INTERNET


Proof and Official Hansards for the House of Representatives, the Senate and committee hearings are available at http://www.aph.gov.au/hansard

For searching purposes use http://parlinfoweb.aph.gov.au

SITTING DAYS—2005

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>8, 9, 10, 14, 15, 16, 17</td>
</tr>
<tr>
<td>March</td>
<td>7, 8, 9, 10, 14, 15, 16, 17</td>
</tr>
<tr>
<td>May</td>
<td>10, 11, 12, 23, 24, 25, 26, 30, 31</td>
</tr>
<tr>
<td>June</td>
<td>1, 2, 14, 15, 16, 20, 21, 22, 23</td>
</tr>
<tr>
<td>August</td>
<td>9, 10, 11, 16, 17, 18</td>
</tr>
<tr>
<td>September</td>
<td>5, 6, 7, 8, 12, 13, 14, 15</td>
</tr>
<tr>
<td>October</td>
<td>10, 11, 12, 13, 31</td>
</tr>
<tr>
<td>November</td>
<td>1, 2, 3, 7, 8, 9, 10, 28, 29, 30</td>
</tr>
<tr>
<td>December</td>
<td>1, 5, 6, 7, 8</td>
</tr>
</tbody>
</table>

RADIO BROADCASTS

Broadcasts of proceedings of the Parliament can be heard on the following Parliamentary and News Network radio stations, in the areas identified.

- **CANBERRA** 103.9FM
- **SYDNEY** 630 AM
- **NEWCASTLE** 1458 AM
- **GOSFORD** 98.1 FM
- **BRISBANE** 936 AM
- **GOLD COAST** 95.7 FM
- **MELBOURNE** 1026 AM
- **ADELAIDE** 972 AM
- **PERTH** 585 AM
- **HOBART** 747 AM
- **NORTHERN TASMANIA** 92.5 FM
- **DARWIN** 102.5 FM
FORTY-FIRST PARLIAMENT  
FIRST SESSION—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

Printed by authority of the House of Representatives
# Members of the House of Representatives

<table>
<thead>
<tr>
<th>Member</th>
<th>Division</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott, Hon. Anthony John</td>
<td>Warringah, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Hon. Dick Godfrey Harry</td>
<td>Lyons, TAS</td>
<td>ALP</td>
</tr>
<tr>
<td>Albanese, Anthony Norman</td>
<td>Grayndler, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Anderson, Hon. John Duncan</td>
<td>Gwydir, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Andre, Peter James</td>
<td>Calare, NSW</td>
<td>Ind</td>
</tr>
<tr>
<td>Andrews, Hon. Kevin James</td>
<td>Menzies, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Bailey, Hon. Frances Esther</td>
<td>McEwen, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Baird, Hon. Bruce George</td>
<td>Cook, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Baker, Mark Horden</td>
<td>Braddon, TAS</td>
<td>LP</td>
</tr>
<tr>
<td>Baldwin, Robert Charles</td>
<td>Paterson, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Barresi, Phillip Anthony</td>
<td>Deakin, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Bartlett, Kerry Joseph</td>
<td>Macquarie, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Beazley, Hon. Kim Christian</td>
<td>Brand, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Bevis, Hon. Archibald Ronald</td>
<td>Brisbane, QLD</td>
<td>ALP</td>
</tr>
<tr>
<td>Billson, Hon. Bruce Fredrick</td>
<td>Dunkley, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Bird, Sharon</td>
<td>Cunningham, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Bishop, Hon. Bronwyn Kathleen</td>
<td>Mackellar, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Hon. Julie Isabel</td>
<td>Curtin, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Bowen, Christopher Eyles</td>
<td>Prospect, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Broadbent, Russell Evan</td>
<td>McMillan, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Brough, Hon. Malcolm Thomas</td>
<td>Longman, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Burke, Anna Elizabeth</td>
<td>Chisholm, VIC</td>
<td>ALP</td>
</tr>
<tr>
<td>Burke, Anthony Stephen</td>
<td>Watson, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Byrne, Anthony Michael</td>
<td>Holt, VIC</td>
<td>ALP</td>
</tr>
<tr>
<td>Cadman, Hon. Alan Glyndwr</td>
<td>Mitchell, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Causley, Hon. Ian Raymond</td>
<td>Page, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Ciobo, Steven Michele</td>
<td>Moncrieff, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Cobb, Hon. John Kenneth</td>
<td>Parkes, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Corcoran, Ann Kathleen</td>
<td>Isaacs, VIC</td>
<td>ALP</td>
</tr>
<tr>
<td>Costello, Hon. Peter Howard</td>
<td>Higgins, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Crean, Hon. Simon Findlay</td>
<td>Hotham, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Danby, Michael</td>
<td>Melbourne Ports, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Downer, Hon. Alexander John Gosse</td>
<td>Mayo, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Draper, Patricia</td>
<td>Makin, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Dutton, Hon. Peter Craig</td>
<td>Dickson, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Edwards, Hon. Graham John</td>
<td>Cowan, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Elliot, Maria Justine</td>
<td>Richmond, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Ellis, Annette Louise</td>
<td>Canberra, ACT</td>
<td>ALP</td>
</tr>
<tr>
<td>Ellis, Katherine Margaret</td>
<td>Adelaide, SA</td>
<td>ALP</td>
</tr>
<tr>
<td>Elson, Kay Selma</td>
<td>Forde, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Emerson, Craig Anthony</td>
<td>Rankin, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Entsch, Hon. Warren George</td>
<td>Leichhardt, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Farmer, Hon. Patrick Francis</td>
<td>Macarthur, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Fawcett, David Julian</td>
<td>Wakefield, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Ferguson, Laurence Donald Thomas</td>
<td>Reid, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Martin John, AM</td>
<td>Batman, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Michael Durrel</td>
<td>Bass, TAS</td>
<td>LP</td>
</tr>
</tbody>
</table>
### Members of the House of Representatives

<table>
<thead>
<tr>
<th>Member</th>
<th>Division</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fitzgibbon, Joel Andrew</td>
<td>Hunter, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Forrest, John Alexander</td>
<td>Mallee, VIC</td>
<td>Nats</td>
</tr>
<tr>
<td>Gambaro, Hon. Teresa</td>
<td>Petrie, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Garrett, Peter Robert, AM</td>
<td>Kingsford Smith, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Gash, Joanna</td>
<td>Gilmore, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Geoghegan, Steven</td>
<td>Hindmarsh, SA</td>
<td>ALP</td>
</tr>
<tr>
<td>George, Jennie</td>
<td>Throsby, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Georgiou, Petro</td>
<td>Kooyong, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Gibbons, Stephen William</td>
<td>Bendigo, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Gillard, Julia Eileen</td>
<td>Lalor, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Girdler, Sharon Joy</td>
<td>Newcastle, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Griffin, Alan Peter</td>
<td>Bruce, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Haase, Barry Wayne</td>
<td>Kalgoorlie, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Hall, Jill Griffiths</td>
<td>Shortland, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Hardgrave, Hon. Gary Douglas</td>
<td>Moreton, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Hatton, Michael John</td>
<td>Cowper, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Hawker, David Peter Maxwell</td>
<td>Wannon, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Hayes, Christopher Patrick</td>
<td>Werriva, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Henry, Stuart</td>
<td>Hasluck, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Hoare, Kelly Joy</td>
<td>Charlton, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Hockey, Hon. Joseph Benedict</td>
<td>North Sydney, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Howard, Hon. John Winston</td>
<td>Bennelong, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Hull, Kay Elizabeth</td>
<td>Riverina, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Hunt, Hon. Gregory Andrew</td>
<td>Flinders, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Irwin, Julia Claire</td>
<td>Fowler, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Jenkins, Harry Alfred</td>
<td>Scullin, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Jensen, Dennis Geoffrey</td>
<td>Tangney, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Johnson, Michael Andrew</td>
<td>Ryan, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Jull, Hon. David Francis</td>
<td>Fadden, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Katter, Hon. Robert Carl</td>
<td>Kennedy, Qld</td>
<td>Ind</td>
</tr>
<tr>
<td>Keenan, Michael Fayat</td>
<td>Stirling, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Kelly, Hon. De-Anne Margaret</td>
<td>Dawson, Qld</td>
<td>Nats</td>
</tr>
<tr>
<td>Kelly, Hon. Jacqueline Marie</td>
<td>Lindsay, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Kerr, Hon. Duncan James Colquhoun, SC</td>
<td>Denison, Tas</td>
<td>ALP</td>
</tr>
<tr>
<td>King, Catherine Fiona</td>
<td>Ballarat, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Laming, Andrew Charles</td>
<td>Bowman, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Lawrence, Hon. Carmen Mary</td>
<td>Fremantle, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Ley, Hon. Susan Penelope</td>
<td>Farrer, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Lindsay, Peter John</td>
<td>Herbert, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Livermore, Kirsten Fiona</td>
<td>Capricornia, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Lloyd, Hon. James Eric</td>
<td>Robertson, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Macfarlane, Hon. Ian Elgin</td>
<td>Groom, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Macklin, Jennifer Louise</td>
<td>Jagajaga, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Markus, Louise Elizabeth</td>
<td>Greenway, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>May, Margaret Ann</td>
<td>McPherson, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>McArthur, Fergus Stewart</td>
<td>Corangamite, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>McClelland, Robert Bruce</td>
<td>Barton, NSW</td>
<td>ALP</td>
</tr>
</tbody>
</table>

