 270,000 Australians wanting to study at TAFE. This means that, for every imported skilled migrant, at least one Australian has been turned away from TAFE.

Let me be very clear: Labor supports skilled migration. Labor has always openly supported a strong and orderly immigration program. But it is deeply concerning to watch this government use the skilled migration program as an excuse to cover up for a complete lack of investment in educating young Australians. We must get the balance right. Yesterday, when questioned on their latest set of changes to skilled migration regulations, the government attempted to suggest that the skills shortage is caused by a successful economy. What an absurd cover-up for the government’s poor resource allocation! This government should be working with businesses to train young Australians and putting strategies into place to ensure that both businesses and workers benefit.

Let us be clear about this: young Australians must be put first. The young Australians that this government has blatantly turned its back on are the very same young Australians who will be hardest hit by the government’s extreme industrial relations proposals. It is time that this government started looking out for Australia’s youth. What we need is a long-term plan to address this issue. The government’s quick-fix betrayal of Australians is not the answer. Labor has the answer. We need a trades in school scheme to double the number of school based apprenticeships in areas of skill shortage and to provide extra funding per place.

Labor’s plan delivers additional funding of $1,750 per student apprentice to help schools build their capacity to offer school based apprenticeships. We need a ‘trades taster’ program so that year 9 and year 10 students can experience a wide variety of trade options, which would give a hands-on feel for future options. Labor has proposed a $2,000 trade completion bonus, paid directly to traditional apprentices. This proposal would tackle the drop-out rate in apprenticeships through encouraging them to stay on.

The contrast here is obvious. Rather than turning our backs on young Australians, Labor can offer real initiatives, real strategies and effective policies to aid businesses and equip our future generations with the knowledge and skills they need to survive in a competitive world. By comparison, the government has turned to the skilled migration quick fix and sold out young Australians, who desperately need their support. The
government should be ashamed of this short-term solution and should look to some of Labor’s policies to stand up for Australia’s youth.

**Greenway Electorate: Turkish Community**

*Mrs MARKUS (Greenway) (7.44 pm)—* Mr Speaker, it is with great pleasure that I rise to address the House tonight about a recent cultural event that I attended in my electorate of Greenway, where 34 per cent of the population are of non-English-speaking background. In one suburb alone, Dean Park, over 100 different languages are spoken. I have the privilege of representing several ethnic groups in Greenway, all of whom make an enormous contribution to my local community. On Saturday evening I attended a celebration organised by the Australia Alevi Cultural Centre to celebrate and mark the 82nd anniversary of the formation of the Republic of Turkey. It was a wonderful evening which allowed people from a variety of communities to come together. I take this opportunity to publicly thank the organisers of the event and to praise the Alevi association for their valuable work. The association has a national presence, but their work in Western Sydney, particularly in Quakers Hill and Blacktown, is of particular significance. I congratulate the organisation for their service to the community and thank them for the settlement and support services they provide. I also acknowledge the contribution that the Turkish community makes not only in Greenway, in Western Sydney, but also in New South Wales and across Australia. Part of the vibrancy of our community undoubtedly comes from the cultural contributions of our ethnic groups. I certainly saw this in action in Blacktown on Saturday night, when I joined with the local Turkish community to celebrate a day of national importance for Turkey.

As I joined in the celebrations, it also occurred to me that there are some great lessons that we can learn from the Turkish experience, particularly about the importance of strong leadership. The father of the Turks, Ataturk, set the standard. He was a strong and visionary leader. He looked at the obstacles and planned how we was going to overcome them. Ataturk had a military background and served in various posts for the Ottoman army. At the conclusion of World War II, Turkey found itself in a very challenging situation. The sultan of the day saw a potential future that involved accepting either the British or American mandate of the day, but Ataturk saw an alternative path. He had a different vision for a new Turkey, a vision of independence. He saw an opportunity to modernise Turkish life. Indeed, he was known as a great reformer. The Turkish War of Independence lasted three years. A great believer in the sovereignty of the people, Ataturk declared Turkey a republic in 1923. Having established a populist and egalitarian system in Turkey, he later observed:

> We are a nation without classes or special privileges.

He also stressed the paramount importance of the peasants, who had long been neglected in Ottoman times. It would be fair to say that the reforms that Ataturk sought to implement, particularly in the beginning, were not popular at the time. Today we have heard the member for Adelaide talk about the future of our young people. The reforms that this government has introduced focus on the next generation and on what is best for our young people. The reforms that this government has introduced focus on the next generation and on what is best for our young people. We are setting up an economic environment in which our young people can prosper. Fear is not the way forward for reform—it was not the way forward for Ataturk. Fear can block reform. But, with the facts and the correct information, people will in time understand that the government’s
reforms are going to benefit our young people and families. Ataturk recognised the vital role that women play in society and he instituted important reforms to give women equal rights and opportunities.

In closing, I would like to share with you some memories of the event I witnessed at the weekend. The event included dancing, and my family and I had a great time rejoicing. (Time expired)

Skills Shortage

Ms KING (Ballarat) (7.49 pm)—We are facing a skills crisis in this country and it is being felt by workers, families and businesses across Australia. Instead of fixing the problems at home, this government looks for a quick fix overseas. A media release from the Minister for Immigration and Multicultural and Indigenous Affairs on 31 October stated, ‘Students to gain from changes to visas’. Overseas students are to gain, but young Australians will not. Under the Howard government, the skilled migration program has been increased by an extra 270,000 skilled migrants since 1997. Yet, since 1998, the government has turned 270,000 Australians away from TAFEs around Australia—that is, 270,000 young people and older workers who wanted to retrain have missed out on TAFE training since 1998.

I am certainly not against skilled migration. In Ballarat, we have actively tried to attract new residents, including migrants, to our area. But we want people who are going to settle for the long term—residents who want to contribute to our district and participate in our community over the long term. We want to have the ability to grow our economy, to employ and train our local people and to attract new people to our region. That is the balance we want to strike. We do not want to use skilled migration to replace training our young people and as a cover for nine years of Howard government neglect in this crucial area.

Metal fitters and boilermakers have been on the National Skill Shortage List for eight of the last 10 years. Machinists, refrigeration mechanics and welders have been on the list for nine of the last 10 years. Mechanics, auto electricians, panel beaters, chefs, sheet metal workers, nurses and medical technicians have been on this damming list for every year of the past decade. Be it due to complacency or arrogance, the Howard government has been unwilling and unable to fix the problem and is now asking apprentices and skilled labourers from overseas to fix the problem—often taking them from poorer, developing countries.

My community became only too aware of the social and economic consequences of the Howard government’s neglect when welders from China were employed to work at MaxiTRANS. MaxiTRANS desperately needed skilled workers. It had to go overseas to source labour to fill its contracts because the government simply has not trained enough Australians to fill those positions. MaxiTRANS has tried to meet its skills needs by finding workers locally, but it has been unable to do so. Knowing that this crisis will continue into the future, MaxiTRANS has also tried to recruit apprentices, but it has put some of these apprentices on hold because it needs skilled workers today and cannot wait to train Australians. It seems that is has become easier to source labour from overseas than from home. There just is not enough skilled labour. It is easier to source skilled labour from overseas than to train Australians. What a damming indictment on the government!

The Prime Minister does not seem particularly concerned by this issue. He promotes skilled migration by arguing that these Chinese workers at MaxiTRANS are not neces-
sarily replacing the trade apprentices who were already trained. Now the government is creating a special visa to do just that: bring overseas apprentices to work in Australia. In my own district, where there is an estimated unemployment rate amongst 15- to 19-year-olds of over 20 per cent, that is a national disgrace. It is a quick fix solution for a problem of the government’s own making—a problem young people in this country now have to pay for.

The Howard government has not invested sufficient funds or thoughts into training people in the traditional trades. Has the government sought to fix the drop-out rate of apprentices? No, it has not. The latest figures show that 40 per cent of those who enter into apprenticeships will drop out. Instead, it has tried to duplicate the secondary education system through its ill thought through and patchy Australian technical colleges and fought against tradespeople’s advice to reduce the length of apprenticeships, and now it has introduced this measure. For young Australians, instead of being able to rely on a government that is looking at ways of training them, equipping them with the skills needed to get the best possible start in life, all there is to see today from this government is a scramble to patch up the skills crisis with overseas apprentices.

The Australian Industry Group estimates our economy will soon be short at least 100,000 skilled tradespeople. This is a national disgrace. Our obligations should be to train Australians first. The government should be working with Australian businesses to help train people, not putting all its hope on the department of immigration attracting young people from overseas. Again, I am not against skilled migration—our country’s economy has developed as a result of it—but if it is occurring in the face of training young people in my district and providing them with the opportunities to attain work then it is absolutely the wrong solution.

Workplace Relations

Mr CADMAN (Mitchell) (7.54 pm)—I rise tonight to express disappointment with the action of the member for Perth today. I have been a shadow minister in this House and I know that it is never a courtesy of government to offer, prior to the tabling of a bill, any chance for the shadow minister to look at it or examine it. The first opportunity that an opposition member of this House gets to view a bill is when it is put on the table here in the parliament. What happened today was that the prayers were read, the Speaker was in the chair and the first reading of the Work Choices bill was called. The member for Perth moved the suspension of standing orders straight up, as is often the practice in the House. Some time after it was moved that he be no longer heard, a division was called. This is standard practice. While the division was on, he swiped the bills off the table, gave them to his attendants and out they went. We can play it hard in this place, but that is close to taking that mace off the table and saying the House should not sit. You can do these sorts of things but, mate, they are dangerous.

If you want an argument about workplace relations, we will have it—and we should have it. That is the purpose of the parliament. But do not use tricks in this process and then blame the attendants or the minister for not being prepared. The bills, if you wanted them, were down in the Table Office. The Speaker makes sure that the House is adequately supplied, as required by standing orders. They are available in the Table Office and they are available here on this table. That is the opportunity you have as the opposition. You can do these sorts of things but, mate, they are dangerous.
we go into the debate the next day. That is the process of the House; that is the tradition of the House. If the opposition wants to play games of this type, I think it is close to being extremely dangerous and disrupting what is valuable in this parliament.

Then, having first of all blamed the attendants, knowing jolly well that he had swiped the bills himself, the member for Perth called for the minister to provide the bill. Having swiped it himself—

Mr Sercombe—Mr Speaker, I raised the point of order with you earlier in relation to this matter. The honourable member is using words such as ‘swiped’. He is clearly alleging quite improper motives against the member. These are surely matters that ought to be dealt with by substantive resolution rather than this diatribe. He is making quite serious allegations about the member.

Mr Cadman—Of course. It’s a serious action.

Mr Sercombe—He’s just confirmed that he is making serious allegations. This is surely a matter that needs to be dealt with by substantive motion.

The Speaker—I have been listening closely to the member for Mitchell and I believe that he is still in order.

Mr Cadman—Thank you, Mr Speaker. If I were to say something like, ‘He knocked off the bills,’ that might be sailing really close to the wind, but I prefer this good old Australian colloquialism that he ‘swiped’ the bills. He threw them into the attendant boxes and out they went. Having done that, there was then a motion of dissent against the ruling of the Speaker, who said they were available—and they were available. That is the truth of the matter. It is on film. They were available to anybody in the normal processes of this House at the time that they should have been available. Everybody in this place did their job to accommodate the opposition in the way that they are normally accommodated. If you do not like the process of this parliament, see if by the process of swiping legislation and falsely accusing people of not doing their job you get into government.

As a matter of fact, I do not think the Australian Labor Party will ever get into government while they cannot come up with policies and argue the issues. The people in the Australian community are not interested in the stunts of two hours wasted by procedural matters or in listening to rubbish on the radio when there is no argument going on in the parliament. They expect us to deal with the issues, and that is what the Australian Labor Party failed to do. Your tactics were absolutely up the spout and dangerous to the future of this parliament. I reject the process and I think that the member for Perth was completely out of order. (Time expired)

Workplace Relations

Mr Price (Chifley) (7.59 pm)—The member for Mitchell knows the conventions of this place. Legislation is introduced one week so members can look at it—the opposition can look at it—and it is debated the next week. You were going to bring in this bill on one day and debate it the very same day, just as you did with the Telstra privatisation bills. You are a disgrace in doing that. Even the Prime Minister says these are massive changes. Why should the members of parliament not have the opportunity to examine the legislation? The best we have done is to have it introduced today and then debated tomorrow. Do not say that is a proper process of scrutiny, accountability and transparency. You came into power saying you wanted higher standards and you traduced them. You traduced them by your arrogance and your actions, and let everyone listening know the truth.

The Speaker—Order! Could I remind the Chief Opposition Whip that the use of the
word ‘you’ is strongly discouraged. It being 8 pm, the debate is interrupted.

House adjourned at 8.00 pm

NOTICES

The following notices were given:

Mr Ruddock to present a bill for an act to amend the law relating to terrorist acts, and for other purposes. (Anti-Terrorism Bill (No. 2) 2005)

Mr Pearce to present a bill for an act to amend the Census and Statistics Act 1905, and for related purposes. (Census Information Legislation Amendment Bill 2005)

Mr Pearce to present a bill for an act to amend the European Bank for Reconstruction and Development Act 1990, and for related purposes. (European Bank for Reconstruction and Development Amendment Bill 2005)

Dr Stone to move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: RAAF Base Amberley redevelopment stage 2, Qld.

Dr Stone to move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: The relocation of selected RAAF College units to RAAF Base East Sale, Vic, and RAAF Base Wagga, NSW.
The DEPUTY SPEAKER (Hon. IR Causley) took the chair at 9.31 am.

STATEMENTS BY MEMBERS

Reconciliation

Ms KATE ELLIS (Adelaide) (9.31 am)—From time to time I have found myself dismayed at the way that this government has changed national debate in this country and has set the national agenda. At one time I was inspired by actions such as Keating’s speech at Redfern on reconciliation, the massive reconciliation walks that took place in this country or a host of other events—of popular mainstream bands such as Midnight Oil, for example, singing songs on reconciliation, a movement that was important to Australians and to Australia. I believe that that movement still is important to Australia, and I think it is shameful the way that this government has let it drop off the national agenda.

In thinking of this, I was, however, pleased when a couple of weeks ago I took the opportunity to visit Goodwood Primary School. Its students, teachers and community all contributed to launch a dreaming garden. This stands as a monument of appreciation of the depth and diversity of Aboriginal culture and of our appreciation for it. The dreaming garden, as its name suggests, mixes ideas from Aboriginal dreaming stories and traditional patterns with native flora and fauna. Before beginning the project the students of the school worked with Paul Dickson, an Aboriginal instructor who worked closely with the students and taught them about local Aboriginal culture and Aboriginal designs and shared many significant Dreamtime stories. With their newly learned knowledge of Aboriginal culture, the students set about creating the garden and placed several poles which were painted with designs and colours that related to Kaurna culture and stories. The garden now serves as a living monument for the primary school to the Kaurna people, the original inhabitants of the Adelaide plains.

To celebrate the opening of the garden, the ceremony included traditional Kaurna dancers and the lighting of a traditional fire. The dreaming garden and the ceremony of its opening moved me deeply, most importantly because it also reminded me that the compassion and the will to work towards reconciliation is still alive in our communities today, in spite of the fact that the Howard government has completely turned its back on this issue.

I would like to congratulate the staff and students of the school. I would also like to note that the state minister, Stephanie Key, was in attendance, as was the Unley city council mayor, Mr Michael Keenan, who I believe contributed to funding the project, along with his council. I would like to congratulate all of the students, who are now in years 5 and 6, who built the garden but also remind them that, whilst they will enjoy the garden, the garden will be enjoyed by future students, families and teachers at Goodwood Primary School long after they have graduated, for many years to come. I must commend all involved and congratulate them on such a beautiful gesture. (Time expired)

Travel Insurance

Mr LINDSAY (Herbert) (9.34 am)—Last week I was privileged to meet with Ms Jane Urquhart, who is the Consul-General in New Caledonia. Some will remember that Jane was Deputy High Commissioner in Honiara from 1998 to 2000. She was the leader of the international peace monitoring team in the Solomon Islands in 2001 and she was special adviser to
the Prime Minister of the Solomon Islands in 2002. She is a very highly experienced diplomat. I must say, as I meet Australia’s diplomats overseas, I never fail to be impressed with the quality of the people who represent us in other parts of the world.

She alerted me to something which I would like to alert the parliament to. It was particularly in relation to a constituent of my electorate who had taken a cruise to New Caledonia. That person had taken a cruise without taking travel insurance. The person felt quite safe and did not see any need for travel insurance until they found themselves with a heart attack in Noumea, ending up in the Noumea hospital, having to be medivaced back to Australia and having to pay a bill of $40,000.

My strong recommendation to the parliament, but also to the people of Australia, is: when you travel, travel with travel insurance. There are many reasons why you might need travel insurance. Hospitalisations are unexpected. People do not expect, in the main, to get sick, and they do not expect to get sick in the most tragic of ways. Indeed, 600 Australians die overseas every year, and their families have to make arrangements to get them back to Australia. If they do not have travel insurance, the families may end up having to sell their family assets, their homes, just to get their loved ones back to Australia.

There is a very celebrated case of a young Australian surfer who went to the United States for a surfing competition. He chose the wrong wave during a practice session. The wave dumped him on a reef, and he sustained serious injuries. He was flown to the local hospital and underwent two major operations, and the hospital bill was $A290,000. That is a very powerful case for having travel insurance.

Of course, tourists and travellers can also suffer other than from illness. They can suffer theft, robbery, assault and those sorts of things. I think that it is wrong to travel overseas without providing for the unexpected. My strong message to all Australians is: when you go overseas, take your travel insurance with you.

**Australian Defence Force Parliamentary Program**

Ms CORCORAN (Isaacs) (9.37 am)—In September this year, I had the privilege of hosting Lieutenant Commander Timothy Bolitho in my office for a week. The reasons for doing this will become obvious in a moment, but suffice it to say that one of Tim’s jobs was to write a speech for me to deliver in parliament. What follows now is the speech that Tim wrote, as he wrote it. He chose to write it as though I was speaking, so the pronoun ‘I’ refers to me.

The Australian Defence Force Parliamentary Program is an ongoing opportunity for members and senators to experience first-hand the work of our hardworking defence forces and for officers of the three services to experience the inner workings of federal parliament. I have now participated in both sides of the program. In July 2003, I spent a week on patrol in the Top End with NORFORCE. Throughout my time with the Army, I was impressed with the level of professionalism and pleased with the willingness of the personnel I worked with to accept my presence and to involve me as part of their team.

In September I had the opportunity to experience the other side of the program, with Royal Australian Navy officer Lieutenant Commander Timothy Bolitho serving in my office for a week. It has been a valuable experience for both of us—for Lieutenant Commander Bolitho to experience a vastly different environment from his normal workplace and for me to see how
capable and adaptable our military officers are. It may be of interest to the House to hear Tim’s thoughts on his time here, so here are his words:

The week that I have spent in the Parliament has been an extraordinary experience. Despite the short period of exchange I have had the opportunity to meet a broad range of people, from ministers to staff of the Department of Parliamentary Services, who ensure that the whole organisation functions.

So often when discussing matters of government money is used as a measure of the importance of a problem or how it is being handled, but my overwhelming impression is that the currency of the parliament is time.

There is so much to do and so little time available that every moment is precious, as evidenced by the more than 2500 clocks adorning the building.

It is with this in mind that I wish to thank the elected representatives and the departmental staff who have given so much of their valuable time to the officers in this programme.

Everyone that I have had contact with during the week has been more than willing to assist and I leave here with a much fuller understanding of the process and a firm impression is of professionalism at all levels and on both sides of politics.

As a serving officer and a constituent I leave the parliament with a sense that the business of the nation is in safe hands and that this truly is a house of the people of Australia.

That is the speech that Tim wrote for me as part of his job. It was a tremendous experience having Tim in my office, and I hope he enjoyed his experience in parliament as much as I enjoyed my time in NORFORCE. I should make the point that I made Tim come with me at all times. He had to be in the gallery for every single question time. If there was a division, he was in the gallery. If we had a late night sitting, he had to stay late. But he still walked away, having enjoyed his experience. (Time expired)

La Trobe Electorate: Hands on for Habitat Awards

Mr WOOD (La Trobe) (9.40 am)—I rise to speak about the Hands on for Habitat awards. I am thrilled to say that the Basin Primary School in my electorate of La Trobe has won the Victorian upper division in the Hands on for Habitat awards. Basically, they are the best upper primary school in the state, and I congratulate them for that.

The Hands on for Habitat awards program was created to raise awareness of threatened species and is run in the lead-up to National Threatened Species Day, which was on 7 September. The program is a partnership between the Australian government and Cadbury Yowie. It is designed to encourage primary students to learn how they can help to protect our unique animals and plants. The awards encourage six- to 12-year-olds to participate in activities to protect these native Australian animals and plants. By doing so, these students increase their environmental awareness and are prompted to take action to protect animals and plants that need our help.

The learning outcomes for the students involved in this program included gaining an understanding of what a habitat is, understanding the relationship between different species and habitats, identifying elements of different habitats and how these are interrelated, finding out what a threatened species is, understanding how their own actions affect their environments in both a positive and negative way, finding ways to help protect threatened species and their habitats, and identifying practical ways that they can work with groups in their local communities to protect threatened species.
The Basin Primary School students focused their project on the Powerful Owl. The students observed a Powerful Owl nesting in the school grounds and gained the understanding that this means the bird needs more trees to nest in. The Powerful Owl is the largest of all forest owls and has a deep hoot, as the students demonstrated to me.

I congratulate all the students involved—Sonya Absolom, Luca Moschenski, Jaimee Russell, Ashleigh Wallace, Kelsey Campbell, Jayde Kocka, Demi Thomas, Caitlyn Harwood, Carly Donnelly, Liam van Wissen, Georgia De Wet, Matthew Robinson, Dylan Thierauf, Tom Bayliss, Andrew Fitzgerald, Ayla Mickelson, Corey Vismans, Holly Burrows, Samantha Gillers and Amy Yapp. I also congratulate the principal, Lindy Cooney, who is doing a fantastic job of making the environment such an important issue, and the teachers involved in the project—Chris Donaldson, Abbe Waddington, Greg Oswald and Lauren Wite. I wish to pass on my sincere thanks to the school for the day we had out there. It was fantastic.

**Mr William Evan Allan**

*Anzac Cove*

Mr Griffin (Bruce) (9.43 am)—I rise today in the Main Committee to acknowledge the passing of Australia’s last World War I veteran who saw active service. William Evan Allan—or ‘Darby’, as he was known—passed away a few days ago at the age of 106. When we look back at the tremendous effort that this country put in at the time of World War I, this is probably an appropriate time to remember some of the figures involved. More than 400,000 Australians enlisted to serve in World War I. Of those, 330,770 saw service overseas. Australia’s sole remaining World War I serviceman is wireless operator John Campbell Ross, who is 106, of Bendigo in Victoria. He enlisted in the Australian Imperial Force in February 1918, but the war ended before he saw active service. Australia’s last surviving veteran from the fighting on France’s Western Front, Peter Casserly, died in Perth in June aged 107.

What we are seeing is the passing of an era. ‘Darby’ Allan led a very interesting life and served in both world wars. In World War I he had been a junior rating, serving on HMAS Encounter and later seeing the surrender of the German fleet. In 1918 he survived when the Spanish flu kills dozens of his crewmates and, in 1928, he was washed overboard from HMAS Australia into the Atlantic. In 1945 he was posted back to the Australia, but it sailed early; the officer doing his job had been killed in a kamikaze attack. ‘Darby’ Allan obviously had a fair bit of luck to have lasted as long as he did doing the things that he did. His life was obviously a colourful turn over a century. I was very pleased to be able to represent the opposition, with the deputy leader, at his funeral at HMAS Cerberus just the other day. It was a state funeral that I am sure ‘Darby’ Allan would have been proud of. It was a dignified occasion where the pomp and ceremony and a sense of significance were clear for all to see. It has been a long time since I have been down at Cerberus. The last time I was there I was playing soccer, about 20-plus years ago. I note that the member for Flinders is present here today. I have to say that it looked a picture and I was certainly proud to be there on that occasion and to think a bit about the struggles that that generation went through at a time which was a real test of our nation in its early days of the Empire.

I turn quickly to the recent sojourn into politics in this area by the member for Hughes with respect to a proposal for a theme park regarding Anzac Cove. I do not question the member for Hughes in respect of her intentions—I am sure they are honourable—but they were certainly completely and utterly misguided. The proposal has been roundly condemned—it
should have been roundly condemned—and I am glad to see that she has dropped it. I cer-
tainly would hate to see it raised again, because it is not the way you deal with such an icon of
our Australian history. (Time expired)

Stony Point Railway Line

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and
Heritage) (9.46 am)—I wish to bring before the House a series of concerns I have in relation
to security and inadequate resources for our fine police in the Hastings and Somerville area.
The security question arises in relation to the Stony Point railway service. The conductors and
the people who serve the Stony Point railway service do a tremendous job, let me be abso-
lutely clear about that. But they, as are the local police, are not adequately resourced and they
are not given sufficient backup. The result is that they are under threat and the local residents
and local train travellers are under threat.

The most recent evidence I have on this is in relation to an inquiry and an approach made
to me by a constituent who has asked to remain anonymous. She is a woman who recently had
a terrible experience on the Stony Point railway line. The evidence she presented to me was
that she was travelling on the 4.10 pm service from Frankston to Hastings and was ap-
proached by two drunken men in their late 20s. They were abusive and bullying and threat-
ened the patron and schoolchildren. They told all the passengers that they would ‘punch their
lights out’ but in worse language than that. They leaned close to the constituent in question
and made an accusation in a sneering and snarling way, saying, ‘You look like my mum,’ and
then used extremely offensive language.

This is something which affects ordinary people going about their ordinary day-to-day
business. They were not in a position to be protected and certainly not in a position to counter
these aggressive folk. The conductor was in fear of his safety, I am informed. As a conse-
quence, there is a failure by the state to provide adequate and safe public service on the Stony
Point line, and this example is a very important one. It is a failure of a basic responsibility by
the state. The state member, Rosy Buchanan, has been informed, and I am not aware of any
activity which has been undertaken. It is indicative of two broader problems. The first is that
there is a clear failure to provide adequate police resources at Hastings police station. I know
from discussions with people involved at the police station that many folk who are rostered
there have been placed on assigned duty elsewhere, so technically they are on the books but,
reality, they are not there. The police do an outstanding, incredible job but they are not
given the resources. This leads to the second point: we need a fully manned, fully staffed po-
lice station at Somerville in addition to full resources at Hastings. Only then will the people of
Hastings and Somerville be fully protected. (Time expired)

Workplace Relations

Ms VAMVAKINOU (Calwell) (9.49 am)—Today there is only one country in the Western
world where a worker can be locked up for six months for failing to cooperate with a gov-
ernment interrogator and thrown in jail for refusing to dob in a mate. These powers have been
described by the Federal Court as:
… foreign to the workplace relations of civilised societies, as distinct from undemocratic and authoritar-
ian [regimes].
But sadly they are powers that exist in Australia courtesy of the extreme industrial relations agenda of the Howard government.

The Building and Construction Industry Improvement Bill, for the first time in Australia’s history, creates a government agency to police workers and encroach on Australians’ basic civil rights. This agency, the Australian Building and Construction Commission—or the ABCC—has the role of policing construction workers and their unions. The commission possesses coercive, police-like powers, with more than 150 investigators and a $20 million budget. If we were ever on the brink of becoming a police state, this is a sure sign of things to come. On building sites across Australia, the commission’s investigators will be found spying on workers as they attempt to micromanage on-site relationships between workers and their employers. This conflict driven, litigious approach is indicative of the Howard government’s arrogant approach to workplace relations.

Today the government is trying to introduce its long-awaited Work Choices industrial relations reforms in the House. The legislation is being introduced, as we are seeing, by the subversion of House standing orders. If workers of Australia need any example of the government’s agenda in action, they need look no further than the ABCC and the government’s own disregard and contempt for due process. The Howard government has given the commission coercive powers to force construction workers to answer questions or hand over documents—and the powers do not stop there. A worker who engages in now unlawful industrial action faces fines of up to $22,000, and unions who encourage industrial action can be fined up to $110,000. Even a stop-work meeting can be deemed unlawful by the commission, as could the simple act of workers getting together to discuss pay and conditions.