iii
<table>
<thead>
<tr>
<th>Member</th>
<th>Division</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>McGauran, Hon. Peter John</td>
<td>Gippsland, Vic</td>
<td>Nats</td>
</tr>
<tr>
<td>McBunn, Robert Francis</td>
<td>Fraser, ACT</td>
<td>ALP</td>
</tr>
<tr>
<td>Melham, Daryl</td>
<td>Banks, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Moylan, Hon. Judith Eleanor</td>
<td>Pearce, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Murphy, John Paul</td>
<td>Lowe, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Nairn, Hon. Gary Roy</td>
<td>Eden-Monaro, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Nelson, Hon. Brendan John</td>
<td>Bradfield, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Neville, Paul Christopher</td>
<td>Hinkler, Qld</td>
<td>Nats</td>
</tr>
<tr>
<td>O’Connor, Brendan Patrick John</td>
<td>Gorton, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>O’Connor, Gavan Michael</td>
<td>Corio, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Owens, Julie Ann</td>
<td>Parramatta, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Panopoulos, Sophie</td>
<td>Indi, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Pearce, Hon. Christopher John</td>
<td>Aston, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Plibersek, Tanya Joan</td>
<td>Sydney, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Price, Hon. Leo Roger Spurway</td>
<td>Chifley, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Prosser, Hon. Geoffrey Daniel</td>
<td>Forrest, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Pyne, Hon. Christopher Maurice</td>
<td>Sturt, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Quick, Harry Vernon</td>
<td>Franklin, Tas</td>
<td>ALP</td>
</tr>
<tr>
<td>Randall, Don James</td>
<td>Canning, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Richardson, Kym</td>
<td>Kingston, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Ripoll, Bernard Fernando</td>
<td>Oxley, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Rob, Andrew John</td>
<td>Goldstein, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Roxon, Nicola Louise</td>
<td>Gellibrand, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Rudd, Kevin Michael</td>
<td>Griffith, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Ruddock, Hon. Philip Maxwell</td>
<td>Berowra, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Sawford, Rodney Weston</td>
<td>Port Adelaide, SA</td>
<td>ALP</td>
</tr>
<tr>
<td>Schultz, Albert John</td>
<td>Hume, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Scott, Hon. Bruce Craig</td>
<td>Maranoa, Qld</td>
<td>Nats</td>
</tr>
<tr>
<td>Secker, Patrick Damien</td>
<td>Barker, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Sercombe, Robert Charles Grant</td>
<td>Maribyrnong, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Slipper, Hon. Peter Neil</td>
<td>Fisher, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Anthony David Hawthorn</td>
<td>Casey, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Stephen Francis</td>
<td>Perth, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Snowden, Hon. Warren Edward</td>
<td>Lingiari, NT</td>
<td>ALP</td>
</tr>
<tr>
<td>Somilay, Hon. Alexander Michael</td>
<td>Fairfax, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Southcott, Andrew John</td>
<td>Boothby, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Stone, Hon. Sharman Nancy</td>
<td>Murray, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Swan, Wayne Maxwell</td>
<td>Lilley, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Tanner, Lindsay James</td>
<td>Melbourne, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Thompson, Cameron Paul</td>
<td>Blair, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Thomson, Kelvin John</td>
<td>Wills, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Ticehurst, Kenneth Vincent</td>
<td>Dobell, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Tollner, David William</td>
<td>Solomon, NT</td>
<td>CLP</td>
</tr>
<tr>
<td>Truss, Hon. Warren Errol</td>
<td>Wide Bay, QLD</td>
<td>Nats</td>
</tr>
<tr>
<td>Tuckey, Hon. Charles Wilson</td>
<td>O’Connor, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Turnbull, Malcolm Bligh</td>
<td>Wentworth, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Vaile, Hon. Mark Anthony James</td>
<td>Lyne, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Vale, Hon. Danna Sue</td>
<td>Hughes, NSW</td>
<td>LP</td>
</tr>
</tbody>
</table>
### Members of the House of Representatives

<table>
<thead>
<tr>
<th>Member</th>
<th>Division</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vamvakinou, Maria</td>
<td>Calwell, VIC</td>
<td>ALP</td>
</tr>
<tr>
<td>Vasta, Ross Xavier</td>
<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

Prime Minister
Minister for Trade and Deputy Prime Minister
Treasurer
Minister for Transport and Regional Services
Minister for Defence and Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the House
Attorney-General
Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs
Minister for Education, Science and Training
Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service
Minister for Communications, Information Technology and the Arts
Minister for the Environment and Heritage

The Hon. John Winston Howard MP
The Hon. Mark Anthony James Vaile MP
The Hon. Peter Howard Costello MP
The Hon. Warren Errol Truss MP
Senator the Hon. Robert Murray Hill
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin
The Hon. Peter John McGauran MP
Senator the Hon. Amanda Eloise Vanstone
The Hon. Dr Brendan John Nelson MP
Senator the Hon. Kay Christine Lesley Patterson
The Hon. Ian Elgin Macfarlane MP
The Hon. Kevin James Andrews MP
Senator the Hon. Helen Lloyd Coonan
Senator the Hon. Ian Gordon Campbell

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

Minister for Justice and Customs and Manager of Government Business in the Senate
Senator the Hon. Christopher Martin Ellison

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

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

Minister for Human Services
The Hon. Joseph Benedict Hockey MP

Minister for Citizenship and Multicultural Affairs
The Hon. John Kenneth Cobb MP

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

Minister for Vocational and Technical Education
and Minister Assisting the Prime Minister
The Hon. Eric Abetz

Minister for Ageing
The Hon. Gary Douglas Hardgrave MP

Minister for Small Business and Tourism
The Hon. Julie Isabel Bishop MP

Minister for Local Government, Territories and Roads
The Hon. Frances Esther Bailey MP

Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
The Hon. James Eric Lloyd MP

Minister for Workforce Participation
The Hon. De-Anne Margaret Kelly MP

Parliamentary Secretary to the Minister for Finance and Administration
The Hon. Peter Craig Dutton MP

Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Dr Sharman Nancy Stone MP

Parliamentary Secretary to the Minister for Health and Ageing
The Hon. Warren George Entsch MP

Parliamentary Secretary to the Minister for Defence
The Hon. Christopher Maurice Pyne MP

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

Parliamentary Secretary (Trade)
Senator the Hon. John Alexander Lindsay Macdonald

Parliamentary Secretary (Foreign Affairs) and Parliamentary Secretary to the Minister for Immigration and Multicultural and Indigenous Affairs
The Hon. Bruce Fredrick Billson MP

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

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

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

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

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

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
Senator the Hon. Richard Mansell Colbeck
SHADOW MINISTRY

Leader of the Opposition
The Hon. Kim Christian Beazley MP

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

Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services
Senator Christopher Vaughan Evans

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

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

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow Attorney-General
Nicola Louise Roxon MP

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

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

Shadow Minister for Defence
Robert Bruce McClelland MP

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

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

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

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

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

Shadow Minister for Finance
Lindsay James Tanner MP

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

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

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

(The above are shadow cabinet ministers)
<table>
<thead>
<tr>
<th>Shadow Ministry Role</th>
<th>MP Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shadow Minister for Consumer Affairs and</td>
<td>Laurie Donald Thomas Ferguson MP</td>
</tr>
<tr>
<td>Shadow Minister for Population Health and</td>
<td></td>
</tr>
<tr>
<td>Health Regulation</td>
<td></td>
</tr>
<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</td>
<td>Joel Andrew Fitzgibbon MP</td>
</tr>
<tr>
<td>Revenue and Shadow Minister for Small Business and Competition</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Transport</td>
<td>Senator Kerry Williams Kelso O'Brien</td>
</tr>
<tr>
<td>Shadow Minister for Sport and Recreation</td>
<td>Senator Kate Alexandra Lundy</td>
</tr>
<tr>
<td>Shadow Minister for Homeland Security and</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
</tr>
<tr>
<td>Shadow Minister for Aviation and Transport Security</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Veterans’ Affairs and Shadow Special Minister of State</td>
<td>Alan Peter Griffin MP</td>
</tr>
<tr>
<td>Shadow Minister for Defence Industry, Procurement and Personnel</td>
<td>Senator Thomas Mark Bishop</td>
</tr>
<tr>
<td>Shadow Minister for Immigration</td>
<td>Anthony Stephen Burke MP</td>
</tr>
<tr>
<td>Shadow Minister for Aged Care, Disabilities and Carers</td>
<td>Senator Jan Elizabeth McLucas</td>
</tr>
<tr>
<td>Shadow Minister for Justice and Customs and</td>
<td>Senator Joseph William Ludwig</td>
</tr>
<tr>
<td>Manager of Opposition Business in the Senate</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Overseas Aid and Pacific Island Affairs</td>
<td>Robert Charles Grant Sercombe MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Reconciliation and the Arts</td>
<td>Peter Robert Garrett MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Paul Murphy MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence and Veterans’ Affairs</td>
<td>The Hon. Graham John Edwards MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Education</td>
<td>Kirsten Fiona Livermore MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment and Heritage</td>
<td>Jennie George MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Industry, Infrastructure and Industrial Relations</td>
<td>Bernard Fernando Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Ann Kathleen Corcoran MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Treasury</td>
<td>Catherine Fiona King MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Science and Water</td>
<td>Senator Ursula Mary Stephens</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs</td>
<td>The Hon. Warren Edward Snowdon MP</td>
</tr>
</tbody>
</table>

ix
CONTENTS

TUESDAY, 29 NOVEMBER

CHAMBER

Questions Without Notice—

Mr Robert Gerard ............................................................................................................... 1
Trade ........................................................................................................................................ 2
Mr Robert Gerard ............................................................................................................... 3
Workplace Relations .......................................................................................................... 3
Mr Robert Gerard ............................................................................................................... 4
Workplace Relations .......................................................................................................... 5
Mr Robert Gerard ............................................................................................................... 6
Australia-United States Ministerial Consultations ............................................................... 6
Mr Robert Gerard ............................................................................................................... 9
Resources ............................................................................................................................ 9
Mr Robert Gerard ............................................................................................................... 10
Workplace Relations ........................................................................................................... 10
Mr Robert Gerard ............................................................................................................... 11
Avian Influenza ................................................................................................................... 12
Mr Robert Gerard ............................................................................................................... 12
Bulk-Billing ........................................................................................................................ 13
Mr Robert Gerard ............................................................................................................... 13
Zimbabwe ............................................................................................................................ 14
Mr Robert Gerard ............................................................................................................... 15
Treasurer .............................................................................................................................. 16

Department of Parliamentary Services—

Annual Report .................................................................................................................... 23
Auditor-General’s Reports—

Reports Nos 15 to 17 of 2005-06 ....................................................................................... 23
Documents .......................................................................................................................... 24
Matters of Public Importance—

Climate Change .................................................................................................................. 24

Committees—

Foreign Affairs, Defence and Trade Committee—Membership .................................... 40
Selection Committee—Report .......................................................................................... 40

Referred to Main Committee ............................................................................................ 43

Business .............................................................................................................................. 43
Anti-Terrorism Bill (No. 2) 2005—

Second Reading ............................................................................................................... 43

Climate Change .................................................................................................................. 78
Anti-Terrorism Bill (No. 2) 2005—

Second Reading ............................................................................................................... 78
Consideration in Detail ..................................................................................................... 90
Third Reading .................................................................................................................... 107

Notices ............................................................................................................................... 107