This is an extreme government with an extreme industrial relations agenda, an agenda that seeks to erode the basic democratic rights of working Australians. But the CFMEU and other unions will not be legislated out of existence. As workers begin to feel the pain of the government’s IR agenda as it impacts on their weekly pay packets and working conditions, so too will this government feel the wrath of the workers at the next election. Today I want to convey to this House the anger of many of my constituents who are members of the CFMEU, and their determination, alongside that of the union movement, to fight against this government’s attack on their workplace and their working conditions. (Time expired)

National Community Crime Prevention Program

Mr BILLSON (Dunkley—Parliamentary Secretary (Foreign Affairs) and Parliamentary Secretary to the Minister for Immigration and Multicultural and Indigenous Affairs) (9.53 am)—I am delighted by the community interest in and support for the government’s National Community Crime Prevention Program. Particularly in the past, we have identified opportunities for the Commonwealth government, through this Howard government initiative, to support the community policing effort and the efforts of Neighbourhood Watch groups and also local traders in improving the safety, wellbeing and appeal of the communities where we live.

I am particularly pleased that the Mornington community has joined forces to make an application under this program with a view to installing closed-circuit TV cameras in the vicinity of popular nightclub hotspots in Main Street in Mornington. This is a terrific proposal, and if it is successful I am certain it will make a real difference to improving safety, security and, frankly, the family appeal of Mornington as a wonderful seaside village community that has
both a nightlife and also much to offer in terms of broader hospitality, with the many cafes and eateries along Main Street and beyond.

Since I announced that we are putting effort into that application, I have been contacted by many Main Street traders welcoming the possibility of these cameras. It has also highlighted just how stretched police resources are on the Mornington Peninsula. This is a growing population with quite diverse policing needs. As my friend and colleague the member for La Trobe, a former policeman himself, would know, during the summer months there is a mass influx of people to the region who are often involved in community activities that may draw attention to themselves and may involve policing at some point.

The hunger for initiatives like the National Community Crime Prevention Program underlines how stretched the local policing resources are. Residents in Mornington East have contacted me, highlighting a disturbing and continuing trend of vandalism in the area. Smashed letterboxes are, sadly, a familiar sight. I am exploring the possibility of a Neighbourhood Watch presence in the area—again, another tool to help ease the burden on our local police.

Previously I have spoken in this House about my efforts to attract another patrol car to the area. During off-peak times there are as few as two patrol cars covering the entire Frankston-Mornington Peninsula region, a population of over quarter of a million. We have been given the run-around by the state police minister’s office and the Office of the Chief Commissioner of Police on that, but I can assure the electorate of Dunkley that I will continue to push for the resources to make sure policing has the tools that are needed to support our local community.

There have been increases in police numbers, but police need the tools to function. Just recently the Hastings police station had to be closed because there were no relief police available. Fewer and fewer officers are having to cover more and more shifts, adding to the wear and tear on those individuals and causing the station to close. I call on the state government to provide the tools that are necessary to support vital local policing. (Time expired)

Woodcroft Festival

Mr PRICE (Chifley) (9.56 am)—We all get to do some things in our electorates that give a lot of pleasure and certainly a great deal of pride. There are a whole range of these things, I am sure you would agree, Mr Deputy Speaker Causley. I have a great number of communities, little suburbs and villages, and I appreciate them all. They come together to make the great federal electorate of Chifley.

I was very pleased last Saturday to be at the inaugural Woodcroft Festival. I would particularly like to thank Lucas Cayanan, the president, and Niranjan De Alwis, Bernie Tolentino, Rico Dagandan, Gil Belarmíno and Joe Languido, all executive members, of the Woodcroft Festival organising committee. Members of the committee worked exceptionally hard to make it a wonderful day.

The festival was held on the lake at Woodcroft, which was formerly the brick pit at Blacktown and has now turned into a wonderful public space. The festival without doubt was an outstanding success. I think it is going to bind the community of Woodcroft even closer together and make it stronger than it already is. This year’s festival was very good, but Lucas has promised that each and every successive festival from now will be better and better. Lucas kindly acknowledged the tremendous support the organising committee got from Blacktown
City Council. I should also note that LJ Hooker at Woodcroft was a major sponsor of the festival.

I hope to have the pleasure of attending future festivals, along with Mayor Leo Kelly, who had the honour of opening the inaugural festival, and other councillors who were present. Although Woodcroft is completely in my electorate, I must also say that the member for Greenway was there, and I would like to thank her for her presence at this inaugural festival. Congratulations to Woodcroft on the festival and in particular thanks and congratulations to the members of the Woodcroft Festival committee.

Mr Barry Harris

Mr WOOD (La Trobe) (9.59 am)—I wish to talk about a local person in my electorate, an inventor who has looked at the need for preventing tragedies with tractors where someone is on their farm and the tractor tips over on a steep slope and they are trapped there for several hours. A number of people in Victoria have died in this way, including in my electorate of La Trobe. A local bloke by the name of Barry Harris has come up with an invention whereby, if the driver falls off the tractor and their ear protection, which is connected to the tractor, is removed, an alarm notifies people in the vicinity of a couple of hundred metres.

This is a fantastic initiative. Barry has been pushing this very hard. Barry, who is 70 years of age and lives in Clematis, is with the local inventors group and has won several awards. He has been around the country with his project and deserves strong support.

(Time expired)

The DEPUTY SPEAKER (Hon. IR Causley)—Order! It being 10 am, in accordance with standing order 193, the time for members’ statements has concluded.

ENERGY EFFICIENCY OPPORTUNITIES BILL 2005

Second Reading

Debate resumed from 13 October, on motion by Mr Entsch:

That this bill be now read a second time.

upon which Mr Martin Ferguson moved by way of amendment:

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

(1) calls on the Government to introduce energy efficiency to all sectors of the community, including transport, and housing, as well as business;

(2) condemns the Government for failing to support the alternative fuel and renewable energy industries; and

(3) condemns the Government for not adopting the bipartisan recommendations put forward by the House of Representatives Standing Committee on Environment and Heritage in its report on Sustainable Cities”.

Mr ALBANESE (Grayndler) (10.00 am)—The Energy Efficiency Opportunities Bill 2005 establishes an energy efficiency opportunities program under which corporations that are large energy users are required to assess the potential to improve their energy efficiency and to report publicly on the assessment. Under the provisions of this bill, there is no need for the corporations who are large energy users to implement, however, any of the identified energy efficiency measures. Labor believes this bill is half-hearted and does not go far enough. This bill is weak where Australia needs to be strong. That is why the opposition has moved a sec-
ond reading amendment: (1) calling on the government to introduce energy efficiency to all sectors of the community, including transport and housing as well as business, (2) condemning the government for failing to support the alternative fuel and renewable energy industries and (3) condemning the government for not adopting the bipartisan recommendations put forward by the House of Representatives Standing Committee on Environment and Heritage in its landmark report *Sustainable cities*.

The measures in this bill were foreshadowed in the government’s white paper of June 2004, titled *Securing Australia’s energy future*. The energy white paper set expectations low, and with this legislation the government has met those low expectations. While this approach is disappointing, it is not surprising. After all, this bill comes from the same group of government ministers and their conservative supporters who reject the Kyoto protocol—a multinational and operational protocol with 155 countries committed to it. They have criticised the Kyoto protocol whilst praising the Asia-Pacific climate pact, which is positive but limited. It is consistent with other multilateral and bilateral agreements under the UN Framework Convention on Climate Change, but it does not have targets, it does not have funding allocation and it does not have a market mechanism to drive change. I note the first meeting of the climate pact, which was due to be held later this month, has been postponed until next year.

I am very concerned at this bill’s lack of support or vision for alternative fuel and renewable energy industries. After all, getting serious about Australia’s fuel self-sufficiency should be a pretty high priority for the government in the current circumstances. Two weeks ago, on 19 October, Labor’s leader, Kim Beazley, laid out his third blueprint statement, focused on Australia’s fuel and energy needs. The blueprint makes it clear that Labor supports Australian fuel self-sufficiency and supports Australia participating in the emerging international emissions trading market. Labor’s view is that by ratifying Kyoto and adopting emission reduction targets Australia will adapt more quickly to protect ourselves against the risks of climate change. We will also avoid the escalating costs of adapting our economy years from now. We should be doing much more in these renewable energy sources—it is the reason why Labor supports increasing the MRET.

The Howard government should follow the lead of state Labor governments in providing a government fleet market for ethanol blends to set an example and help grow the biofuels market. The government should do more to develop Australia’s vast gas reserves and to convert them into clean, synthetic crude oil and diesel. And, of course, the government should increase its support for renewable energy. With the necessary mechanisms and support, it is clear that the Australian renewable energy industry can become a focal point for our region. We should be using it as part of our drive for exports. Indeed, our full participation in the global renewable energy market is essential to unlocking environmental and economic growth opportunities. So far the government has failed to take up this opportunity. We have the potential for a stronger renewable energy industry, yet the government’s inaction has instead seen our jobs go overseas and our market isolated.

The bill also appears to ignore many of the positive bipartisan recommendations from the *Sustainable cities* report. For example, recommendation 17 was:

... that the Australian Government encourage the States and Territories to mandate disclosure of the energy efficiency and greenhouse performance of residences at point of sale and point of lease.

*A division having been called in the House of Representatives—*
Mr ALBANESE—Recommendations 26 and 27 are very relevant. They are:
that the Australian government double the photovoltaic rebate to further encourage the uptake of photo-
voltaic systems and that the Australian government further develop its commitment to energy sustain-
ability, particularly in the area of increasing the use of renewable energy.

Then there is a very good proposal for a sustainability charter and a sustainability commis-
sioner. I have an eerie feeling that these practical and very good recommendations will just be
ignored by the Howard government. The overwhelming evidence that climate change is oc-
curring tells us that even half-hearted measures such as this bill are a small step in the right
direction to avoid dangerous climate change. We know the challenge of climate change and,
most importantly, we know enough to act now. That is why we need stronger measures. We
need to confront the problem immediately and head on. The stakes are just too high. We need
to start now to prepare our economy and the energy sector for a carbon constrained future.

I am very concerned by recent statements by the environment minister that:
Discussing emissions targets for countries after 2012 is a waste of time.

and:
The concept of getting up another negotiating process for caps, targets and timetables is a terrible waste
of time.

The minister did, however, say that the establishment of an effective global carbon market
could be a useful tool to fight global warming—but he did not envisage that happening for
another 15 or 20 years. It is appalling that the minister is not interested in talking about tar-
ggets, timetables or, indeed, playing a role in establishing the global carbon market. It is simply
not good enough to say, ‘See you in 15 or 20 years on that one.’

Labor’s view is that establishing targets for greenhouse gas reduction is critical. That is
why adapting our current energy use is so important. Using energy more efficiently is not a
question of choice; it is an absolute necessity. We should be leading the world in delivering
energy efficiency and emissions reductions. We should view the challenge as an opportunity.
The pricing of our environment and of our natural resources will be the next major economic
reform. It is critical that we establish the real price of production and get that right. We need
to better price our energy resources, our water and our timber, so that we can achieve sustain-
ability dividends from our investments.

The proper pricing of energy will help drive energy efficiency, but at the moment the sig-
nals are all wrong. The price of the most greenhouse intensive energy sources are the lowest.
You can get a tax rebate for cutting trees but not for planting them. There is no incentive to do
anything other than go for the least cost option. We have to change that and factor in costs to
our environment. We need to ensure that our national resources are directed to uses that
maximise benefit for the current and for future generations. We need to make sure the tech-
ology we develop and apply improves living standards now and into the future.

There is ample proof that energy efficiency can deliver economic growth to the economy
many case studies where companies have reduced their greenhouse pollution and increased
production. While increasing production by nearly 30 per cent, Du Pont has cut its greenhouse
gas pollution by over 70 per cent in recent years, saving more than $2 billion in the process.
Five other major firms, including IBM, Alcan, Bayer and British Telecom, have reduced their greenhouse pollution by 60 per cent since the early 1990s and saved another $2 billion. In 2001 BP announced that it had already met its 2010 target of cutting greenhouse gases to 10 per cent below its 1990 level. BP reduced its energy bills by $650 million over the decade. The Climate Group, a UK based non-profit organisation, recently reported that 43 companies had significantly reduced their greenhouse gas emissions and saved a total of $15 billion. This shows that energy efficiency is good for the environment but most importantly it is also good for the economy.

To illustrate this point, I draw members’ attention to the fact that the British economy since 1990 has increased by about 38 per cent in GDP terms. Over the same period, the UK has reduced its greenhouse gas emissions by 12 per cent. The UK experience is that investment in energy efficiency and alternative energy sources is likely to boost economies rather than to cause damage through loss of existing assets.

The year 2005 has seen unprecedented new evidence that climate change is occurring, including retreating arctic sea ice, drought across southern Europe and floods in India. According to the CSIRO, climate change will only worsen drought conditions in Australia. On 12 October British Chief Scientist, Sir David King, when giving the Magna Carta lecture in Parliament House, made a powerful case for Australia ratifying the Kyoto protocol and joining the global effort to avoid dangerous climate change. Sir David King outlined the measures that 25 EU countries and Russia, Japan and Canada are undertaking to help adapt their economies, most notably the development of successful emissions trading systems. Avoiding dangerous climate change is as much an economic and social issue as an environmental challenge.

Climate change is real and Australia has a lot to lose. I do not want to sound unduly alarmist but, although the science has been acknowledged by the Howard government, when the Minister for the Environment and Heritage stated just last week that the debate was over, you cannot help but be concerned. George Bush has admitted that climate change is happening and that we need to do something. It is his Republican colleague Arnold Schwarzenegger that has been leading conservative thinking on this issue in the US. To achieve this, the ‘Governator’ has put in place aggressive energy efficiency standards for buildings and transport, thereby saving Californians millions of dollars on their energy bills. He has set ambitious targets to increase the contribution of renewable energy to 33 per cent of electricity supply by 2020.

I do not want to pretend that energy efficiency measures that work for California can simply be translated to Australia. Put simply, this is not a debate between the Left and the Right in the political system. This is a debate where leading conservative thinkers and politicians are taking strong action in other parts of the world. Here the Minister for Foreign Affairs and the Minister for the Environment and Heritage praise Tony Blair but, compared with the Blair Labour government in the UK, they are doing nothing to address these issues.

Australia is unique in the climate policy debate. Not only are we disproportionately high emitters—the highest emitters per capita in the world—we also have more to lose than most from the impacts of climate change. We live on the driest inhabited continent on earth. Our task is great, and that is why we need to start now. To do nothing will inevitably cost more. There is an opportunity cost of time. With our long coastline, significant agricultural sector

MAIN COMMITTEE
and unique animals and plants, we are particularly vulnerable to climate change, so it has been frustrating to watch the Howard government’s failure to take decisive action. Next month, the 155 parties to the Kyoto protocol meet for the first time since the agreement came into force. On 11 October, the Prime Minister said:

Kyoto has always been inadequate for Australia’s interests. It was never right for Australia to sign up to Kyoto.

That was not what he said when Kyoto was signed by Australia in 1997. On 19 December 1997, John Howard said:

We end the year having achieved this ... absolutely stunning diplomatic success at the Kyoto conference. That was an extraordinary achievement, that Kyoto summit—an absolutely extraordinary achievement—and it was against all the odds. I mean, what we were able to do at Kyoto was, both, make a massive contribution to the world environmental effort to cut greenhouse gas emissions but also to protect Australian jobs ... thanks to the superb negotiating job that Robert Hill did at Kyoto, we achieved a win for the environment and a win for Australian jobs.

There was nothing equivocal about that. There was total unequivocal support for Kyoto and praise for his environment minister, yet five years later we see a complete reversal. The Prime Minister was right then—he was right to praise Senator Hill, who made a terrific effort in negotiating Australia’s deal there—but then we walked away from it. The Prime Minister was right then, but he is wrong now.

Labor believes that we do need to be part of the international effort. Labor believes the climate pact that the government is a part of is positive, but it is limited. Technology transfer and working with our Asia-Pacific neighbours is absolutely critical to delivering outcomes; there is no debate there. But we need to be serious about making real progress and not simply rebadging old commitments. Those who suggest there are opportunities for Australia through technology transfer are absolutely correct, but they miss the main point: you cannot transfer technology without the technology to transfer. New technologies evolve from new markets not new documents.

The question is how you drive change. Technology transfer by itself cannot achieve the outcomes we need. We need targets, funding and market mechanisms. We need all of those. This is increasingly becoming the reality throughout the world. The European Parliament recently adopted a report calling for increased use of renewable energy sources from a current level of about six per cent to 20 per cent by 2020. It is simply incoherent for a string of Howard government ministers to argue Australia should and will meet our Kyoto target and yet argue that to ratify the protocol will destroy our economy. You cannot have it both ways. No one believes the Kyoto protocol is perfect—Labor does not argue that—no international treaty ever is. But the Kyoto protocol is real. It is in force now, and we are missing the economic opportunities that come from taking early action to cut our greenhouse pollution.

The external costs of climate change are currently not factored into many, if not most, of our energy investment decisions. Without clear direction from the Howard government, many companies are complacent about energy efficiency and future carbon costs. Protecting industry from real risks is not good policy. We need to better define the risks and how best to minimise the uncertainties. Given the long life of many infrastructure projects, investors need to start now to consider the carbon liabilities associated with each decision they make.
Companies investing now are doing so in the full knowledge of the science of climate change and the likely order of magnitude of global emission reductions required to stabilise atmospheric concentrations of carbon dioxide and other greenhouse gases. Over the last decade there has been a growing understanding of the need for ecological productivity as well as economic productivity, but the Howard government has been arrogant and complacent.

We want the environment on the energy sector balance sheet as a basis for securing a low-emission economy for Australia and a low-emission future as the future for fossil fuels. We have to give the right signals in the market. This was acknowledged by the Minister for Foreign Affairs, Alexander Downer, on the *Insiders* program when talking about the climate pact. There are only two sorts of price signals you can make to get the market involved: the first is emissions trading, the second is a carbon tax. I am not sure what the foreign minister was talking about when he spoke about the need for price signals, but Labor know what we stand for. We stand for support for emissions trading, because the external costs of climate change are currently not factored into many, if not most, of our energy investment decisions.

The bill before us today will do little to address this matter. Labor believes the key to driving change is emissions trading, and it does seem obvious. Create an incentive for efficient, cleaner technologies and a flexible market mechanism to drive least-cost emission reductions. Allow the market to do the job it is best at doing: allocating resources. In fact, emissions trading is such an obvious, uncontroversial tool that federal cabinet considered a joint submission from four departments—Treasury, Foreign Affairs, Environment, and Industry—supporting a national emissions trading system for Australia, but it got knocked over by the Prime Minister. Instead, he maintained the status quo, focusing on voluntary programs. Although some are worthwhile while they have failed to adequately price the cost of carbon or to adequately slow the rate of growth, let alone start reducing emissions. Australia is on target for 123 per cent of emissions, on 1990 levels, by the year 2020. That is a figure of the Australian Greenhouse Office. It is untenable that at a time when the rest of the world are reducing their emissions that is what we are on target for. It is simply not good enough.

In August this year, the nine north-east US states moved to freeze greenhouse gas emissions by 2009 and then cut them by 10 per cent by 2020. How will they do that? They will establish an emissions trading scheme. California, Washington and Oregon are looking at a similar deal. These initiatives are being led by two prominent Republicans—Arnold Schwarzenegger and New York Governor, George Pataki. In Australia, all state and territory governments are working together to develop a national cap and trade emissions trading scheme. Of course, it would be best for the market and for the environment if the federal government established a scheme rather than leaving the hard work to state governments.

Labor stand for a strong economy, creating wealth and security for all Australians. We understand that environmental progress is a necessary component of that economic prosperity. That is why Labor support putting in place the mechanisms to actually drive energy efficiency and greenhouse emission reductions. I support the amendments before the House.

Mr BROADBENT (McMillan) (10.36 am)—I would like to make a couple of comments on the member for Grayndler’s address. Clearly, he is passionate about this subject, but he is incorrect on some points. He made a particular point about pricing. Whether we are talking about water or energy or any infrastructure type issues, it is terribly important to remember that, for the poorer in our community to participate fully in the activities that we call our life...
and our society, we should not encourage price points in the market that take away people’s ability to participate—particularly with water. A lot of people have been saying recently that we are just not charging enough for water. I do not agree. I think it is a community benefit and we need to think about those in our community who are poorer. We have a responsibility as the government—

Mr Albanese—Ten per cent of the water is used by households; 90 per cent is out there.

Mr BROADBENT—I know. But, just the same, we should have clear regard for those people and their needs so that they can fully participate. Just because you are in the lower income echelons, it does not mean that you are to miss out on the benefits of being part of society.

I put to the member for Grayndler that Australia has met its targets under the protocol that we put in place. Whilst renewable energy is important, it is only going to play a tiny role to the year 2030. I am a supporter of renewable energy, but I put to this parliament that I am not a supporter of destroying a landscape with wind turbines on the altar of renewable energy. I am sure that reasonable members of this parliament would support me in that.

I am particularly interested in Gippsland. As I have explained to the parliament already, you now come around the Anderson turnoff, look down that glorious vista and you see seven massive wind turbines one kilometre from a town and a stone’s throw from the beach. I must have been wrong, but I thought that under the Hawke and Keating governments and prior to that we had covenants that protected our coastlines and our seashores. I thought we had international responsibility to protect those, yet the Victorian state government has come out and put these things fair smack in the middle of the landscape as you come over the hill and look down upon that glorious beach. And for what reason? Seven of those things will not keep a cowshed going.

The people in Geraldton in Western Australia have done a great job. Their wind turbines are way back off the foreshore. You cannot see them unless you are flying over Geraldton.

Mr Albanese interjecting—

Mr BROADBENT—Yes, they are way back. There are some 74 of them. It is a mammoth exercise that actually will provide power in that area, it is totally supported by the community and I do not have a problem with that. I believe that this country, under whatever government, will come up with renewable energy ideas before other countries do, as we have done before with innovative, new ideas—perhaps to combine wind, solar and, as some have said, tidal energy. I do not know how you match up all of those, but there are issues there and I believe Australians are still an inventive and capable people. They are also brave enough to say, ‘Are we prepared to put solar hot water systems all over the place?’ That would make a greater difference to our energy consumption than putting wind turbines right up and down our coastline.

The other thing is that it is important for us, in everything that we do, to be conservative guardians of the landscape that we have today because that is what we are passing on to future generations. I want to say this to the member for Grayndler; I know he has to go: we are in this parliament to do what we need to do to pass on the assets to the next generations. With all due respect to your longevity, Mr Deputy Speaker McMullan, we are not here for long. As a nation we have been in this country for such a short time. We have to have regard for the deg-
radiation we have done. The Sustainable cities report is a tremendous one. It gives a whole lot of pointers and guidelines as to where we might go as a community.

I spoke yesterday in a committee meeting. I will not go into the long story about the farmer, which was important—actually, I will. I met an older gentleman in my electorate. I will not give his name. He is in his eighties. I spoke about his mum. He noticed an emotional reaction when I spoke about his mum. He said, ‘Russell, I didn’t grow up with a mum; my mum died in childbirth.’ The lady died during his birth. He said, ‘Dad married another lady and she also died in childbirth.’ What was our reaction to that as a community? We built bush nursing hospitals right across Victoria and Australia. Today we live in a world where death in childbirth is minimal. We also had a problem in looking after our older people. What did we do? State governments, along with local governments, created nursing homes next to these bush nursing hospitals right across Victoria. We had a problem and there was a whole-of-community approach in addressing it.

With all due respect to this parliament, the state parliaments and the local governments, and how they operate together and their desires—and I hope the member for Grayndler will take this on board as a matter of policy; he asked how do we do the things that he raised, how do we get a community response—we do not just need the federal, state and local governments joining together to promote our ideas; we need a whole-of-community response, like the whole-of-community response that created those nursing homes.

Somehow we as a nation take a totally different view. We take reports like Sustainable cities, we grab hold of those things, but somehow we have to invest in those all the way back to the community. So the action needs to happen not just with industry, as the member for Grayndler clearly enunciated before, but in every household, in every school, in every workplace. It is a different mindset as to how we should be sustainable. When we have moved to contracting out all sorts of things—the former government did it and this government does it—in areas where previously governments had a chain of command all the way down, why are we not addressing sustainability as part of those contracts? If you are going to put a tunnel under Sydney, or you are going to put a new private road into Melbourne, part of that contract has to have a sustainability clause. We should be thinking that far in: from contracts all the way down to school provisions.

The Investing in Our Schools program, which the government introduced in the last budget, is a terrific program for secondary schools and primary schools in my area. But why can there not be a clause for sustainability even as part of the process of us delivering funds in the Investing in Our Schools program? I think there are lots of ways that we as a government can encourage—but we cannot do. The doing has to be by the new generation of people.

When we as a community, particularly in cities like Sydney and Melbourne, are spewing out our sewage by the tonnes per minute into our oceans, why is it that a government like ours cannot turn around and say, ‘We are going to invest all that we can for clean oceans from Tasmania all the way through to the cape, from Western Australia all the way through to Sydney and beyond’? We are pouring this stuff out, but we are wealthy and able enough not to do it. We are wealthy and able enough to not only grab hold of renewable energy but actually use this water for the benefit of the nation instead of pouring it into the oceans and having a toilet hanging off each city, which in this day and age is unacceptable.
As the bush nursing hospitals were the response to something that became unacceptable to the community, this Sustainable cities report is a community saying broadly to the committee and its chairman, Dr Washer, ‘We believe the things that are happening in our community are now unacceptable. We would like you, in this report, to give us a guide to go forward.’ I do not want the Sustainable cities report, which was raised by the member for Grayndler, to just disappear onto a shelf in a member’s office and never be picked up again. In fact, if it were possible, I would love the Sustainable cities report to go into every secondary college, every library and every place where somebody might pick it up and grab just one of the ideas in it and say, ‘We can implement this at a local level.’

The Energy Efficiency Opportunities Bill 2005 that we are discussing today is the result of a wide canvassing of views and research among business and industry with the intention of introducing measures that alleviate excessive greenhouse gases.

A division having been called in the House of Representatives—

Sitting suspended from 10.47 am to 11.06 am

Mr BROADBENT—The government does recognise the need to reduce greenhouse emissions in a responsible and practical manner, which is reflected in this legislation. The bill establishes the mandatory energy efficiency opportunities measure announced in the energy white paper, Securing Australia’s energy future of June 2004. Subsequent to the release of findings from the white paper, the government announced that the energy efficiency opportunities measure was being introduced as part of a comprehensive policy approach that included significant budgetary support for new low-emission technologies aimed at lowering the greenhouse signature.

The desire to lower where possible greenhouse emissions has also resonated in my discussions with industry leaders within my electorate of McMillan. In my view, their core obligation is to their workers, clients and their local community but this has not overridden their desire to bring forward new and innovative ideas to address global environmental challenges.

The Energy Efficiency Opportunities Bill 2005 establishes the measure, broadly outlines its requirements and allows for regulation making to provide detailed requirements. The basic obligations contained in the bill require that corporations using over 0.5 petajoules of energy a year register, submit an assessment plan, undertake an assessment of energy efficiency opportunities every five years and report on the outcomes of the assessment, including their response. This is a proactive environmental initiative aimed at getting government and industry to collectively work together in an economically responsible manner that is mutually committed to lowering emissions and harmful greenhouse gases.

In order to achieve this the government has canvassed widely with industry, particularly in the development of assessment and reporting procedures. The industry feedback to this consultation by business leaders has resoundingly indicated that they recognise this measure as a lower cost alternative to some of the other measures the government was being urged to pursue. Further, they are willing to prepare and comply with the requirements of the legislation.

There are two important considerations to note on these initiatives. The first is that the increased take-up of energy efficiency improvements will benefit the Australian economy through increased productivity. The second, of course, is the environmental benefits that will stem from the implementation of the bill through reduced greenhouse gas emissions associ-
ated with energy use. I know this to be the case at the Loy Yang B power station and Hazelwood power station adjacent to my electorate in the Latrobe Valley. These power stations, of course, were part of the electorate before the redistribution and were part of my former electorate of McMillan that I held between 1996 and 1998.

Mrs Moylan—And well held it was.

Mr BROADBENT—It was lost at that time, but thank you for the encouragement. Both plants employ hundreds of workers from the Latrobe Valley region and act as a main artery sustaining the local economy. So they are of special interest to me as a local member and of special interest to the Victorian community because of their importance to our economy. International Power, the owners of Hazelwood and Loy Yang B, are both diligent towards their local community responsibilities and reducing emissions. This was reiterated to me by Jim Kouts of International Power, when he said:

We are committed to growing our Australian business and working with Federal and State Governments to find realistic solutions to reducing emissions while ensuring that we can run a viable business with near on 700 Australian employees. We welcome the Federal Government’s industry funds targeting the reduction of greenhouse emissions through technological development.

The bill is a clear indication that the Australian government is serious about improving Australia’s energy efficiency performance. The government recognises, however, that our energy efficiency performance, in combination with energy market reforms and incentives for low-emission energy technologies, is part of a comprehensive approach aimed at enhancing Australia’s energy prosperity, security and sustainability. Energy efficiency opportunities are directed at large energy-using businesses and sit alongside a range of measures to pursue the benefits of using energy more efficiently: energy market reform, solar cities, improved appliance and building standards, and targets for reduced energy use in government operations.