QUESTIONS IN WRITING

Opinion Polls—(Question No. 1080) ............................................................................... 109
Consultancy Services—(Question No. 1089) ................................................................ 115
CONTENTS—continued

National Security—(Question No. 2190) ................................................................. 116
Consultancy Services—(Question No. 2214) .......................................................... 116
Offshore Agents—(Question No. 2229) ................................................................. 117
Mr Irfan Yusuf—(Question No. 2279) ................................................................. 118
Medicare Safety Net Threshold—(Question No. 2321) ....................................... 120
Northern Tasmanian Australian Technical College—(Question No. 2345) .... 121
Perth South Australian Technical College—(Question No. 2346) .................... 121
Commonwealth Property—(Question No. 2385) .............................................. 122
Sea Bottom Trawling—(Question No. 2406) ...................................................... 122
Commonwealth Scientific and Industrial Research Organisation—(Question No. 2408) 123
Corporate Planning Advice—(Question No. 2417) .......................................... 127
Australian National Training Authority—(Question No. 2418) .................... 127
Consultancy Services—(Question No. 2419) ..................................................... 128
Consultancy Services—(Question No. 2427) ..................................................... 128
Avian Influenza—(Question No. 2428) ............................................................... 132
Australian Quarantine and Inspection Service—(Question No. 2466) .......... 133
Taxation—(Question No. 2467) .................................................................... 133
Legal Services—(Question No. 2544) ............................................................... 134
Consultancy Services—(Question No. 2566) .................................................... 134
Consultancy Services—(Question No. 2567) .................................................... 135
The SPEAKER (Hon. David Hawker) took the chair at 2 pm and read prayers.

QUESTIONS WITHOUT NOTICE

Mr Robert Gerard

Mr SWAN (2.00 pm)—My question is to the Treasurer and relates to Mr Gerard's appointment to the Reserve Bank board. Did the Treasurer say to Mr Gerard:

I know there’s an issue with the Tax Office but I don’t have a problem with you on the board.

Mr COSTELLO—I have no problem with Mr Gerard as a member of the Reserve Bank board. I think he brings a great understanding of the Australian manufacturing industry to the board. But, seeing as this question today was totally anticipated, let me answer the question in some detail. Any person who is considered for an appointment to any Commonwealth government body is required to sign a declaration of interest which states that they have no private interests, including those of a taxation nature, that would conflict with their responsibilities or cause embarrassment to the government. That I think was the declaration of interest which was signed by all appointees under the Labor government, and indeed was signed by Mr Gerard.

In addition to that, Mr Gerard forwarded to the government a letter from the Commissioner of Taxation dated 3 March 2003, which reads as follows—and I will table this:

As requested, I am writing to confirm my previous advice that there are no current disputes with the Tax Office in respect of your personal affairs. So not only did the taxpayer sign that declaration and warrant, but indeed the Commissioner of Taxation. Tax matters are matters between taxpayers and the commissioner. I have read today’s Financial Review.

Mr COSTELLO—I thought the honourable members opposite would be interested in the facts.

Mr Beazley interjecting—

Mr COSTELLO—When the Leader of the Opposition ceases interjecting, I will go on with the facts.

The SPEAKER—Order!

Mr Beazley—Mr Speaker, I raise a point of order on relevance. I know he is talking about this in generality, but a particular quote was put to him. It is a quote that Mr Gerard said passed from the Treasurer to himself at the time of his appointment in which he said:

I know there’s an issue—that is, the Treasurer said— with the Tax Office but I don’t have a problem with you on the board.

We asked if such a statement was made. Did he say that?

The SPEAKER—The Leader will resume his seat. The Treasurer is answering the question. I call the Treasurer.

Mr COSTELLO—Because I know the members of the opposition will be interested: I would be very surprised if there were not other companies who have directors on the board of the Reserve Bank whose companies have not been in dispute with the Australian Taxation Office at one time or another. They are entitled to contest their rights in court. Any company is entitled to do that. As I read
the Australian Financial Review—and I cannot vouch for the accuracy of that—the allegation that is made in relation to Gerard Industries is that it settled all of its affairs with the Australian Taxation Office in their entirety, including primary tax, interest—

Mr Beazley—Mr Speaker, I take a point of order. It goes to relevance and the specific character of the question. Did the Treasurer say to Mr Gerard that he knew Mr Gerard had a problem with the tax office but that this did not pose a problem for the Treasurer?

The SPEAKER—The leader will resume his seat. Has the leader completed his answer—sorry, the Treasurer?

Opposition members—Ha, ha!

Mr Costello—Yes, Mr Speaker.

Trade

Mr NEVILLE (2.07 pm)—My question is addressed to the Deputy Prime Minister and Minister for Trade. Would the Deputy Prime Minister update the House on how the federal government is listening to Australia’s exporters and working with them? Would he outline to the House how this has improved their ability to compete in international markets?

Mr VAILE—I thank the honourable member for Hinkler for his question and recognise the great job he does representing those two great provincial cities of Bundaberg and Gladstone in Queensland. There is, of course, a great food bowl of exports coming out of that part of Australia—and manufactured exports as well.

Mr Tanner—What is happening to manufactures?

Mr VAILE—Just listen and you will hear about some. I happened to be in the electorate of Hinkler only the week before last and whilst I was there we visited a company called AusChilli, which has been exporting for about the last seven years. AusChilli is a company that manufactures processed food products. It produces 30 pureed food products and exports them to 14 countries in Asia, the Middle East and Europe. Manufacturing companies like AusChilli have been helped particularly by the government’s strong economic management over the last nine or so years in creating an environment and a solid platform for them to compete in the international marketplace, as well as by a number of programs through which the government provides assistance in the marketing of their products overseas.

The government recognise that we cannot just stop here. We have to continue to help improve the economic environment in Australia and we are doing that through our workplace reforms program that we are putting forward at the moment. That is the next step. A single national workplace relations system will maintain our strong economy and provide the support Australian exporters and their employees deserve. The new legislation continues to protect workers. All agreements will have to comply with the Australian fair pay and conditions standard, which will include the 38-hour week, annual leave, personal and carers leave and parental leave. The new system will protect award conditions such as public holidays and penalty rates where new agreements are negotiated. These award conditions can only be removed if an employee specifically agrees to change them in an agreement.

Coming back to AusChilli in the member for Hinkler’s electorate, AusChilli now has 35 full-time employees in their factory, all employed on AWAs. I will leave the last word on this issue to the owner and the founder of the business, David Depoli, who said last week: Australia needs to adopt new ways of doing business at home and overseas. New industrial relations laws will give companies more flexibility to
meet customers’ requirements by employers and employees working together for a win-win situation. Sustainable success is by team effort.

We will continue to work with and listen to the job creators in Australia while the Labor Party continue to work for the job destroyers in Australia.

Mr Robert Gerard

Mr SWAN (2.10 pm)—My question is to the Treasurer. Did the Treasurer say to Mr Gerard, as Mr Gerard says:

I know there’s an issue with the Tax Office but I don’t have a problem with you on the board.

Mr COSTELLO—I have already answered this question. What I said to Mr Gerard was that he would have to give an undertaking as to his tax affairs. Mr Gerard said that he was able to give that undertaking and in fact did give that undertaking.

Mr Beazley interjecting—

The SPEAKER—The Leader of the Opposition on a point of order?

Mr Beazley—Relevance, Mr Speaker. I cannot think of a more explicit question that could be asked in this place.

The SPEAKER—The Leader of the Opposition will resume his seat. The Treasurer has only just begun his answer. I call the Treasurer.

Mr COSTELLO—Mr Gerard not only said that he would be giving the undertaking—he did one better than that: he sent a letter from the tax commissioner, which I have just tabled in the parliament, saying that the tax commissioner had no dispute with him. From that point of view, the government had both an undertaking from the taxpayer and a statement from the commissioner which indicated that there was no dispute in relation to his tax affairs and the matter went to cabinet in the ordinary way.

Workplace Relations

Mr KEENAN (2.12 pm)—My question is addressed to the Treasurer. Would the Treasurer outline to the House the results of the November Sensis survey of small and medium business? What does this survey indicate about the government’s workplace relations reforms?

Mr COSTELLO—I thank the honourable member for his question. The Sensis Business Index for November 2005 was released today indicating that business confidence amongst small and medium enterprises remains broadly unchanged after a strong result in the previous quarter. Small to medium sized enterprises are upbeat about their trading conditions over the next year, and their overall perception of the current state of the economy improved. On nearly all of the indicators, except for capital expenditure, expectations were stronger. Sales growth and employment growth, in particular, showed solid improvement.

The Sensis business survey did ask questions about industrial relations. It found that a majority of businesses believed that the changes would have no impact. But, of those that did believe that the changes would have an impact, it was two to one in favour of the industrial relations changes which are proposed by this government. So in relation to small business there was a two to one support for the government’s industrial relations changes; although, as I said earlier, many businesses anticipated no change. If you have over a million small businesses in Australia, the fact that by a majority of two to one they believe industrial relations changes will help their business actually gives a very substantial impact in relation to employment, profitability and trading conditions.

Mr Tanner—How many more jobs?

The SPEAKER—Order! The member for Melbourne!
Mr COSTELLO—The Australian Labor Party, I know, have never pretended to be a small business party or to support small business, but they may pay heed to the fact that one million small businesses in Australia, two to one, believe that industrial relations changes are necessary in this country. They may have the fortitude to stand behind those changes, because they will be good for Australia. The Australian Labor Party ought to get behind reform and do what is right for the Australian economy.

Mr Robert Gerard

Mr SWAN (2.15 pm)—My question is to the Treasurer. Given that the Treasurer has not denied that he said to Mr Gerard, ‘I know there’s an issue with the tax office but I don’t have a problem with you on the board,’ did the issue at the tax office which you were aware of involve your understanding that Mr Gerard’s company was using tax havens as tax avoidance schemes to the value of $150 million?

The SPEAKER—Order! Before I call the Treasurer, I remind the member for Lilley that the use of the word ‘you’ is to be discouraged.

Mr COSTELLO—Of course, the member for Lilley tries to make an insinuation which is false in the first part of his question. I have said precisely what the nature of my discussion with Mr Gerard was. I expect that Mr Gerard himself, knowing his tax affairs, will most probably make a statement about what the Australian Financial Review says, but can I indicate that, from the government’s point of view, both the taxpayer and the commissioner—and the commissioner is a person of a certain weight in this—said that there was no dispute. I also indicate that the Australian Financial Review says that all matters have been settled, and not only primary tax but interest and penalties have been paid. Also, in my experience, where a case is settled, it is usually settled without admissions, and no admissions necessarily follow from that settlement. Having mentioned all of those matters, can I say why I believe that Mr Gerard is eminently suitable to be a member of the Reserve Bank board. As Chairman and Managing Director of Gerard Industries Pty Ltd, his company has employed 3,300 people.