The objective of the EEO measure is to improve the identification and uptake of cost-effective energy efficiency opportunities by large energy-using businesses. It aims to do this by requiring businesses that use greater than 0.5 petajoules in energy to, firstly, undertake an assessment of their energy efficiency opportunities to a minimum standard in order to approve the way in which those opportunities are identified and evaluated and, secondly, report publicly on the outcomes of that assessment in order to demonstrate to the community that these businesses are effectively managing their energy. There is ample evidence to show that cost-effective energy savings are possible in the business sector.

The bill will encourage all companies to understand their energy use and improve energy efficiency. The measure is expected to be particularly successful in companies that either do not have energy management systems in place or do not monitor their energy use. It will enable the individual business to demonstrate to the community that they use energy responsibly.

The opposition has tried to make much of the government’s unwillingness to sign the Kyoto protocol. In this area it should sign Kyoto and introduce emissions trading. One stunt this year that springs to mind is the shadow spokesman for the environment’s attempt to turn Valentine’s Day into a love-the-environment day in honour of the Kyoto protocol. Gestures do not achieve things, but practical and sincere actions can and do. As the Prime Minister rightly pointed out earlier today on Kyoto, it was not right for Australia and Australia’s interests. Signing up to Kyoto would have been akin to the Prime Minister selling out the working men...
and women of Australia in the resource sector, particularly the power industry in the Latrobe Valley. Speaking on behalf of hundreds of men and women from the Latrobe Valley who work at the Hazelwood, Loy Yang, Loy Yang B and Yallourn power stations, I could not more fully endorse the Prime Minister’s words. The Kyoto protocol would not be right for the Latrobe Valley or for the interests of the Latrobe Valley.

Australia is on track to meet its 108 per cent Kyoto protocol target without having imposed additional costs on the Australian industry. The latest national greenhouse gas inventory shows that emissions have dropped 33.4 per cent per dollar of GDP from 1990 to 2003. The government has committed more than $1.8 billion towards its climate change strategy through the 2004 budget and energy white paper.

Australia is also a founding member of the Asia-Pacific Partnership for Clean Development and Climate with the region’s largest economies and most significant greenhouse gas emitters. The partnership will promote the further development of all energy technologies, including fossil fuels, renewables and new technologies such as hydrogen. Industry groups in Kyoto countries such as New Zealand and Germany have endorsed the approach taken by the partnership and have called on their governments to adopt a similar strategy. With respect to the emissions trading, until a robust and effective international framework is in place that includes all major emitters, such a cost would simply erode Australia’s international competitiveness for no global environmental gain.

The EEO, along with other measures announced in the energy white paper, is laying the foundations for a lower greenhouse signature without imposing inordinate costs on the Australian economy. The Productivity Commission is opposed to mandating energy efficiency investment by firms. However, this was never intended under EEO, and the bill does not oblige firms to invest in opportunities they identify.

The Productivity Commission considers that mandatory energy efficiency assessments are not warranted on solely private cost-effectiveness grounds, even though it acknowledges that the barriers exist that inhibit energy efficiency improvement and that there are constraints on the quality of decision-making. However, the Productivity Commission recognises that government intervention on energy efficiency is a legitimate means of achieving broader policy objectives such as delivering economic wide GDP growth and reducing greenhouse gas emissions. I want to pay due respect to the power stations, the companies and the employees of the Latrobe Valley today, simply because they have spent $400 million in their efforts to reduce greenhouse gases.

Mr HAYES (Werriwa) (11.15 am)—I rise in support of the second reading amendment to the Energy Efficiency Opportunities Bill 2005, moved by the shadow minister for primary industries, resources and tourism. While I will not be voting against the passage of this bill, I believe it should go further. There is no doubt that we can all do more when it comes to energy efficiency. We are no longer dealing with a situation where there is any considerable doubt about the impact modern life has on our natural environment. We are no longer dealing with a situation where only businesses can do something to reduce their impact on the environment. It is about time that we all contributed to the need for greater energy efficiency throughout all sectors of the economy.

Recently I had the opportunity to attend the Macarthur Centre for Sustainable Living. They held an open day at Mount Annan. I was, fortunately, invited to attend. This open day pre-
sented an excellent opportunity for the community to gain a greater insight into what sustainable living is all about. It gave people the opportunity to see that by simply changing a few things in their own lives and lifestyles everyone can contribute to the general health of their environment. The centre has the stated aim of promoting ‘sustainability, social equity, cultural diversity and economic stability’. It does this by providing a number of interactive displays with working models to demonstrate just how everything could work and should work in a proactive society. I point this out simply to say that this is not pie in the sky. These are real working models, and the volunteers who operate the centre harbour an ongoing commitment to demonstrating just how simple it can be to modify our behaviour to help the environment and to reduce the impacts of our daily lives on our surrounds. I would particularly like to congratulate Del Cotter, a good friend of mine, and the other volunteers at the centre on their hard work and dedication to this cause.

They are not the only ones seeking to reduce the impact of modern society on the environment. The south-west of Sydney is subject to considerable housing growth at present. That does not seem likely to stop in the foreseeable future. It is not a bad thing. It certainly creates jobs in my electorate and brings people to what we consider to be a great part of the world. While many people have criticised developers in the region for their approach to construction and what might be commonly referred to as the ‘McMansions’, there are a number of responsible people out there putting in a real effort and a commitment to producing energy efficiency and environmental sensitivity in their developments. These developers have been able to design and build houses in areas to provide the best aspects of modern living whilst seeking to avoid and minimise the worst of it—that being the environmental excesses. It is an important point, and it is certainly a significant trend which is now occurring in our society.

A great number of people are disgusted with the government’s lack of action on environmental management, particularly in its refusal to ratify Kyoto. Consequently, it has fallen upon people to demand more action when it comes to sustainable living and sustainable development. The south-west of Sydney is fast becoming an example of how it can be done. It is fast becoming an example of how modern city living and sustainable living are not mutually exclusive concepts. Whether it be through the reticulation of grey water, the processing of waste water or energy efficient appliances, people are focusing on their environment and, as a result, energy efficiency.

Even one of the biggest road constructions ever undertaken has accommodated a growing desire for people to have alternative forms of transport to the family car. I am referring to the construction of the Westlink M7 Motorway. Throughout the entire length of the M7 Motorway there has now been constructed a cycle clearway. The designers have been able to find an innovative way for cyclists and motorists to share this significant transport link. This in itself is an interesting reflection of the views about sustainable living that influence the daily lives of residents of the south-west of Sydney.

While the Macarthur Centre for Sustainable Living, the approach of developers in the construction of more efficient residential dwellings and the fact that cyclists and motorists are able to coexist on a road such as the M7 might not be directly related to the bill, they nevertheless demonstrate that there is a strong community desire to reduce the impact of modern living on the natural environment. Disappointingly, though, the fact that the community demands it has not necessarily translated into the government insisting upon it. The community
is leading the way when it comes to sustainability and yet the government is being, in my opinion, dragged along.

The bill we have before us today is no better example of this. The purpose of the bill is to establish mandatory energy efficiency opportunities assessments announced in the white paper entitled *Securing Australia’s energy future*, which was released in June 2004. It seeks to establish a program that will require large energy-using businesses to assess the potential to improve their energy efficiency and report publicly on the outcomes. That is a good start but, let us face it, it is not the most radical or far-reaching suite of activities to address the need for greater efficiency. Quite frankly, apart from the public reporting aspects of the requirements of large energy users, most people would expect large energy users to seek to reduce their consumption, in their capacity as responsible corporate citizens. Shareholders would expect managers of these large companies to examine energy consumption with a view to reducing costs. Many large organisations are now reporting annually on their triple bottom line. Some reporting issues may already be well and truly covered. Australian companies have been slow in the take-up of the cause of energy efficiency in comparison to those of other countries. There is a need for a greater effort on the part of businesses to up the ante when it comes to improving energy efficiency.

Business use of energy accounts for about 80 per cent of Australia’s primary energy consumption, and a relatively small number of businesses are responsible for the majority of energy use. It is estimated that 250 of the largest energy users account for approximately 60 per cent of all energy used by business. If government is willing to demand that these businesses become more efficient, what about those businesses, including those in other sectors of the economy, that use the remaining 40 per cent? These sectors are certainly not insignificant energy users; nor do they consume energy at an insignificant rate.

Recently I had the opportunity to view an interesting statistic, one which stuck in my mind given the amount of new residential developments occurring in my area. It is estimated that there is at least 70 per cent penetration of air conditioners in the new residential home market. When I think about the number of new homes that are being planned in my electorate in the south-west of Sydney alone over the coming years and about what that means in terms of the number of air conditioners and other household electrical items, I start to wonder what that means for the future of energy and energy consumption in Australia.

While other levels of government, through their planning requirements and approval processes, are making efforts to compel developers to create more energy efficient and environmentally sensitive dwellings, the federal government is simply not going far enough with this bill. To say that this bill stops short of what should be occurring as part of Australia’s ongoing economic and social development would be an understatement. Australia is a nation of energy users, for all sorts of reasons. We are more inclined to jump into the car to go to the shops than to walk or catch public transport. The use of the car is becoming an increasingly discussed topic for many people, particularly in the south-west of Sydney. As I move through my electorate, I am continually asked about the level of petrol prices and the impact it is having on family budgets and, from the business perspective, about the impact it is now having on business. I have raised these issues in this place a number of times, and I will not use this time to again examine the government’s shortcomings on the issue of petrol prices. But the issue remains that the government and this bill seem to ignore
or to have forgotten the whole concept of the issues associated with transport fuels. I can assure members opposite that the public certainly has not forgotten the issue of petrol prices.

While the bill requires large energy-using businesses to register with the Department of Industry, Tourism and Resources—they will have to submit a plan for assessment and there will be a public report on the assessments—it does not place the same compulsion on other sectors of the economy or the community. It is an important piece of legislation that stops short of addressing the broader agenda. It does not require action from the broader group other than the largest of our energy-using businesses, and it does not set a broader agenda to explore our options when it comes to sustainable energy supplies. While the opposition has taken up the challenge to examine broader energy issues, with some innovative thought when it comes to Australia’s ongoing energy needs, the government seems reluctant to meet this challenge. Energy efficiency—or, more correctly, energy inefficiency—affects all of us, and it deserves a proper public debate and should be the subject of very considered public policy.

The current issues of high petrol prices and high resource prices are partly the product of an increasingly competitive global energy market. The emerging economies of China and India are energy hungry, and the point about the additional demands that these economies place on the energy market needs to be made and considered, particularly in relation to future energy use. Supplies will not expand by themselves, and growth in the world’s energy demands seems unlikely to cease, yet the government is hoping that the issue will simply go away without causing it too much trouble and without it being required to address the issue. On the other hand, federal Labor is keen to promote new thinking when it comes to energy. On transport fuels, the Leader of the Opposition recently delivered a blueprint speech in which he set down an agenda for developing Australia’s fuel industry. Labor set out the need for Australia to diversify its fuel industry and become a more self-sufficient nation.

Labor set out an agenda in which it set forth some serious thinking on issues that government members would do well to examine for themselves. If they examined that agenda, they would at least see that it is an attempt at bold policy making. They might then understand that policy development is about dealing with more than just the immediate issues and they might realise that when it comes to energy we all have a part to play.

The continuous and certain supply of energy is necessary to sustain modern life and, while it is necessary to point the finger at big business and demand more from them, it is also time we all looked at our energy consumption and considered it in light of future needs. Energy efficiency should not simply be about shaming large users. Surely the government can come up with something a little better in terms of policy development than something that could be considered as a little tired and old. Why isn’t the government encouraging the use of building materials that use energy more efficiently? Why isn’t the government encouraging the use of more energy efficient building designs throughout Australia? Why isn’t the government acting to develop alternative fuels, rather than simply trying to address a quick fix option? While the extension of the use of ethanol in transport fuels is an important first step, more needs to be done to develop longer term solutions for the emerging shortage in transport fuels.

We have already seen what can happen when a government fails to take issues of resources sustainability seriously. While serious problems with water emerged clearly earlier this year, the water issue has not gone away. That situation provided a little insight into what might happen. Quite frankly, this government has ignored the issue of water resources security for
years, and the drought brought home the serious nature of this issue. Of course, the drought also brought the issue home to the broader community, and people responded positively in the way they tempered their consumption of our diminishing water resources. As with recycling over a number of years, people realised the impacts on them but it took effort from government at all levels to encourage people within the community. The same applies with energy. The community will step up. All sectors of the economy, not just big business, will also step up if there is just a little leadership from the government on this issue.

The time is right for leadership on energy efficiency. We cannot delay it until there is an energy crisis. We cannot delay petrol pricing until transport fuel hits $5 a litre, for instance. Federal Labor is not seeking to amend the detail of this legislation. It is not seeking to amend the legislation simply for the sake of amendment. The amendments proposed by the opposition are fair, reasonable and driven by the desire to see serious efforts being made to address the issue of energy efficiency.

Australia has a culture of finding innovative solutions. We are innovative and we are certainly inventive. If we have the task of developing new sources of energy and developing new ways of improving our energy efficiencies, we will develop them. Some solid research into fuel cells to substitute and eventually replace current transport fuels is already under way. It is even occurring in our schools. There are people like Steve Zorbas, who has developed a teaching program which is being administered to schools in the south-west of Sydney. Under this program Mr Zorbas is encouraging students to build hydrogen cells to run model cars. That is a competitive project which is being embraced by a number of schools in my area. I say that the bill before us is a good start, but it does not go far enough. (Time expired)

Mrs MOYLAN (Pearce) (11.35 am)—It is a privilege to have the opportunity to speak on the Energy Efficiency Opportunities Bill 2005. It is a direct result of the government’s actioning recommendations in the white paper called Securing Australia’s energy future, which was released in June 2004. That white paper, which the Prime Minister released, stated:

… the government will require large energy users to undertake a rigorous assessment of energy efficiency opportunities every five years starting in 2006. These assessments will be undertaken consistent with an improved Australian standard and will be designed to identify energy efficiency investments with a payback of four years or less. Firms will be required to report publicly on the outcomes of the assessment, and will be free to make decisions on investments identified via their normal business processes. The government will act to ensure the assessments are rigorous and comprehensive, and to disseminate the lessons learned to the wider business community. Public reporting will be designed to provide the markets with useful information while protecting firms’ reasonable commercial interests. Details of the regime will be developed in consultation with relevant stakeholders.

This bill provides a framework for mandatory energy efficiency opportunities assessments and for public reporting of outcomes by large energy-using businesses. The government announced that the energy efficiency opportunity measures were being introduced as part of a comprehensive policy approach that included significant budgetary support for new low-emission technologies aimed at lowering greenhouse emissions. Indeed, the government has put not just words but also money there to ensure that its comprehensive policy approach can be managed effectively, and nearly $2 billion has been committed by the government.

The bill establishes measures that broadly outline its requirements and allows for regulation making to provide detailed requirements. The basic obligation in the bill requires that
corporations using over 0.5 petajoules of energy a year register, submit an assessment plan, undertake an assessment of energy efficiency opportunities every five years and report on the outcomes of the assessment, including their response. We have consulted extensively as a government with industry in the development of assessment and reporting procedures. Business leaders recognise that this is a lower cost alternative to some of the other measures the government were being urged to adopt, and they are prepared to comply with the requirements of the legislation. That is very important: it is one thing to put into place black-letter law; it is quite another to ensure that it is complied with. I have quoted the founder of the Liberal Party, Bob Menzies, on many occasions. He made the point in a debate in this place in 1949 that if the legislation that government brings to this place is too hard and too harsh and is not reasonably achievable then people will rise up against it and nothing will really be gained. They were very wise words, and they are words that we perhaps should reflect on more often in this place as we seek to deal with some of the tough challenges that we are confronted with in contemporary society.

The bill further makes sure that increased take-up of energy efficiency improvements will benefit both the Australian economy and the environment through reduced greenhouse emissions associated with energy use. Indeed, it will benefit the economy through increased productivity and reduced cost to business. It is well documented that companies focusing on efficient energy use can actually improve their overall efficiencies in production. I will come to that bit a little later when I discuss it in a little more detail.

But the debate over global warming has been raging for several decades. It is a tough call for governments anywhere in the world, and it poses questions that are difficult to answer in one or two syllables, which is your average—

A division having been called in the House of Representatives—

Sitting suspended from 11.40 am to 12.00 pm

Mrs MOYLAN—Before the suspension, I was saying that the debate over global warming has been raging for several decades. It is a tough call for governments and it poses questions that are difficult to answer in one or two syllables, which is your average media grab. But the arguments put forward by many run along the line that if we impose tough environmental measures we will interfere with economic aspirations, and the upshot of that is that it will drive many people into poverty. I do not subscribe to that theory. I think we have to balance our policy and manage the changes so that we do not create problems, and I think that is achievable.

Let us examine some facts about climate change. Greenhouse is a serious and long-term issue and it does require long-term strategies. Atmospheric carbon dioxide is 30 per cent higher today than it was in pre-industrial times. The earth’s global average surface temperature increased by 0.6 degrees Celsius over the course of the 20th century. The Intergovernmental Panel on Climate Change has projected that by 2100 global average surface temperature is expected to warm by between 1.4 and 5.8 degrees Celsius, that the global mean sea level is predicted to rise by between nine and 88 centimetres, that rainfall patterns are likely to change, that extreme weather events are likely to increase in some areas and that ocean current patterns are likely to vary. The possible impacts of these changes for Australia include reduced run-off, which will have consequences for irrigators, urban water supply and environmental flows. It will also mean more severe and frequent droughts, storms, floods and
heatwaves. In addition, there will be shifts in the range of native plant and animal species, so we may well lose many of these. That is just a snapshot, but there are plenty of credible scientists who have provided evidence that we can no longer pretend that this is not a serious problem.

A division having been called in the House of Representatives—

Sitting suspended from 12.03 pm to 12.14 pm

Mrs MOYLAN—These divisions make this a little bit like drawing teeth. I hope they add points of emphasis and punctuation. I will get back to it. Over the years it has become increasingly obvious that a strong case can be argued to support the global warming proposition. It is no longer idle speculation or based on a hunch; it is actually backed up with rigorous scientific evidence. So it was very pleasing for me to pick up the *Australian* the other day and read our Minister for the Environment and Heritage’s comments, as reported by Matt Price, during the minister’s visit to the Tarkine area in the north-west of Tasmania. There are some quotes from the minister in the article, and I would like to take a couple of pieces from it. The article quotes the minister as saying:

There’s no doubt ... that humans have contributed to global warming and ... we’re heading for calamity unless the world co-operates to dramatically reduce greenhouse gas emissions.

The article went on to say that the minister has been criticised by some commentators for expressing this view. I think that is a sad reflection—these are my words now—on our ability to recognise the enormous pressure that our environment is under and the need to dramatically modify our behaviour and our way of life if we are to ensure a future for following generations.

The article went on to outline some of the other comments by Minister Campbell. The minister was alleged to have said:

... “a very small handful of what we call sceptics” are dead wrong when they insist the science behind global warming is flimsy and deliberately alarmist.

The article said that the minister has:

... seen the graphs on climate change and carbon emissions that, having held steady for millions of years, “take off like a skateboard ramp” after 1950. “It is a very serious threat to Australia,” Campbell warns.

The minister cited other world leaders, such as George W Bush and Tony Blair, and scientists, such as Australia’s former Chief Scientist Robin Batterham and scientist and writer Tim Flannery, author of the book *The Weather Makers*. It comes as no surprise that, having expressed these views, the minister is regularly asked why Australia has not signed the Kyoto protocol.

To pause for a moment before answering that question, I must say that the minister came under some pretty heavy-duty criticism by a couple of elements of the media and others. I think it is a pity that some of these commentators cannot stay on the subject and argue their case, rather than attacking the minister and trying to do a personality assassination on him. From what the minister is saying, he has taken the time to properly inform himself. Clearly he is knowledgeable on these issues, and I think people should sit up and take a bit of notice. I welcome the comments by the minister.
In relation to the criticism about the Kyoto protocol—and I think it is a fair question to ask—the minister says that we have moved beyond Kyoto, and I would agree with that. The other thing is that we need more than signatures on a piece of paper in forums where practical solutions are bogged down in a sea of words and circular arguments. That is not to say that Kyoto did not play a very important part and a significant role in raising the stakes in environmental management. I think you would be hard pressed to argue against that, but we need to move on and we need practical solutions.

Australia is on track to meet its 108 per cent Kyoto protocol targets without having imposed additional costs on Australian industry. The latest national greenhouse gas inventory shows that emissions dropped 33.4 per cent per dollar of GDP from 1990 to 2003. This is a significant achievement; make no bones about it. The minister has made the comment that Australia is up there with the top few countries in its achievements in reducing greenhouse gases, even above many of those who did sign the Kyoto protocol. The government committed more than $1.8 billion towards its climate change strategy through the 2004 budget, and the energy white paper has outlined very clearly some of the government’s objectives.

Australia is also a founding member of the Asia-Pacific Partnership for Clean Development and Climate among the region’s largest economies and most significant greenhouse gas emitters. The partnership will promote further significant greenhouse energy technologies, including fossil fuels, renewables and new technologies such as hydrogen. Industry groups in Kyoto countries, such as New Zealand and Germany, have endorsed the approach taken by the partnership and called on their governments to adopt a similar strategy.

I do not know that I have time to go through all of the elements of the new partnership. I will make the point that the partnership covers 50 per cent of greenhouse gas emitters and 50 per cent of the world’s population; it brings together key developing and developed countries in a region; it will address challenges of climate change, energy security and air pollution; it will develop cleaner, more efficient technologies; and it will strive to encourage economic development and reduce poverty. So I think the arguments that you cannot achieve better greenhouse outcomes without damaging economies and creating poverty is dead wrong. I think we can achieve both of those things if we manage it in an effective way.

With respect to emissions trading, until a robust and effective international framework is in place that includes all major emitters, such a cost would simply erode Australia’s international competitiveness for no global environmental gain. This measure, along with other measures announced in the energy white paper, is laying the foundations for lower greenhouse emissions without imposing inordinate costs on the Australian economy.

I would like to remind the House of those other measures, because we heard a couple of speakers this morning say that we are not doing enough. I think it is important that we set out the way in which we are managing emissions. I will try to do that briefly. There are four elements that Australia is interested in: developing low-emission technologies; encouraging growth in renewables, including wind power; using energy more efficiently—which is a big area, and this bill really goes to the crux of that energy efficiency issue; and encouraging increased uptake of carbon sinks to absorb emissions.

Some of the things we have achieved over this time are that we have put, as I said, almost $2 billion into addressing the climate change issues, including half a million dollars into the Low Emissions Technology Demonstration Fund. I will not go through every area but we
have put quite a large sum of money into the area of renewables. There are four major projects
to drive renewable energy development initiatives. In the area of efficiency and energy, $75
million has been committed to the development of Solar Cities.

I chair the Public Works Committee and have done since 1998, I think. One of the things
that we do in our committee now is that, for every government building and major infrastruc-
ture work that we examine as a Public Works Committee, we ask the proposing agencies
whether they have been in touch with the Australian Greenhouse Office to talk about ways to
build and develop these buildings in a more energy efficient way—not only for energy effi-
ciency but also in a way that conserves water and uses water wisely. That is happening.

In recent times we have approved two new headquarters for various departments. Again, I
will not go into the fine detail, but one of them is actually using the surface area of the roof as
a water catchment facility and they have put an underground tank into a 14-storey building.
This means that there are significant water-saving measures. On top of that they have incorpo-
rated the most up-to-date energy-saving measures into that building as well. So our own gov-
ernment can drive this by setting an example and leading the way in the efficient use of en-
ergy and better designed buildings. I am running out of time now so I will move on from that,
but I think it really is important that people understand some of the measures that the govern-
ment is taking, because there are a number of them and they are all important in trying to re-
solve these problems.

We did have a report from the Productivity Commission which said that this was a bad
idea, but again the government has taken the lead. The government points out that the Produc-
tivity Commission report was a draft and that the commission have reviewed their position
since then, because it appears they may have misunderstood the intention of the energy effi-
ciency opportunities measure. They implied that investment in energy efficiency opportunities
was mandatory, which is not the case. The government is clearly using the carrot approach of
assistance.

Let us work with our big industries. Let us see what better measures can be put into place
to save energy because, as I said before, this is a good measure not only for all Australians
and for our environment but also for companies, because it helps them to reduce their reliance
on high energy use and the cost that goes with that. In one of the reports I saw, energy is about
a five per cent cost factor in our big corporations. So about five per cent of the total cost of
goods is attributable to energy. If we can reduce that reliance or use that energy more effi-
ciently and more effectively, that is a very positive thing.

I was in China twice earlier this year. They are looking to Australia for a lead in this matter.
They recognise that we are very efficient energy users in this country—that our industries are
energy efficient—and are looking to improve their own energy efficiencies. This is terribly
important, because we all know that their economy is growing dramatically and that they are
big manufacturers. If Australia can show the way there, that would be a very positive thing.
As I said, I know that China is looking at our policies and taking a lead from them. The Pro-
ductivity Commission looked at one aspect of it. It was a narrow view. This is a very good
bill. It is a very good way to move forward. I congratulate the minister responsible and com-
mand the bill to the House. (Time expired)

Mr WINDSOR (New England) (12.27 pm)—Before speaking to the Energy Efficiency
Opportunities Bill 2005, I join with the member for Pearce in recognising some of the conse-
quences of global warming in her speech. I did not hear all her speech, but it is positive that there are people within this parliament that are starting to recognise that there are real problems out there and that we should be embracing some of the solutions to those problems.

I support this legislation. I think it is very important legislation. It is aimed at creating opportunities for industry and is geared toward increased efficiency. Increased efficiency does not only have an economic spin-off. Obviously the intent of this legislation is a dual benefit—an economic spin-off as well as an environmental spin-off. As the member for Pearce alluded to towards the end of her speech, it also could have a very meaningful impact on our competitiveness in global trade. There are a number of things that will develop over the coming years as we come to grips with the global warming problem and the energy problem. Not the least will be price, which we are looking at today in relation to fuel, and other energy sources, but there will also be the markets that will develop globally over carbon trading et cetera that will have dual economic and environmental benefits.

This legislation is essentially about efficiency and achieving targets. I have been critical of the government in the past because of their slowness to embrace some of the new energy sources and some of the advantages that we have in Australia with energy. One of the issues that I have raised a number of times in this parliament is renewable energy, particularly ethanol and biodiesels—the sorts of fuel sources that we can grow in Australia—for a whole range of health, environmental and economic reasons.

I would just like to spend a moment, if I could, relating to the ethanol debate once again—the debate is centred around ethanol, but the same principles can be applied in other areas—and the way in which renewable energy can in fact put this country in a much better position than it is in now. We are currently facing an explosion in fuel pricing and energy pricing, which is dictated by foreign sources. The Singapore price, what is happening in the Middle East, global conflict and a whole range of other factors are coming together to increase the price of fuel. Some experts would suggest that may not be a long-term phenomenon: global crises may stop and the Middle East might become a paradise tomorrow where everybody becomes good friends. I hope that is the case and that the price of fuel plummets. But I think we have got to be a little prepared in this nation if we want to be globally competitive.

One of the very reasons the industrial relations bill is currently before the House, in my view, is not so much about the efficiency of the processes and the mechanisms of the labour market but that people in Australia are recognising that unless we do become globally competitive we are going to miss out on the future opportunities of the globe. As China and other places become more efficient and more economical in their productivity et cetera, we run the risk of missing out. One of the attempts of the IR legislation is to over time bring the labour rates back down so that there can be some efficiencies.

The ethanol issue is very pertinent because it encapsulates a number of key issues. It is an energy source that Australia can produce and produce very efficiently. We are constantly told that agriculture in Australia is the most efficient in the world. So we can produce these energy sources very efficiently. Mr Deputy Speaker Causley, who is in the chair now, I am pleased to see, comes from a sugar-growing area. There are other advantages of ethanol. We have collapsing agricultural industries. The sugar industry is a prime example. It is collapsing because of the pressure of global markets and the uncompetitive nature of our cost structure in Australia.
So we have this dual effect. We have an opportunity to grow energy from an industry that is going broke. We can also relate that to grains, of course. Grains, as Mr Deputy Speaker Causley would recognise, are a bit more efficient in the production of ethanol. There are biodiesel sources, as well, that are quite efficient—probably more efficient than sugar. Nonetheless, we should take an overall view, a societal view, an economic view, a health and environmental view of energy into the future. Part of global warming is about production from fossil fuels. We have the arguments about carcinogenic products in our current fuels, that we should lift the octane ratings et cetera for modern-day energy.