Mr Beazley—Mr Speaker, I raise a point of order on relevance. He can arrange his own Dorothy Dixers for these things, but the Treasurer has been asked an explicit question about whether or not he is aware of the uses of that tax haven to the tune of $150 million, and whether that was the issue—

The SPEAKER—The Leader of the Opposition will resume his seat. The Treasurer is answering the question.

Mr Beazley—Mr Speaker, I raise a point of order on relevance. He can arrange his own Dorothy Dixers for these things, but the Treasurer has been asked an explicit question about whether or not he is aware of the uses of that tax haven to the tune of $150 million, and whether that was the issue—

Mr COSTELLO—And these of course are questions that go to whether or not Mr Gerard should be a member of the Reserve Bank board.

Mr Swan interjecting—

Mr Beazley—No, they don’t.

Mr COSTELLO—Oh, they don’t?

An opposition member—No, they don’t.

Mr COSTELLO—Okay, so we now have three questions which are irrelevant to whether or not Mr Gerard should be a member of the Reserve Bank board. We now know that the opposition—you may not have intended to say it—supports Mr Gerard being on the board. If that is the case, what is the point of the questions? We all agree—there is bipartisan agreement—that he is a fit and proper person to be on the board. It is quite bipartisan: both sides of the parliament agree now, by admission from the Leader of the Opposition, that he is a fit and proper person to be on the board.
Mr Crean interjecting—

The SPEAKER—Order! I warn the member for Hotham!

Mr COSTELLO—And why? Let me tell you: because his company employed 3,300 people in Australia—

Mr Beazley—Mr Speaker, I raise a point of order. This is pathetic. It is a question here—

The SPEAKER—The Leader of the Opposition will come to his point of order.

Mr Beazley—A very explicit question was asked of him—

The SPEAKER—The Leader of the Opposition will come to his point of order.

Mr Beazley—about whether he knew about the $150 million in the tax haven—an explicit question that requires no elaboration. All we ask of this Treasurer—

The SPEAKER—The Leader of the Opposition will resume his seat. The Treasurer is answering the question.

Mr COSTELLO—I repeat again: there is bipartisan agreement that Mr Gerard is a fit and proper person to be on the Reserve Bank Board, as the Leader of the Opposition said. He is a major employer, a major manufacturer, South Australian of the Year—

Mr Beazley—Mr Speaker, I raise a point of order. There are standing orders in this place, and they are very clear—that is, answers must be relevant to the question. We want to know from this fellow whether he was aware, explicitly, when he took this recommendation to the cabinet, that the issue was—

The SPEAKER—The Leader of the Opposition will resume his seat. I call the Treasurer, and I ask the Treasurer to come back to the question.

Mr COSTELLO—He is South Australian of the Year, the sponsor of the Clipsal 500 in South Australia and an officer in the general division of the Order of Australia, with the Commissioner of Taxation saying that his affairs were not in dispute with the tax office. I would have thought that that is the reason why there is bipartisan agreement in this parliament that he is fit and proper to be on the Reserve Bank Board.

Workplace Relations

Mrs DRAPER (2.20 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister update the House on how Australian families have benefited from a more flexible workplace relations system, and are there any alternative views?

Mr ANDREWS—I thank the honourable member for Makin for her question. Last Thursday I was able to present the 2005 Work and Family Awards in Sydney. The winner of the Small Business Employer of the Year award was Austral Tree and Stump Services of Adelaide, which I understand operate in the electorate of the honourable member for Makin. I congratulate Austral on their work practices, which enabled them to win this award.

The employees of Austral Tree and Stump Services are covered by Australian workplace agreements which contain a number of family-friendly provisions. These provisions include flexible start and finish times, flexible working days, paid time off during school holidays for employees with children, employee-nominated hours of work and employees banking additional hours worked for paid or unpaid leave.

All of these flexible arrangements and conditions are things which would not have been possible under an award. Indeed, one of the employees of Austral at the awards ceremony last Thursday night told of how he was able to work on a fortnightly basis, working five days one week and two days the next.
These family-friendly provisions enabled him to have custody of his children at a time when he was separated from his wife. He went on to say that, because of the flexibility offered by this Australian workplace agreement, he was able to reconcile with his wife.

In part of his speech at the awards, he said this about a family-friendly workplace in action:

My story is testimony to the benefits of having a workplace agreement. The freedom to negotiate flexible hours has given me the opportunity to build a closer relationship with my kids.

That is the testimony of a man who is working under a family-friendly Australian workplace agreement.

Ms King interjecting—

The SPEAKER—Order! The member for Ballarat!

Mr ANDREWS—This not only shows what can be achieved by employers and employees working together under individual Australian workplace agreements but puts the lie to the claim of the Leader of the Opposition that somehow these changes will lead to an increase in separation and divorce in Australia. Here is a case where a man and a woman have been able to reconcile and get back together because of the flexibility offered in an Australian workplace agreement.

Mr Robert Gerard

Mr SWAN (2.24 pm)—My question is directed to the Treasurer. When did the Treasurer become aware of the tax issue involving Mr Gerard’s corporation that led to the tax office findings against Mr Gerard, including his deliberate evasion of tax or flagrant disregard of tax law, his misbehaviour towards auditors and the penalties imposed as a result of this behaviour?

Mr COSTELLO—I am not aware of any such thing. The Australian Financial Review purports to report on a tax investigation which would never be given to a Treasurer or any other member of parliament and which, as I understand it, would be confidential to the commissioner and the taxpayer. To ask whether I would be aware of a tax investigation into an individual’s affairs is basically to ask whether I would breach the secrecy act and demand documents or investigations with regard to particular taxpayers. I would no more demand them in relation to Mr Gerard than I would demand them in relation to the member for Lilley.

Imagine if tax investigations or taxpayers’ affairs were given to politicians, Mr Speaker! Can you imagine the proper political outcry that there would be? I am very surprised that the question has actually been asked. Even if the report were true, to suggest that a politician would get their hands on the tax investigation into a taxpayer when there are secrecy provisions in relation to the Australian Taxation Office is a very dangerous precedent and certainly one which this side of politics would not endorse.

Australia-United States Ministerial Consultations

Mr LINDSAY (2.26 pm)—My question is addressed to the Minister for Foreign Affairs. Would the minister update the House on the outcome of the recent AUSMIN discussions in Adelaide? Minister, what does
that say about the strength of the Australia-United Nations alliance? Minister, are there any alternative positions?

Mr DOWNER—Firstly, I thank the honourable member for Herbert for his question. I think all members of the House would agree that he is a great representative of his electorate and of the Defence Force personnel in his electorate. Since the House last met, Senator Hill, the defence minister, and I met with our American counterparts—the Secretary of Defense, Donald Rumsfeld, and the Deputy Secretary of State, Bob Zoellick—for the 20th annual AUSMIN consultations. I am proud to say, and some honourable members will agree with me, that these were held in Adelaide. These were the first AUSMIN consultations ever held in Adelaide but, Prime Minister, not necessarily the last.

Mr Howard—No, that is right.

Mr DOWNER—This was an important opportunity for Australia and the United States to not just share our perspectives but ensure we work together on key issues.

Mr Kelvin Thomson—Mr Speaker, I rise on a point of order. I refer to standing order 104. The minister was asked about the Australia-United Nations alliance, and I ask you to bring him to that question.

The SPEAKER—The Minister for Foreign Affairs.

Mr DOWNER—Thanks, Mr Speaker. A genius there! The talks covered security issues of common concern, including Iraq and Afghanistan.

Mr McMullan—Mr Speaker, I rise on a point of order. The relevant standing order does not allow the minister to answer the question he wrote, only to answer the question he was asked.

The SPEAKER—The member will resume his seat and I will rule on the point of order. The member has asked me to rule on a point of order.

Mr McMullan—Mr Speaker, further on the point of order: it is quite clear that the minister is replying to his prepared doro-thy dixer, not to the question that was actually asked.

The SPEAKER—That is not a point of order and the member for Fraser is well aware of that. The minister does not yet have the call.

Mr Vasta—Mr Speaker, I rise on a point of order. The minister was asked a question relating to recent AUSMIN discussions in Adelaide.

The SPEAKER—The member for Bass does not have to raise that point of order. The chair is well aware of the question. The member for Herbert on another point of order.

Mr Lindsay—It is a point of clarification, not a point of order, Mr Speaker.

The SPEAKER—There is no point of clarification.

Ms Hoare—Further to the point of order on relevance, Mr Speaker, I think that if you viewed the Hansard you would find that the question asked referred to the Australia-UN alliance. The minister is obviously referring to the Australia-US alliance.

The SPEAKER—The member for Charlton raises a point. As I heard it, the member did originally say that and then corrected his
question. I call the Minister for Foreign Affairs.

Mr Downer—They obviously do not want to hear about the Australia-US alliance, and I think we know why. Practical steps at this meeting were agreed on, very importantly, intensifying and coordinating our efforts on counter-terrorism in this part of the world, in South-East Asia; on continuing to work closely on the proliferation security initiative; on increasing our information sharing of military and counter-terrorism operations; and on strengthening our defence relationship, including through a program of US strategic bomber training in Australia and the development of a joint combined training centre. These talks simply highlighted the very great strength of the alliance and the importance of it, not just for Australia’s security but for the broader security of the western Pacific region. The fact is that the alliance has never been stronger than it is today.

The honourable member asked whether there are any alternatives. Indeed there are. There is the Australian Labor Party. The Australian National University-led Australian candidates study I think provides a very clear insight into the views of the Labor Party on the US alliance. It conducted a confidential survey of 533 candidates that stood at last year’s election and aggregated the results by party affiliation.

Mr Albanese—Mr Speaker, I rise on a point of order under standing order 104. Even under the question that the member for Herbert did not ask, this is not relevant.

The Speaker—I note the comments of the member for Grayndler but I am sure that the minister is concluding his answer.

Mr Downer—I was asked whether there are any alternative positions, and there are. There is the position of the Australian Labor Party.

Opposition members interjecting—
Mr DOWNER—Yes, Mr Speaker. You will be pleased to hear that the conclusion of this question is that the alliance with the United States is never going to be secure under the Labor Party, which does not support it.

Mr Robert Gerard

Mr SWAN (2.35 pm)—My question is to the Treasurer. I refer the Treasurer to the declaration of interest by Mr Gerard that he tabled today that only referred to his personal tax affairs. Treasurer, what about his business tax affairs? When did the Treasurer know about the ATO findings against Mr Gerard involving deliberate tax evasion? When did you know, Treasurer, or are you expecting us to believe it was yesterday?

The SPEAKER—Member for Lilley, that last part was a reflection on an individual. The rest of the question is in order, but the last part should be addressed on the Notice Paper. I call the Treasurer. The Treasurer is not required to answer the last part of that question.

Mr COSTELLO—I have already answered that question by saying that tax investigations are not given to members of the government. I read in the Financial Review that it purports to have such an investigation, but it certainly is not an investigation which has been given to the government and certainly not one which has been given to me. In fact, I may read out an answer on a very similar question:

The secrecy provisions of Australian income tax law prevent the Commissioner of Taxation and his officers from disclosing the income tax affairs of an individual taxpayer without the express authority to do so.

The answer goes on:

I am therefore unable to answer this part of the honourable member’s question.

That was an answer given by PJ Keating on 5 April 1989 to a question about the tax affairs of Sir Peter Abeles, a Labor appointee to the Reserve Bank board. I table that answer.

Resources

Mr HAASE (2.37 pm)—My question is addressed to the Minister for Industry, Tourism and Resources. Would the minister advise the House of the contribution that Australia’s resources sector is making to the nation’s economic wellbeing? Is the minister aware of any threats to the future competitiveness of this sector?

Mr IAN MACFARLANE—I thank the member for Kalgoorlie for his question and also for his untiring efforts for the resource sector in Australia, which continues to go from strength to strength. The figures speak for themselves. In 2004-05, resource exports were worth $67.4 billion. In 2005-06, exports are expected to grow to a massive $87 billion. As well as that, there are some 241 major resource projects currently under way in Australia, of which a record 84 are well advanced. These projects are worth some $29 billion combined.

Mr Tanner—Tell us about manufacturing exports. How are they going?

The SPEAKER—The member for Melbourne!

Mr IAN MACFARLANE—These outstanding results in the resources sector are no accident. They come through the resources sector building its competitive advantage through an impressive mix of investment, innovation and, of course, industrial relations improvements.

Mr Tanner—What about exploration?

The SPEAKER—The member for Melbourne is warned!

Mr IAN MACFARLANE—In fact, as at 30 June 2005, some 33,000 Australian workplace agreements were operating in the mining sector. That is, about 60 per cent of all
mining employees are now covered by federal agreements—and, by anyone’s measurement, that is a very impressive result.

Could I quote some people who are involved very closely in the resources sector in Australia. Firstly, Tim Shanahan, Chief Executive of the Western Australian Chamber of Minerals and Energy, says that ‘Australian workplace agreements have sustained the dramatic increases in productivity across the Western Australian resources sector’—I think you would be interested in that, Leader of the Opposition. The BHP Billiton Iron Ore president, Graeme Hunt, says that direct employee-employer relationships have produced high pay, more flexible employment practices, higher productivity, performance linked pay and fewer industrial relations disputes. Mr Hunt says:

The track record is very clear. We really can’t afford to step backwards ...

This government is committed to taking the industry forward with modern IR reforms, which deliver greater flexibility, productivity and jobs. Obviously those who sit opposite do not believe me, so let me quote what Rio Tinto’s Charlie Lenegan said of the system. He said that it will ‘deliver on substantial areas where we can improve our business’.

All this good news is a far cry from the doom and gloom that have been projected perhaps by the member for Hunter. The reality is that Labor’s proposal to roll back IR is a backwards step and a clear threat to the resources industry and the future competitiveness of Australia’s industry.

**Mr Robert Gerard**

**Mr SWAN** (2.42 pm)—My question is to the Treasurer. Is the Treasurer really saying that he or his office had no knowledge until today of the ATO audit into Mr Gerard’s business or of public court proceedings arising from those proceedings?

**Mr COSTELLO**—I have already answered this question on two occasions. Could I indicate that, as is always the case in relation to Commonwealth government appointments, a statement is sought from a taxpayer. Unusually, in this case, the taxpayer also provided a letter from the commissioner. The taxpayer and the commissioner seem to have no dispute between them. I do not believe that it is the role of an MP to call for tax returns, and no Treasurer has done it.

I have already indicated that this was the procedure adopted by the Australian Labor Party and by Mr PJ Keating and that these declarations were the practice of the Australian Labor Party. The secrecy provisions of the tax act have been in place for a long time. The answer that was given to Mr PJ Keating in relation to tax affairs was precisely the same. I would say to the member for Lilley that I would move his suspension and censure quickly because he is running out of steam.

**Mr Swan interjecting**—

**The SPEAKER**—The member for Lilley did not have the call.

**Workplace Relations**

**Mr TUCKEY** (2.43 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister update the House on the state of workplace relations in Western Australia?

**Mr ANDREWS**—I thank the member for O’Connor for his question and his interest in workplace relations, both in Western Australia and generally throughout this nation. Since 1996, Australia has enjoyed the lowest levels of industrial disputation since records were first kept—and that goes back to 1913.

The member for O’Connor asked me about workplace relations in the state of Western Australia. We see there a clear indication of what happens when a weak Labor
government rolls back industrial relations changes. Since the Gallop government came to power in Western Australia in 2001, we see that Western Australia is the strike capital of Australia. Working days lost due to industrial disputes in Western Australia have more than doubled since the Gallop government came to office. In 2001 the rate of disputes was 32 working days lost per 1,000 employees. In 2004 that had risen to 76.9 working days lost per 1,000 employees. In the building and construction industry in Western Australia, the record is far worse.

We have also seen the return of ‘no ticket, no start’ on Western Australian building sites. We have seen major projects plagued by industrial action, such as the Perth-Mandurah railway project, so much so that the new Australian Building and Construction Commissioner has intervened in those proceedings because the Gallop government in Western Australia simply will not take action in aid of this major infrastructure project. It is no wonder, because we have reports that the union heavies, such as Kevin Reynolds from the CFMEU, have been threatening the preselection of Labor Party candidates and MPs if they do not support a roll-back of the system in Western Australia.

Look what employees have done in Western Australia since the Gallop government came to office. Over 120,000 employees in Western Australia have fled the state industrial system to move on to the federal industrial system and take up and make use of Australian workplace agreements—more than any other state in Australia. In contrast, in the first two years following the Gallop government’s Labour Relations Reform Act, only 547 state enterprise bargaining agreements were registered with the Industrial Relations Commission in that state. Over 120,000 employees fled the state industrial relations system in Western Australia to come into the federal industrial relations system.

Here is an example of the actual numbers involved. In the Leader of the Opposition’s electorate of Brand, there are more than 13,000 Australian workplace agreements. In the member for Perth’s electorate, there are over 7,000 people with Australian workplace agreements. Twenty thousand employees in those two electorates alone in Western Australia see the advantages and the flexibility offered by Australian workplace agreements. Of course, the great benefit of that is that they get paid more. If you look at the average payment for workers on Australian workplace agreements, they are $444 per week better off than people on awards and $103 per week better off on average than those who are on collective agreements.

The Leader of the Opposition says that he is going to rip up something like a $5,000 per year wage differential in the advantage of those employees in his electorate of Brand in Western Australia. This is not a rip-up; it is a rip-off, if it were ever to be enacted.

Mr Robert Gerard

Mr SWAN (2.48 pm)—My question is directed to the Treasurer. I refer the Treasurer to his previous answer when he said that Mr Gerard unusually provided a letter from the tax commissioner about his personal tax affairs. Did this letter, Treasurer, follow the conversation between you and Mr Gerard, in which you said:

I know there’s an issue with the tax office but I don’t have a problem with you on the board.

Mr COSTELLO—Again, of course, he misrepresents in his question what I have told the House. I refer back to the Hansard of what I told Mr Gerard. I told Mr Gerard what I tell everybody who is being considered for a Commonwealth appointment—that they will be required to sign a declaration, which everybody signs, which was
signed under the Australian Labor Party. Mr Gerard not only signed that but forwarded to me a letter from the Commissioner of Taxation, which confirmed that the Commissioner of Taxation also had no problems. If the taxpayer gave the undertaking and the commissioner gave the undertaking, to me he got from both sides of the equation a very strong position.

Avian Influenza

Mr HARTSUYKER (2.49 pm)—My question is addressed to the Minister for Agriculture, Fisheries and Forestry. Would the minister inform the House of Australia’s preparations to deal with a potential outbreak of avian influenza?

Mr McGAURAN—I thank the honourable member for Cowper for his question and his interest in this vitally important issue. Avian influenza, or bird flu, poses a significant risk to Australia, as my colleague the minister for health has made clear. Earlier today, the minister for health and I visited Exercise Eleusis, which is imitating a genuine outbreak of avian influenza and allows for real-time reactions and responses. It is being headquartered at the Department of Agriculture, Fisheries and Forestry but involves some 1,000 people across many jurisdictions, including all of the states and territories, egg and chicken meat industry organisations, veterinary and animal health bodies and medical authorities.

The exercise takes as its concept the transportation of chickens from the Mornington Peninsula, in Victoria, across to a farm at Mount Gambier where a death rate is detected but, in the meantime, the chickens are further transported back to St Arnaud in Victoria for processing, and simultaneously some of the chickens are going north to Camden. You have three states where the outbreak has occurred, so immediately the isolation and culling takes place, as does the separation of the districts from possible contamination outwards. Also, health authorities, hospitals and GPs are getting involved. You can see that it is a vital exercise involving people who would be called on to deal with a real outbreak of bird flu, should that ever occur. The point of Exercise Eleusis is to show us how well we are able to cope with a threatened pandemic and, importantly, how we can improve both our preparedness and our response.

I stress, as the minister for health has, that humans are generally not affected by avian influenza. People do not become infected with avian influenza from eating cooked chicken meat or eggs. I also wish to emphasise that the exercise is not taking place because of some imminent risk but because the government wishes to maintain the highest standards of preparedness. It is attracting international attention, even with some international participation.

I wish to thank the Department of Agriculture, Fisheries and Forestry, in conjunction with the Department of Health and Ageing and all those involved in the exercise, for the diligence and responsibility with which they discharge their responsibilities. They are working in the interests of all Australians.