We have an opportunity with ethanol to have a triple whammy or possibly more: in health, in environmental—it is a natural oxygenator in terms of the octane rating for modern engines—plus in the economic and social additions of providing an outlet for sugar production. We now say to those industries, ‘Well, if you cannot survive on the global scene, you should not be there and you should vacate the premises and move to Brisbane.’ Rather than doing that, an efficient society would be looking at options that may well be available for that industry. It could move towards what Brazil is doing. Brazil has embraced the production of ethanol. It is increasing its output of ethanol at the rate of one Australian sugar industry in total a year.

The United States have had not only farm based pressures, and I recognise that, but also enormous health related and environmental pressures from some of their more urbanised states. building an ethanol plant at the rate of one every 23 days, this is an enormous explosion in relation to recognising global energy problems into the future, health and environmental problems of the day and the future, and coming to grips with an agricultural sector that has been finding it difficult to be economic by just being a food producer. Australia has a more critical problem than that, because most of our produce from agriculture is exported. But the government has sat on its hands in relation to this issue, and the grains industry has too. The Grains Council of Australia, of which I am a former member, has had a pathetic attitude to the promotion of ethanol. It seems more concerned about motorists having choice than about showing leadership on an industry basis, and the same could be said for the government. The government has been highly reluctant to move away from a position that essentially says that if the global fuel companies—who are part of the problem of high prices, in my view—do not accept the concept, if the market does not accept the concept, it is not a concept worth having. The government responded recently by putting in place a MRET, a renewable energy target, of 350 megalitres of renewable biodiesel ethanol by 2010. That is exactly what it did going into the election period in 2001. There is less ethanol produced now than there was in 2002.

There has been some window dressing. Various ministers—one of whom had been very opposed to the ethanol industry, the Minister for Industry, Tourism and Resources—are now out there embracing this concept of ethanol being available at petrol stations as a choice of product. The government should be doing much more than that—I have introduced a private member’s bill into this place, and I know the member for Kennedy has also introduced a private member’s bill—as all over the world there has been the introduction of mandated use of ethanol in fuel. A 10 per cent mandate over a progressive period of time, at the rate of one per cent a year from now until 2015, would have an enormous impact regionally and would require about 30 ethanol plants across Australia. This could save the sugar industry and it could
have an enormous impact on the grain industry, with three to five million tonnes of grain that could be needed.

We have just seen the charade that the Wheat Board had to go through to sell grain overseas, and the $200 million that eventually found its way to Saddam Hussein and his friends. We are seeing all those sorts of pushes to try and get product that we produce out onto the global market, and here we have an instance where we can cut the corner rather than be a nation that is shackled by a domestic cost structure which in my view is artificial; it has developed through a whole range of processes over many years. Rather than be shackled to a corrupt world market, we can start growing some of the produce that we grow well—our farmers are the most efficient in the world, we keep being told—and convert that product into a healthy, environmentally sensitive fuel and energy source. A mandated 10 per cent in our petrol, for instance, would have an enormous impact on our regional industries. It would have an enormous impact on the carcinogenic outputs that some of our modern engines produce because of the high-octane fuels that they have to burn.

Members would be conversant with the ethanol plant that is proposed for Gunnedah, which is in the electorate next-door to the electorate of New England. The main proponent happens to be a constituent of mine, so I declare an interest. We are talking about energy balance and the conversion of a seed grain to an energy source. Energy balance is exactly what this legislation is about, and there will be more opportunities for business in being more efficient. The problem with this bill is that it tends to look at industries individually rather than at industry globally. If you follow the production of grain in no-tool agriculture, where very little fuel is burnt by way of tractors et cetera, in a plant the size of that proposed in Gunnedah the energy balance—energy out plus energy in and energy produced—has the same impact as removing 70,000 cars from our urban environment. Speakers who follow me may have more mindful things to say about what that does to our environment and our health. The government is reluctant to look at the issue of energy balance. But I am encouraged that the government has introduced this bill. At least it is starting to look at and encourage efficiencies. Some would say it is a bit narrow in what it is trying to do and some would say it is about providing very small carrots for very small gains. I think there are options that really do need to be looked at.

The National Party were very strongly in favour of a 10 per cent mandate; it was a similar situation to that of having sugar included in any free trade agreement with the United States. The government has gone back to having a sustainable target. It used to be a mandatory renewable energy target, but the word ‘mandatory’ has crept off the agenda. They now have a renewable energy target, which they hope industry will embrace through a few handshakes and cups of coffee, of 0.85 of one per cent by the year 2010. I do not think that is real progress. I do not think that is embracing a concept like that being embraced by the United States and other countries in Europe and South America. I do not think that is addressing some of the societal problems in regional Australia. I do not think that is doing any of those things. It is very much paying lip-service to a problem. I hope ethanol plants are developing. I had a lot to do with the proponents in Gunnedah, Dalby and other places. I thought the role of government was to help drive policy that would benefit our nation into the future and have an impact on all of those external things such as global warming problems et cetera.

I wrote to the Prime Minister about a month or six weeks ago on this particular issue. It seemed to me at the time—and I am sure it does to others—that government has no real proc-
ess for embracing the future of our energy requirements. My suggestion to the Prime Minister was that he establish a renewable sustainable energy authority. I now know there are a few odds and sods committees, mostly guided by the hand of government in what they want to hear. But we really need an independent authority that can sit down and examine some of these issues. There are people out there who are not all politically driven. Some of those people have views about the future and what we can look at. I think we have enormous capacity in this country to produce energy, not only from agriculture but from solar, wind and water sources. There are strategies that we really have not embraced. There are time lines involved in getting from A to B; even to get to 10 per cent ethanol would take 10 years. It is an enormous time line. You just do not snap your fingers and have it happen tomorrow.

In those other energy areas, too, we do not seem to be doing the research. We are not putting money into the research and development of solar energy or wind powered energy. A lot of global wind energy proponents are leaving Australia or do not want to come here, because of this lethargic attitude. Our system says to them: ‘You can only deliver a very small portion of the energy cake, therefore we are not overly excited about you. If you want to locate on the top of a hill, we’ll see how many galahs you kill as they fly through.’ That is our attitude to these sorts of sources of energy. We should be looking 50 years out.

There was a debate in the parliament yesterday about the CSIRO. Our scientists need the freedom and the money to be able to look a long way out, further than the three-year term of a parliament or the short-term nature of the commercialised way in which we look at research. They need the opportunity to really look forward. If there are failures in terms of some of that research, so be it. I am yet to meet a person who has not failed in doing something. In research, particularly, we need to push the barriers in terms of our attitude to some of these energy sources. Look at the things that we have a natural advantage in: agriculture, sunlight. I do not know where we stand in terms of wind and whether we have a comparative advantage, but we have a massive area with very few people. That obviously has some political overtones to it as well.

In our debate on the Energy Efficiency Opportunities Bill 2005, we have the opportunity to look at energy efficiency. Hopefully, this bill is only the start of that process. (Time expired)

Mr GARRETT (Kingsford Smith) (12.47 pm)—I welcome the comments from the member for New England. Indeed he is right to identify the impacts on human health, amongst many others, that not moving rapidly to both energy efficient and non-polluting productive capacities and processes means for us. I notice that the member for Pearce earlier referred to the necessity for low-cost measures to be applied to urge and move business towards considering energy efficiency, and certainly in the Energy Efficiency Opportunities Bill 2005 they are low-cost measures. A little more than $3 million, perhaps, per year is about as low cost as it can possibly get.

But I think the member for Pearce missed what really is the more important point: that is, what are the costs to us if we fail to enact robust measures across a range of areas in relation to energy efficiency? Not least of these is the issue that the member herself referred to: what are the consequences for us in terms of global warming? The member said that global warming was a ‘tough call’. It is certainly that, and more. One of the things that I have witnessed in the short period of time that I have been in the House as a member of parliament is the fairly profound change in attitude that has come from the government—government members and
government ministers—on the issue of global warming; and I welcome that change. Having been pilloried for the view that there was such a thing as global warming and that climate change may be a consequence of it—pilloried by, amongst others, former Deputy Prime Min-ister Mr Fischer, whom I have a close and convivial relationship with, I have to add—it gives me no joy to be joined by members on the other side of the House in the recognition that this is indeed the most fundamental challenge that we face. There is no question about it.

We face big challenges in terms of terrorism. We face big challenges in terms of managing this country in an equitable and sustainable fashion into the long term. We face big challenges, ones that members present are going to refer to, in getting our fuel industry on a slightly more sustainable basis. We face big challenges in making sure that we have healthy and productive natural landscapes. But global warming is the biggest challenge that we face. It is to the government’s great discredit that it has taken so long to recognise the scope of this challenge and that, having in a halting way started to recognise it, the measures it proposes are so paltry and insignificant.

The Larsen B ice shelf has come down to the sea. The prospects for the increase of transmission of diseases, including dengue, are greatly increased. A recent report by the Australian Medical Association and the Australian Conservation Foundation found that likely health impacts of climate change would include transmission of airborne viruses and diseases—and so it goes on. The question really is: how robust, how comprehensive and how effective will the government’s measures be? They really ought to be judged in many ways by world’s best practice. It is to that that I will confine my remarks later on in this speech.

But, firstly, this bill does emerge from the energy white paper of June 2004. Since that time two things have become very clear: first, the original criticisms of the government’s approach in the white paper, which were significant, were well founded; second, the need for us to have a comprehensive and robust approach to addressing what I describe as the collision point of increasing energy demand, where the prospects of likely climate change as a consequence of global warming have been reached. Once that collision point is reached then measures that are incremental, measures which are essentially small scale, measures which do not go to the core of what we are doing here in relation to greenhouse emissions, will not have that much effect at all.

Added to this question of the collision point is a lurking issue. It is an issue that I think the Treasurer has addressed within the last six months, but he has chosen not to return to it. I do invite the Treasurer and the Minister for Industry, Tourism and Resources to return to this issue, because we have certainly returned to it. It is the issue of the price and future scarcity of oil and the likelihood that we will be deriving a significant amount of our energy use in terms of oil for our motor vehicle industry and for other industrial uses from imports over the longer term. What is clearly going to happen is that over time the price is going to go up. Scarcity will demand that that should happen and we will be faced with the consequences of our vulnerability in our energy policy as a result.

This bill notes that primary energy consumption, to confirm that point, has grown at an average rate of 2.4 per cent per annum between 1973-74 and 2001-02. Our appetite for energy is undiminished. At the same time that our appetite is undiminished we keep on producing more greenhouse gases. On a per capita basis, as members present would know, our production of greenhouse gases is amongst the highest—if not the highest—in the world, certainly in rela-
tion to equivalent countries. Once you discount land clearing it clearly is the highest. So after 9½ years the Howard government still has world’s worst practice in our production of greenhouse gas emissions.

You often hear the argument from the government that we are a small country with a small population. In fact, it is a per capita track record that we have. If you compare us to countries like Italy, for example, which is significantly larger in population—I am not exactly sure of the population of Italy; it must be close to 40 million—you find that we exceed them greatly in our production of greenhouse gas emissions on a per capita basis. That is not good enough.

We welcome the fact that the government has started to address the issue, particularly the issue of spiralling energy consumption, because the demand for stationary energy services looks like going to about 50 per cent growth by 2020. The majority of this is produced by business energy users. This bill is seeking to address itself to those business energy users. Whilst it is quite modest—’paltry’ is perhaps too strong a word, but I think it really is paltry—and welcomed, it clearly does not go far enough. I would call these tentative but necessary steps.

They are tentative because, in the political context, the government are fixated on other ideological agendas. We have seen that in the House today with Australian traditions of collective bargaining. Pursuing an agenda through the House and applying their energies to it have become a key focus for the government. But, on the critical focus of determining what measures are going to address greenhouse gas emissions—which continue to increase—and the likely impacts upon us of climate change, there is very little to be seen.

This bill refers the registration of company details to the department, which undertakes assessments. Energy efficiency opportunities are assessed. Companies will report publicly on the outcomes of assessment and compliance, and there will be enforcement arrangements. So far, so good, but so much more could be done. The Solar Cities initiative to which the government has committed itself, again, is to be welcomed, but again it is so minor. We talk about tens of millions of dollars; other countries spend hundreds of millions of dollars.

I spoke in the House yesterday about the CSIRO report indicating that they were considering removing and scaling back their research on renewables. I pointed out to the House that at one stage an Australian scientist led the world in research on solar energy. We even have the situation to date—

**Mr Katter**—Yes, that is true. They have all gone overseas.

**Mr Garrett**—The honourable member makes the very good point that, in fact, we now have a situation where, in the most recent adaptation by Australian industries—and particularly the solar industry—to the challenge of producing energy efficiency, they have had to go overseas. I think the last company went to Czechoslovakia in order to produce Australian solar systems, which are actually being produced and sold in Europe. Let us face it: the climate in comparative terms is not as beneficial to the use of solar energy as that of Australia. It is plainly obvious to everybody, both those listening to and reading these speeches and those in the public, that Australia should be a solar nation. That is clearly our future energy path.

The lack of capacity of the Howard government both to recognise and embrace our solar industries and to develop both an investment and a legislative framework to enable us to become a solar nation is to be sorely regretted. A number of the CRCs that did solar and renew-
ables research have been closed down. The emphasis on the other side of the House by the
government is towards clean coal. I have a strong view about what our likely solutions and
sources of energy are in relation to the looming greenhouse gas problem and the collision
point that I referred to. I think that, because of our natural resource gifts, coal clearly has a
role to play, and I hope that we do end up with something that approximates clean coal. I have
my own reservations about it.

But the most important and significant issue is that, at the same time, we ought to be mov-
ing rapidly and comprehensively towards developing a suite of renewables that will assist us
to meet the gap. In Alberta they have actually set up a solar bank. Alberta, as you would
know, is one of the provinces of Canada, somewhat to the northern latitudes. If Alberta can set
up a solar bank, why can’t Australia? The fact is that without a substantial commitment to
developing a suite of renewable energy sources, without a substantial commitment to a decent
sized mandatory renewable energy target, we end up with bills which, whilst welcome, go a
very short distance towards dealing with the kinds of issues that we have in front of us.

It is not as though the parliament has not had an opportunity to consider it, and it is not as
though members on both sides have not come out with some extremely good and I think very
productive suggestions. I am referring to the House of Representatives Standing Committee
on Environment and Heritage report Sustainable cities. This report, which had bipartisan sup-
port, produced 32 recommendations, which encompassed governance and policy, planning,
transport, water, building design and energy, as well as research and feedback.