Mr Robert Gerard

Mr BEAZLEY (2.52 pm)—My question is to the Prime Minister. In relation to the 2003 appointment of Mr Robert Gerard to the Reserve Bank board, is the Prime Minister aware of comments reported in the Australian Financial Review today quoting an unnamed senior government minister who said:

Like we all do, he—

that is, the Treasurer—

would have raised it—

that is, the appointment of Mr Gerard and the circumstances of his tax avoidance—
with the Prime Minister’s office before taking it to cabinet.

Prime Minister, what discussions did you or your office have with the Treasurer or his office about the appointment of Mr Gerard and the tax scam allegations?

Mr HOWARD—The appointment was handled in a correct, appropriate manner. It went to cabinet. I think Mr Gerard is an excellent member of the Reserve Bank board.

Bulk-Billing

Mr TICEHURST (2.53 pm)—My question is addressed to the Minister for Health and Ageing. Would the minister update the House on the latest GP bulk-billing figures, particularly in my state of New South Wales?

Mr ABBOTT—I certainly can understand why the member for Dobell is interested in this topic. I can inform him that the GP bulk-billing rate in the electorate of Dobell is up 13.7 percentage points since December 2003. In New South Wales the GP bulk-billing rate is now 81.2 per cent. Bulk-billing, I hasten to add, is not the be-all and end-all of Medicare, but it is important and it should be widely available, particularly for pensioners and children. To this end the policies of the Howard government have meant that in the September quarter the national GP bulk-billing rate hit 74.9 per cent. For children under 16 the GP bulk-billing rate has hit an all-time high of 82.1 per cent.

Since 2003 the bulk-billing rate in New South Wales has gone up by 5.5 percentage points; in Western Australia it has gone up by 7.4 percentage points; in Victoria it has gone up by 8.9 percentage points; in Queensland it has gone up by 10.7 percentage points; in South Australia it has gone up by 12.8 percentage points; and in the great state of Tasmania the GP bulk-billing rate has increased by a massive 19.4 percentage points. All of this helps to demonstrate that the Howard government truly is the best friend that Medicare has ever had.

Meanwhile, while we are getting on with the job of government, what is the Leader of the Opposition doing but suffering from roid rage with his speech on the weekend, calling people ‘animated raccoons’—which reminds me of the comments of the former Leader of the Opposition, Mr Latham, who said:

People think Beazley is a big angel, but behind the scenes he is in the gutter. He and his allies reflect the worst instincts of the Labor movement: all gossip and muck.

That is the man who the member for Lalor still thinks always tells the truth.

Mr Robert Gerard

Mr BEAZLEY (2.56 pm)—My question is to the Prime Minister. Prime Minister, are you aware that the ATO audit on 24 March 2000 into the affairs of Gerard Industries concluded:

There was either a deliberate and knowing intention on the part of Gerard Industries Pty Ltd, acting through its directors, RG Gerard and WR Henderson, to avoid the payment of tax, or there was a flagrant disregard for the operation of taxation law, and that cannot be excused in people of their skill and experience in business practice and taxation law.

Do you think somebody with a finding like that is an appropriate person to serve on the Reserve Bank board?

Mr HOWARD—I will make a couple of observations as part of the answer I give. The first is that, by his own admission, the opposition leader is not disputing the suitability of Mr Gerard to be on the board of the Reserve Bank. This is not an exercise about the integrity of Robert Gerard; this is an attempt by the Australian Labor Party to discredit my friend and colleague the Treasurer.

Mr Beazley—Mr Speaker, I rise on a point of order. The Prime Minister is deliberately misleading parliament in a way irrele-
want to the answer to this question. We and the country—

The SPEAKER—Order! The Leader of the Opposition will resume his seat. I remind the Leader of the Opposition that, if he wants to make an allegation against a member of this House, he has to do so through other forms of the House. Secondly, the Prime Minister has only just begun answering his question. I call the Prime Minister.

Mr HOWARD—The second observation I would make is that it is often the case that people have differences of opinion with the Australian tax office. Taxpayers have a right to have a difference of opinion with the Australian tax office—there is nothing particularly revolutionary about that. But at least Mr Gerard appears to have filed his tax return, which is more than can be said about some other people who are of lesser memory in the context of a debate like this. I remind the Leader of the Opposition—

Opposition members interjecting—

Mr HOWARD—in your dreams! You are having a bad day. You gave yesterday away. Now what are we—at three o’clock and not a question on IR! I do not understand it. The relevant point about the dispute between Mr Gerard and the Australian Taxation Office is that, by hand of the letter from the commissioner, all the outstanding matters were resolved. So what is the fuss all about?

Zimbabwe

Mr CAMERON THOMPSON (3.00 pm)—My question is to the Minister for Foreign Affairs. What is the government’s reaction to the Senate election in Zimbabwe? What is the government doing to help remedy the situation there?

Mr DOWNER—First, I thank the honourable member for Blair for his question. I note the concern on this side of the House about the situation in Zimbabwe. I particularly was impressed with the speech made yesterday by the member for Cook in debate on his private member’s motion.

The elections for a newly created Senate in Zimbabwe were an act of cynical political patronage for President Mugabe’s cronies. The real needs of the people of Zimbabwe are being completely ignored. Overall figures have yet to be released, but preliminary results suggest that there was an extremely low turnout in these elections—somewhere between 15 and 20 per cent. One observer said that it was the lowest turnout since 1980. There were reports that some of the polling stations were completely deserted. This simply demonstrates the almost total collapse of democratic processes in Zimbabwe and the irrelevance of the process. It will not shock anyone to hear that President Mugabe’s party, ZANU-PF, won, we believe, 42 out of the 50 seats that were contested. Just in case honourable members were wondering, President Mugabe is going to appoint another six people himself. That will take his numbers up to 48.

This farce has been played out at the expense of the ordinary people of Zimbabwe, a country with 75 per cent unemployment, an inflation rate of over 300 per cent and acute shortages of necessities of all descriptions caused by appalling economic management. The national airline of Zimbabwe ran out of fuel last week.

Australia will continue to be at the forefront of international efforts to persuade not just President Mugabe but his government and the people of Zimbabwe to change course. There are our sanctions regime, our humanitarian assistance work and our work with like-minded countries in trying to get Zimbabwe’s leadership before the International Criminal Court on a reference from the Security Council and expelled from the IMF. That work will continue.
Finally, let me say that, hard as we may try, ultimately the people in the international community who we urge to place still more pressure on President Mugabe are those in the regional countries, the countries that neighbour Zimbabwe. As the Prime Minister says, they are the countries in southern Africa that have to maximise the pressure on that regime.

Mr Robert Gerard

Mr SWAN (3.03 pm)—My question is directed to the Treasurer. When was the Treasurer first aware that Mr Robert Gerard and his corporate vehicles have been substantial donors to the Liberal Party since 1998 and that Mr Gerard is a director of the Liberal Club Ltd?

Mr Downer interjecting—

The SPEAKER—Order! The Minister for Foreign Affairs!

Mr Downer interjecting—

The SPEAKER—The Minister for Foreign Affairs is warned.

Mr COSTELLO—It has taken us until the 10th question from the opposition, but finally we have a question which reveals the true nature of the objections that the Labor Party has to Mr Gerard. The true nature of the objections was framed in that question—that Mr Gerard is unfit for public office because he has made donations to the Liberal Party. That is the real objection that Labor has to Mr Gerard. It took 10 questions to get here, but that was disclosed by the nature of that question.

Can I say—and I suppose I do not speak for both sides of the House—that we do not think that supporting the Liberal Party is a disqualification from office in Australia. There might have been some attempt by the Labor Party to dress it up—that somehow they were against anybody who had supported a political party being on the Reserve Bank board. Mr Speaker, let me remind you of some of the appointments to the Reserve Bank board made by Labor governments. First of all, Labor appointed ACTU president Bob Hawke to the Reserve Bank board. Notoriously independent when it came to political matters, Mr Bob Hawke! When he retired, we had Nolan. I forget his name, but I am pretty sure that Nolan was an ACTU—

Mr Howard—No, no, Peter Nolan.

Mr COSTELLO—Peter Nolan was a trade union official of some kind or another. Then there was a Fitzgibbon. I might be wrong about it, but I would not be surprised if that was also a Labor appointee. He served right up until we got another notorious independent on the Reserve Bank board, one William Kelty, the ACTU secretary, who served on the Reserve Bank board. And just in case you thought that the Labor Party only appointed unionists, we had Sir Peter Abeles, who served on the Reserve Bank board. I could go on and on. Janet Holmes a Court served on the Reserve Bank board.

So for all the bluster, for all the pretence, for all the questions that say if you have been a supporter of one side of politics it disqualifies you from the Reserve Bank board, let me make it clear that the Labor Party, in government, practised as an art form the appointment of Labor apparatchiks, in the case of Kelty and Hawke, to the Reserve Bank board.

Let me finish off by saying why Mr Robert Gerard is suitable to go on the Reserve Bank board. He is a major manufacturer, and his companies have employed 3,300 people in Australia. He is an officer in the Order of Australia, he is South Australian
of the Year and his companies were sponsors of the Clipsal 500. South Australian Premier Rann was proudly standing with Mr Gerard when his companies were sponsoring the South Australia Clipsal 500. Premier Rann apparently did not have any great objections to Rob Gerard when it came to him endorsing the Grand Prix. He did not have a problem at all, and he stood there proudly. He did not have a problem taking the sponsorship. It is only when Mr Gerard goes on the Reserve Bank board that he suddenly becomes unfit for public office.

Let us nail these allegations. Let us nail them before the member for Lilley gets up and moves his censure motion, which he has been dying to do for the last 10 questions and which he should have done much earlier, when he had at least a bit of momentum. The real objection is that a successful manufacturer in Australia has, over the years, been engaged in politics. That is not a disqualification for office in Australia. His tax affairs were cleared by the Commissioner of Taxation, and he brings an important perspective from one of the smaller states and, in particular, from manufacturing industry to the Reserve Bank board. I now invite the member for Lilley to stand up and move his censure motion.

**TREASURER**

Mr SWAN (Lilley) (3.09 pm)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Treasurer from being required to provide this House with a full and proper explanation of:

(a) his communications with Mr Robert Gerard prior to Mr Gerard’s appointment to the Board of the Reserve Bank of Australia; and

(b) his knowledge of Mr Robert Gerard’s dispute with the Australian Taxation Office prior to Mr Gerard’s appointment to the Board of the Reserve Bank of Australia.

The Treasurer comes into this House today and, in defence of his appointment of Mr Gerard to the Reserve Bank board, says that he had no knowledge of Mr Gerard’s personal tax affairs. He used a letter from the Commissioner of Taxation to justify that. The Treasurer’s defence is blown away by an article in the Adelaide *Advertiser* dated March 2003. The heading is ‘Gerard takes the taxman to court over a bill for $70m’. It says:

On one of the matters, the tax office claims in its defence that Gerard Industries paid between $600,000 and $1.7 million in annual insurance premiums over the 13-year period...

What the tax office had established was tax evasion by Mr Gerard’s companies. The Treasurer claims he had no knowledge of that whatsoever. The Treasurer obviously does not read the newspapers. Today, in this House, the Treasurer did not deny that Mr Gerard said that he had provided him with information and confirmation that he had no current disputes with the ATO in respect of his personal affairs. Essentially, the Treasurer has come in here to stonewall the fact that he appointed someone to the board of the Reserve Bank who was in hock, if you like, to the tax office of this country to the tune of $150 million. Knowing that, he appointed this person to the Reserve Bank board of this country. This is a failure to uphold the highest standards of corporate governance in appointing Mr Gerard to that position.

On the front page of the *Financial Review* Mr Gerard has said that the Treasurer knew about the issue at the tax office and that the Treasurer did not have a problem. So the Treasurer’s defence today is simply inaccurate. The Treasurer did know about the business tax affairs of Mr Gerard. The Treasurer did know about those but hides behind the defence that there was a letter from the tax commissioner relating to Mr Gerard’s personal tax affairs.
Let us just have a look at what the tax office have said about Mr Gerard. The tax office audit of 2001:

... concluded that there was either a deliberate and knowing intention on the part of Gerard Industries, acting through its directors, RG Gerard and WR Henderson, to avoid the payment of tax or that there was a flagrant disregard for the operation of taxation law that cannot be excused in people of their skill and experience in business practice and taxation law.

That is the damning judgment of the tax office. They went on to say:

It is very difficult to escape the conclusion that Mr WR Henderson and Mr RG Gerard either positively intended to avoid payment of tax or, at the very least ... should have recognised there would be an avoidance and should have taken action to ensure the tax was paid.

That is the judgment that has come from the tax office. They went on to say:

Appointing Mr Gerard would be the equivalent of appointing someone like John Elliott to the Reserve Bank board because Mr Elliott's personal tax affairs had been certified as being in order. The truth is that, if you go through the qualifications that are required to be appointed to the Reserve Bank board and, indeed, the qualifications that are required to be appointed as a company director to any company in this country, there is absolutely no way in the world that Mr Gerard passes those tests. He certainly would not pass the APRA test. If you look at the qualifications for APRA, what do they say should be the qualifications for a company director? Honesty and integrity, upholding the law, involvement in business practices that are above board—all these things relate to the tests that must be met. Does the Treasurer seriously believe that RBA board members should be subject to less stringent standards than members of banks that it supervises?

What the Treasurer is saying is that, whilst Mr Gerard would fail these tests for a company board, he passes them when he goes to the board of the Reserve Bank, which should have the highest forms of corporate governance in this country. We instruct and believe that the Reserve Bank should be independent. It should be independent because it is concerned with financial integrity and financial independence. It goes to the heart of our financial system. What we have here is someone who has been the subject of a damning judgment by a tax audit, which has been reported in the press, and the Treasurer expects us to believe he has absolutely no knowledge of those matters. The truth is that appointments to the RBA board must be squeaky clean, but we know that Mr Gerard has had a long involvement with the Liberal Party. Despite the fact that there was an 11-year-long tax audit and despite the fact that we had court hearings in Adelaide over four years, the Treasurer comes in here with his slippery barrister talk and says that he knows nothing about that. It is simply unbelievable. It is completely unbelievable.

What we are seeing here is a government that are drunk on their own power. What we are seeing is the arrogance of the Howard government in thinking they can bluster their way through the fact that the Treasurer—in defiance of all propriety, in defiance of the independence of the Reserve Bank—can appoint someone who has hanging over his head these audits from the tax office. It is simply not acceptable in this community for that to occur. It is simply unacceptable for that to occur. What we see here is a new standard set by this Treasurer. He has given away the independence and integrity of the process for appointment to the board of the Reserve Bank, and he has done it for someone who is a very substantial donor to the Liberal Party. This is a Treasurer who pretends that he is qualified for the highest office in this country.
If there is one thing which will haunt this Treasurer, and haunt him for the rest of his political life, it will be the appointment of Mr Gerard to this position in these circumstances. The Treasurer refused to answer in this House today the real question: did he say to Mr Gerard on the phone that he knew about the problem? The Treasurer refused to answer that question, and he refused because of course he knew about the problem: it was in the press, it was in the courts in Adelaide, and I refuse to believe it was not a subject of discussion in Liberal Party circles and in business circles, because it had been in the press and it had been the subject of much comment around the traps. But the Treasurer expects us to believe he had no knowledge of these matters and therefore could not have taken them into account when making the appointment of Mr Gerard. The other disturbing thing about this is that there have been press reports recently that Mr Ron Walker may be appointed to a vacancy on the Reserve Bank board. Another Liberal Party mate, Mr Walker—who has been the treasurer of the Liberal Party and has raised for them millions of dollars over the years—is now apparently being considered by this Treasurer for appointment to the Reserve Bank board.

What we are dealing with here is a very serious issue, and that issue is very simple: it goes to the heart of the independence and the integrity of the corporate governance of this country. The Treasurer cannot apply that high standard to the highest economic institution in the country. How can we expect business and other sectors of the Australian community to uphold high standards of corporate governance when the Treasurer sets such a low standard of corporate governance? That is why standing orders must be suspended to discuss this matter. This is a government that is out of control, drunk on its own power and incredibly arrogant. It has a Treasurer who has his eye on his own personal prospects for the future and his eye on the Prime Minister—not in the national interest, not in the interest of governing the country, but in the interest of the Liberal Party and of that section through which he hopes to take power across there in the not-too-distant future. Treasurer, we are on your case and we know what your problem is: you are a big sook without any ticker, and you will not uphold the standards that are required in this parliament to ensure that we get the highest standard of corporate governance for this community. (Time expired)

The SPEAKER—Is the motion seconded?

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

Mr COSTELLO (Higgins—Treasurer) (3.19 pm)—As far as suspensions go, that was exceptionally weak. One would have thought that, having prepared today on the back of the Australian Financial Review, at least the member for Lilley would have been able to sustain for 10 minutes a case in relation to this matter. But he was unable to do that. We finished off with a general barrage against me, against the government, against Ron Walker, against all sorts of people on all sorts of things other than the Reserve Bank and Mr Gerard. I should point out, although I will not be going into it today, that since the member for Lilley is so worried about corporate standards he will no doubt be enlightening the press about his own role in the Shepherdson investigation and his own standards in relation to corporate governance and brown paper bags when he was state secretary of the Queensland Labor Party. Having fairly and squarely now raised the issue in a denigration of Mr Rob Gerard of past conduct, there can be now no objection to this parliament acquainting itself as to the nature of the Shepherdson inquiry and the allega-
tions that were investigated in relation to the member for Lilley. I just give notice of that fact here today.

The charge made against the government was that we have given away the independence and integrity of the Reserve Bank of Australia. In what way is the independence or the integrity of the Reserve Bank of Australia under threat? The independence of the Reserve Bank is guaranteed by statute and by an agreement between the government and the governor, which I entered into in 1996. I say in passing that that agreement to give full operational independence to the Reserve Bank of Australia was opposed by Labor. The then shadow Treasurer, Gareth Evans, said that it was illegal and threatened to sue in the courts to have it struck down. It has become the pillar of the independence of the Reserve Bank of Australia.

The second thing that the member for Lilley said was that Mr Gerard’s company, Gerard Industries, and its litigation with the tax office had been in the press and therefore he knew, meaning I knew, and on the basis of that litigation that he was unfit for office. It was in the press; therefore, people knew. I will go back and search the record but the Australian Labor Party must have known. I assume that, having read the court reports in the press and believing that this made Mr Gerard unfit for appointment, there will be copious statements on the record in 2003 from the Australian Labor Party, objecting to the appointment.

Ms Gillard—Careful where you go with this.

Mr Costello—Let us follow the argument through. The Treasurer must have known that Gerard Industries had done something wrong because it was engaged in litigation and, on the basis of press reports at the time, the litigation was so heinous that Mr Gerard was unfit for appointment. If the Treasurer must have known because it was in the papers, the Labor Party must have known. If the litigation was so heinous at the time, then no doubt the record will show that the Australian Labor Party in March 2003 issued press statement after press statement saying that, by reason of litigation then in the courts in Adelaide, Mr Gerard was unfit to be on the Reserve Bank board. Nothing could be clearer. If it is as clear as day in 2005, it must have been even clearer in 2003.

The record will show that the member for Lilley, I assume, the shadow Treasurer and the Leader of the Opposition were all on notice, because we are all supposed to be on notice as to what is happening in the courts in Adelaide, and all believed that this litigation was so heinous that Mr Gerard should not have been appointed, and they protested on those grounds at the time. I do not think so. I do not think they did. My recollection is that they took swipes at Mr Gerard, because he may have been a supporter of the Liberal Party, but I do not believe that anybody in the Labor Party said that, on the basis of reports of litigation in the Adelaide courts at the time, he was unfit for office. If of course no such statements were made, the whole argument that has been put here by the member for Lilley just collapses, as in fact it should collapse.

Let us go through why Mr Gerard is a member of the Reserve Bank board. Mr Gerard is a very substantial manufacturer in Australia. In fact I doubt there would be many larger manufacturers than Mr Gerard. In the manufacturing industry Gerard Industries employed 3,300 people. Not only was it a substantial manufacturer in Australia but Gerard Industries had expanded throughout South-East Asia with the Clipsal brand. Clipsal would be one of the most famous brands in manufacturing in Australia. As I said earlier in question time, Clipsal sponsors the South Australian motor car race—a very fa-
mous race, the Clipsal 500. The South Australian government apparently has no objection to Mr Gerard and his sponsorship of that race. In fact the Premier was seen down at the races launching the sponsorship, so proud was he to be associated with the Clipsal 500.