I call on the government to implement those recommendations. There is no reason whatso-
ever that the government should not move, as a matter of urgency, to considering and imple-
menting those recommendations. I will take this opportunity to identify several of them here. I
understand that the member for Wentworth, amongst others, is going to speak to this commit-
tee report, and I commend him for doing that. I think he and other members of the committee
have come up with something which they believe would address the collision point that I have
referred to, but now the onus is on the government to do something about it.

In terms of governance and policy frameworks, those recommendations included, amongst
other things, establishing a sustainability charter that would be adhered to by all levels of
government and establishing a sustainability commissioner to monitor this charter. The idea of
a sustainability commissioner is very close to my heart. In my previous life as president of the
ACF I pushed very strongly to premiers and to opposition leaders, prime ministers and treas-
urers in this House that we ought to reform the COAG process entirely and put it on a footing
which included sustainability. I have been very pleased to see that some of those earlier sug-
gestions—I do not take credit for them; I am just noting this—have been taken up by diverse
groups, including the Property Council of Australia, the Royal Institute of Architects and oth-
ers. In fact they are reflected in the House of Representatives standing committee report Sus-
tainable cities and are starting to be reflected in work that has been done by the competition
watchdogs, the Productivity Commission and Treasury. I cannot stress more significantly how
important I think this work really is. Until we start to deliver a sustainability agenda into the
policy processes, through cooperative federalism, we will continue to have piecemeal bits of
legislation come through the House which will not deal with the real problem.

The House of Representatives Standing Committee on Environment and Heritage further
recommended, in relation to planning and settlement patterns, that the Department of Trans-
port and Regional Services invite representatives from the Department of the Environment and Heritage and CSIRO to join the development assessment forum. That is a sensible recommendation. There is a recommendation to investigate sustainable modes of transport, including investment in public transport. On water, building design and management and energy, there is a recommendation to further encourage the uptake of photovoltaic systems and renewable energy, and to investigate the benefits of decentralised energy delivery and solar energy. I call upon the government to both consider and implement those recommendations.

For fear of pushing too strongly the barrow about energy in this debate, in the time that I have left, I want to draw attention to the statement recently released by the Leader of the Opposition, Kim Beazley, on what a prudent and appropriate energy policy would look like in Australia, including processing of liquid gases to fuels. I suggest at this stage that the requirement for industry to implement energy efficiency savings which are identified for the government can only be made effective if targets are set—if there is a national sustainability framework which sets targets for the reductions of greenhouse emissions and for the increases in energy efficiency. It is not that hard to do.

Many years ago I built my own sustainable three-bay shed in New South Wales. Honourable members present who have a rural background will recognise that one of the reasons I built a three-bay shed was to encourage my neighbours, who were familiar with the shed—a tractor goes in one part of the shed, hay goes in another and the rest of the tools go in another—to consider not having to go on to the grid. They could have a couple of modest solar panels on the roof, some yachting fixtures that take 12-volt in both the kitchen and the bathroom, composting done out the back and a little bit of LPG for the stove. Guess what? Running costs per annum were in the vicinity of between $50 and $75. It can be done very easily. I was lucky enough to be able to do it a number of years ago. I hope some of my neighbours will have followed suit. More importantly, and to make my personal asides serious, this needs to be done nationally. So we call on the government to implement the recommendations of the House of Representatives Standing Committee on Environment and Heritage in the Sustainable cities report as a matter of urgency.

Debate (on motion by Mr Hartsuyker) adjourned.

Main Committee adjourned at 1.04 pm
Mr Hayes asked the Minister for Transport and Regional Services, in writing, on 25 May 2005:

(1) How many applications were submitted from the electoral division of (a) Werriwa and (b) Macarthur for funding under the Regional Partnerships program or its predecessor during (a) 2000-2001, (b) 2001-2002, (c) 2002-2003, and (d) 2003-2004 and what are the details of each application.

(2) How many applications submitted from the electoral division of (a) Werriwa and (b) Macarthur are awaiting determination, and what are the details of each application.

(3) What is the average number of applications awaiting determination for electoral divisions in New South Wales.

(4) What are the details of the grants applied for and received in the electoral division of (a) Werriwa, and (b) Macarthur under the Regional Partnerships program or its predecessor for the year (i) 2000-2001, (ii) 2001-2002, (iii) 2002-2003, and (iv) 2003-2004.

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

(1) (a) Werriwa

<table>
<thead>
<tr>
<th>Program</th>
<th>(a) 2000-2001</th>
<th>(b) 2001-2002</th>
<th>(c) 2002-2003</th>
<th>(d) 2003-2004</th>
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</thead>
<tbody>
<tr>
<td>Regional Solutions program</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>n/a</td>
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<td>Regional Assistance program</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>n/a</td>
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<tr>
<td>Rural Transaction Centres</td>
<td>n/a</td>
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<td>0</td>
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<td>Regional Partnerships program</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>0</td>
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</table>

See Table 1 for details of projects.

(2) As at 30 September 2005 there are no applications waiting determination in the electoral divisions of Werriwa and Macarthur.

(3) As at 30 September 2005 the average number of applications awaiting determination in New South Wales electorates is approximately 1.
(4) See Table 1

<table>
<thead>
<tr>
<th>Program</th>
<th>Applicant</th>
<th>Project Title</th>
<th>Description</th>
<th>Electorate</th>
<th>Date of Decision</th>
<th>Minister’s Decision</th>
<th>Total Funding (GST inc)</th>
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<tbody>
<tr>
<td>2000-2001 Regional Assistance Programme</td>
<td>Argyle Community Housing Association Inc.</td>
<td>Resident Services Organisation (Stage 1)</td>
<td>Assist in funding a Project Manager to undertake and establish the working arrangements of a Resident Service Organisation in Claymore. The aim is to provide work for tenants within their own community by engaging them in maintenance, repairs, mowing and cleaning.</td>
<td>Macarthur</td>
<td>18/06/2000</td>
<td>Approved</td>
<td>$87,175.00</td>
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<tr>
<td>Regional Assistance Programme</td>
<td>Camden Council</td>
<td>Camden Town Farm Management Plan</td>
<td>The project will create a business and management plan that will identify processes and costing for the future development of the community farm in Camden. The project will identify employment opportunities as well as the educational and tourism potential of the Camden Town Farm.</td>
<td>Macarthur</td>
<td>13/10/2000</td>
<td>Approved</td>
<td>$27,500.00</td>
</tr>
<tr>
<td>Regional Assistance Programme</td>
<td>Macarthur Regional Organisation of Councils</td>
<td>New Targets in Agri-tourism</td>
<td>Development of a blue print for the coordination and facilitation of Agri-tourism in the three MACROC Council areas. Develop regional policy guidelines a marketing strategy for agri-tourism in the region.</td>
<td>Macarthur</td>
<td>13/10/2000</td>
<td>Approved</td>
<td>$79,750.00</td>
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</table>

QUESTIONS IN WRITING
No applications received for funding in 2001-2002.

### 2002-2003

<table>
<thead>
<tr>
<th>Program</th>
<th>Applicant</th>
<th>Project Title</th>
<th>Description</th>
<th>Electorate</th>
<th>Date of Decision</th>
<th>Minister’s Decision</th>
<th>Total Funding (GST inc)</th>
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<tr>
<td>Regional Assistance Programme</td>
<td>Argyle Community Housing Association Inc.</td>
<td>Resident Services Organisation (Stage 2)</td>
<td>The project was to implement the second stage of the Resident Services Organisation to establish contracts for tenants on housing estates to undertake maintenance, repairs and other services paid for by housing agencies.</td>
<td>Macarthur</td>
<td>01/11/2002</td>
<td>Approved</td>
<td>$61,490.00</td>
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<td>Regional Assistance Programme</td>
<td>South West Sydney Industry Education Partnership Inc.</td>
<td>Manufacturing Youth Jobs</td>
<td>The project was to encourage school leavers to undertake New Apprenticeships in the manufacturing industry in South West Sydney through a promotion and marketing campaign designed to increase the appeal of careers in manufacturing.</td>
<td>Werriwa</td>
<td>08/05/2003</td>
<td>Approved</td>
<td>$62,205.00</td>
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<tr>
<td>Regional Assistance Programme</td>
<td>University of Western Sydney</td>
<td>Macarthur Rural Tourism</td>
<td>To increase visitation to the Macarthur Region through the identification of operators and development of marketing material to promote tourism.</td>
<td>Macarthur</td>
<td>08/05/2003</td>
<td>Approved</td>
<td>$35,420.00</td>
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<td>Program</td>
<td>Applicant</td>
<td>Project Title</td>
<td>Description</td>
<td>Electorate</td>
<td>Date of Decision</td>
<td>Minister’s Decision</td>
<td>Total Funding (GST inc)</td>
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<tr>
<td>2003-2004 Regional</td>
<td>Macarthur Youth Commitment Inc.</td>
<td>Macarthur Youth Employment Toolbox</td>
<td>Development of a “toolbox” by collating data on existing services and establishing a web-based information and referral service. The ‘Toolbox’ will contain a video, booklets promotional brochures and marketing strategy to existing services.</td>
<td>Macarthur</td>
<td>17/06/2004</td>
<td>Not Approved</td>
<td>$0</td>
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<tr>
<td>Partnerships</td>
<td>Macarthur Regional Organisation of Council</td>
<td>Macarthur Regional</td>
<td>This project will produce cooperative tourism marketing tools for Camden, Campbelltown and Wollondilly in an attempt to unite them and create a strong, influential and attractive Macarthur tourism region.</td>
<td>Macarthur</td>
<td>17/06/2004</td>
<td>Not Approved</td>
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<td>Regional Partnerships</td>
<td>The National Hydrogen Association of Australia</td>
<td>Smart House</td>
<td>To establish a reliable, energy efficient and environmentally friendly ‘Smart House’ to showcase the integration of water storage systems, hydrogen fuel cells and solar energy systems as a means to supply power and water to houses.</td>
<td>Macarthur</td>
<td>17/06/2004</td>
<td>Not Approved</td>
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<td>Pty. Ltd.</td>
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Commonwealth Property
(Question No. 2004)

Mr Bowen asked the Minister representing the Minister for Family and Community Services, in writing, on 10 August 2005:

(1) What is the name and address of each vacant property under the control of the department and each agency in the Minister’s portfolio (i.e. properties not actively used by the agency and not leased out).

(2) In respect of each vacant property, (a) why is it not being actively used and (b) what action plans are in place to have it actively used.

Mr Hockey—the Minister for Family and Community Services has provided the following answer to the honourable member’s question:

(1) The following vacant property is under the control of the Department of Family and Community Services:
   Level 13, 50 Queen St, Melbourne, VIC

(2) (a) The property is not being actively used because the FaCS program area was relocated to Canberra in July 2005.

(b) The intention is to sub-lease or assign the lease, which expires in May 2007, as soon as possible. FaCS’ property service providers have listed the property with two agents in Melbourne, who are actively pursuing possible tenants.

Shipping
(Question No. 2277)

Ms Bird asked the Minister for Transport and Regional Services, in writing, on 6 September 2005:

(1) Has his department received a copy of the report of the Independent Review of Australian Shipping, A Blueprint for Australian Shipping dated September 2003.

(2) Did the Government participate in the review; if so, which Government departments and agencies contributed to the review.

(3) What were the recommendations from the report.

(4) Which recommendations has the Government (a) agreed to in principle, (b) adopted, (c) adopted in part, and (d) rejected.

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

(1) Yes

(2) Yes. The report notes at Appendix 3 that the Minister for Transport and Regional Services and the following Government departments and agencies were interviewed during the review process: the Department of Transport and Regional Services; the Treasury; the Department of Finance and Administration; the Department of Employment Workplace Relations and Small Business; the Department of Immigration and Multicultural and Indigenous Affairs; the Australian Customs Service; the Seafarers Safety Rehabilitation and Compensation Authority; the Australian Maritime Safety Authority; and the Australian Maritime College.


(4) The Government did not respond formally to the privately commissioned report for the shipping industry. However, the conclusions have been discussed by ministers at the Australian Transport
Council and factored into the Australian Government’s consideration of policies on a range of shipping issues. The speech to the 2004 National Shipping Industry Conference by Senator The Hon Ian Campbell, representing the then Minister for Transport and Regional Services, the Hon John Anderson MP, touched on many of the issues raised in the report.

Media Module 2006-09
(Question No. 2351)

Mr Bowen asked the Minister representing the Minister for Defence, in writing, on 14 September 2005:

(1) Did the Minister’s department engage Media Gurus to deliver the Media Module 2006-2009 at a cost of $352,000; if so, what is the Media Module 2006-2009.

(2) What services are being provided under the terms of this contract.

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

(1) Yes. The Media Module is aimed at developing the Australian Command and Staff College course members’ media skills. The module covers the theory of media and includes practical exercises involving the course members in simulations that closely replicate the workplace in both peacetime and wartime environments. These skills are then utilised throughout the rest of the course, particularly in the Military Studies component of the course.

(2) The services provided as detailed in the Statement of Work of the contract are:

(a) The contractor shall deliver the Media Studies Module and ensure there is a degree of transportability into the other modules, in particular the Military Studies component;

(b) The contractor shall prepare Directing Staff as required for facilitation duties in respect of the Media Studies module;

(c) The contractor shall educate up to 180 course members (both Australian and overseas officers) during the delivery;

(d) The contractor shall have appropriate mechanisms in place during the life of the contract to ensure the quality of the product and services;

(e) The contractor shall supply all technical equipment, including an audio and a video recording (or equivalent) for each course member to record and review their performances;

(f) Media Gurus will provide the following personnel to ensure maximum consultant-course member interface:

• an onsite course director during the delivery of the media module;
• directing staff;
• technical supervisor;
• senior journalist consultants; and
• senior camera operators.

Commonwealth Property
(Question No. 2388)

Mr Bowen asked the Minister representing the Minister for Family and Community Services, in writing, on 15 September 2005:

(1) What properties, or lettable floor areas at partially occupied properties, owned by the Commonwealth and in the possession of the department and each agency in the Minister’s portfolio, are currently not utilised by the department or agency in question, and are not let out.
(2) For how long has each property, or part of a property, identified in part (1) been vacant and why has it been left vacant.

Mr Hockey—The Minister for Family and Community Services has provided the following answer to the honourable member’s question:

(1) and (2) No department or agency in my portfolio have any properties, or lettable floor areas in partially occupied properties, owned by the Commonwealth, that are currently not utilised by the department or agency in question. This includes the Department of Family and Community Services, the Social Security Appeals Tribunal, the Australian Institute of Family Studies and Aboriginal Hostels Limited.