Mr Gerard is an officer in the Order of Australia, so one thinks that if the Labor Party believe he is ineligible for the Reserve Bank board presumably he is also ineligible to be an Officer in the General Division of the Order of Australia. He has also been the South Australian of the Year, and presumably he should have been ineligible for that. He was also chairman of the Australian Made campaign, so presumably he was ineligible to be on that. He was president of the Australian Chamber of Commerce and Industry, and apparently ineligible to be on that. He was Civic Entrepreneur of the Year in 2002 in recognition of his outstanding service to South Australian business. I could go on. His contribution to manufacturing and to the South Australian and indeed the national economy has been recognised.

When any person comes up for appointment to the Commonwealth they are asked to give an undertaking as to their tax affairs, and I have tabled that undertaking in the House. In addition, the Commissioner of Taxation had sent a letter to Mr Gerard, indicating that there were no disputes, and I have tabled that letter in the House. What does the Financial Review say today? It says it has a tax investigation. I cannot verify that, because tax investigations are not given to politicians and not normally leaked. If indeed it has been leaked to the Australian Financial Review it brings no credit to the Australian Taxation Office. The Australian Financial Review says that it has an investigation and, then, as I understand it, the Australian Financial Review says that this matter was ‘the subject of litigation and settled by agreement between the parties’—with the agreement of the Australian Taxation Office.

So the Australian Taxation Office came to a settlement in relation to a tax matter without any admissions of liability and with a full contest as to what had happened. These are not findings by a court; these are allegations in what we are told but cannot authenticate is an investigation which has been improperly and illegally leaked. To come into this House and to say that on the basis of an investigation which nobody has seen, which must have been improperly and illegally leaked, there is an allegation, in a case which was settled by agreement, without admissions of liability and in which the commissioner has given a letter saying that he has no disputes, is the flimsiest case of denying somebody the right, and in fact denying the Australian people the right, to have somebody of the ability of Mr Gerard on the Reserve Bank board. If you want the final answer to this, Mr Speaker, you got it from the Leader of the Opposition, who said during question time that the opposition was not disputing that Mr Gerard was a ‘fit and proper person to be on the Reserve Bank board’. He interjected to make that point. I heard it with my own ears. I repeated it. I hope that Hansard got it, because the Leader of the Opposition realises now what a terrible error he made because he endorsed Mr Gerard himself. (Time expired)

Ms GILLARD (Lalor) (3.30 pm)—The proposed motion to censure the Treasurer is about getting clear and honest answers to questions which were not answered by the Treasurer in question time today, and certainly not in the contribution he has just made. Every member of the House here today heard the Treasurer and the Prime Minister in question time, and the Treasurer during the debate on this motion to suspend standing orders, basically contend to this House that Mr Gerard is a good and honest man—he is a man who has a series of important
appointments. That has been the case that the Treasurer has put before the House today. He is staring at me and not demurring from that. He was putting the case that Mr Gerard is a good and honest man.

Let us have a look at what this 'good and honest man', on the Treasurer’s version, said. This ‘good and honest man’, on the Treasurer’s version, said the following words. I quote from today’s Australian Financial Review:

Mr Costello—And you say he’s not.

Ms GILLARD—You said he was good and honest. As reported in the Financial Review:

Mr Gerard told the AFR he had told Mr Costello about his dispute with the ATO.

And the Treasurer’s ‘good and honest man’ said:

I told the Treasurer to check with all the departments before I went on the board ...

He rang me back and said, ‘I know there’s an issue with the Tax Office but I don’t have a problem with you on the board.’

So the issue for the Treasurer is, if Mr Gerard is a good and honest man, are these statements in the Australian Financial Review the truth or a lie? The Treasurer was asked about that several times today and he never at any point said Mr Gerard was lying. He never disputed this account in the Australian Financial Review. So we are entitled to accept that it is the truth that the Treasurer said to Mr Gerard, ‘I know there’s an issue with the tax office but I don’t have a problem with you on the board.’

Why would the Treasurer have been talking to Mr Gerard about tax? It cannot have been about a personal tax liability, because the Treasurer has gone out of his way to produce pieces of paper to indicate that Mr Gerard did not have a personal tax liability. Indeed, he has a letter from the taxation commissioner that says that. So if Mr Gerard and the Treasurer were talking about tax, they could only have been talking about one tax matter—Mr Gerard’s business tax affairs. The Treasurer cannot have it both ways. If Mr Gerard is a good and honest man and he has told the truth to the Australian Financial Review, the Treasurer was talking to him about tax, about his business tax affairs, and he was saying that did not worry him in terms of putting Mr Gerard on the Reserve Bank board.

The alternative case is that Mr Gerard is not telling the truth, in which case he is not a good and honest man and the Treasurer has appointed to the Reserve Bank board someone with a predisposition for lying. So let us make it clear here—either the Treasurer knew about the tax liability or Mr Gerard is a liar. There are only two routes home here. I think I know which one is the truth. Of course the Treasurer knew about Mr Gerard’s tax liability on the business side. This is not a tax liability where a man has had a little quibble about his tax return. It is not that kind of tax liability. It is a tax liability where allegations of dishonesty have been made against Mr Gerard—serious findings by the Australian Taxation Office against him. The shadow Treasurer, the member for Lilley, read these out—that effectively they found either a deliberate and knowing intention to avoid the payment of tax or a flagrant disregard for the operation of the tax law that could not be excused by people with their skill and experience. The Treasurer knew about that, and he still appointed him.

Why did the Treasurer still appoint this man to the Reserve Bank board? It is crystal clear—Mr Gerard had bought it, and the going price was more than a million dollars. Mr Gerard had bought it. This government is so arrogant, so conceited and so disregarding of the ordinary standards of public life that, if you front up to the Liberal Party with $1 million-odd, you can get yourself anything. De-
spite a track record of dishonesty, you can get yourself anything. What this man got himself was a position on the Reserve Bank board. That is the allegation the Treasurer should have answered in the 10 minutes he had to speak on this matter in this parliament. That is the allegation he refused to answer, and he will not answer it, because it is true. (Time expired)

The SPEAKER—Order! The time for the debate has expired.

Question put:
That the motion (Mr Swan’s) be agreed to.

The House divided. [3.39 pm]

(The Speaker—Hon. David Hawker)

Ayes…………… 59

Noes…………… 83

Majority………. 24

AYES

Adams, D.G.H. Albanese, A.N.
Andrews, P.J. Beazley, K.C.
Bevis, A.R. Bird, S.
B Bowen, C. Burke, 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. Fitzgibbon, J.A.
Garrett, P. Garbutt, 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. 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. Plibersek, T.
Price, L.R.S. Quick, H.V.
Ripoll, B.F. Roxon, N.L.
Rudd, K.M. Sawford, R.W.
Smith, S.F. Snowden, W.E.

Swan, W.M. Thomson, K.J.
Wilkie, K. NOES

Abbott, A.J. Andrews, K.J.
Bailey, F.E. Baird, B.G.
Baker, M. Baldwin, R.C.
Barresi, P.A. Bartlett, K.J.
Billson, B.F. Bishop, B.K.
Bishop, J.I. Broadbent, R.
Brough, M.T. Cadman, A.G.
Causley, I.R. Ciobo, S.M.
Cobb, J.K. Costello, P.H.
Downer, A.J.G. Draper, P.
Elson, K.S. Entsch, W.G.
Farmer, P.F. Fawcett, D.
Ferguson, M.D. Forrest, J.A. *
Gambaro, T. Gash, J.
Georgiou, P. Haase, B.W.
Hardgrave, G.D. Hartsuyker, L.
Henry, S. Hockey, J.B.
Howard, J.W. Hull, K.E.
Hunt, G.A. Jensen, D.
Johnson, M.A. Jul, D.F.
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.

* denotes teller

Question negatived.

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

Annual Report

The SPEAKER—Pursuant to section 65 of the Parliamentary Service Act 1999, I present the annual report of the Department of Parliamentary Services for 2004-05.

AUDITOR-GENERAL’S REPORTS

Reports Nos 15 to 17 of 2005-06

The SPEAKER—I present the Auditor-General’s Audit reports Nos 15 to 17 of 2005-06 entitled Audit report No. 15, Administration of the R&D Start program: Department of Industry, Tourism and Resources: Industry Research and Development Board, Audit report No. 16, The management and processing of leave and Audit report No. 17, Administration of the superannuation Lost Members Register: Australian Taxation Office.

Mr Lloyd—I move:

That the reports be made parliamentary papers.

Mr KELVIN THOMSON (Wills) (3.48 pm)—I rise to take note of the tabling of Auditor-General’s Audit reports Nos 15 to 17 of 2005-06. These reports should be printed because the Auditor-General’s primary role is to report to the parliament on the performance of public sector agencies through the performance and financial statement audits conducted by the Australian National Audit Office. As such, these reports play a critical role in improving the quality of both public sector administration—

Mr ABBOTT (Warringah—Leader of the House) (3.48 pm)—I move:

That the question be now put.

Question put.
Adams, D.G.H. Albanese, A.N.
Andren, P.J. Beazley, K.C.
Bevis, A.R. Burke, A.E.
Byrne, A.M. Burke, A.S.
Cran, S.F. Byrne, A.M.
Edwards, G.J. Corcoran, A.K.
Ellis, A.L. Danby, M.*
Emerson, C.A. Elliot, J.
Fitzgibbon, J.A. Ellis, K.
Georganas, S. Ferguson, L.D.T.
Gibbons, S.W. Garrett, P.
Grierson, S.J. George, J.
Hall, J.G. * Gillard, J.E.
Hayes, C.P. Griffin, A.P.
Irwin, J. Hatton, M.J.
Kerr, D.J.C. Jenkins, H.A.
Lawrence, C.M. King, C.F.
Macklin, J.L. Livermore, K.F.
McMullan, R.F. McClelland, R.B.
Murphy, J.P. Melham, D.
O’Connor, G.M. O’Connor, B.P.
Plibersek, T. Price, L.R.S.
Quick, H.V. Ripoll, B.F.
Roxon, N.L. Sawford, R.W.
Smith, S.F. Snowdon, W.E.
Swan, W.M. Tanner, L.
Thomson, K.J. Vamvakinou, M.
Wilkie, K.

* denotes teller

Question agreed to.

Ordered that the reports be made parliamentary papers.

DOCUMENTS

Mr LLOYD (Robertson—Minister for Local Government, Territories and Roads) (3.58 pm)—Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:
Department of Defence—Report for 2004-05.

Debate (on motion by Ms Gillard) adjourned.

MATTERS OF PUBLIC IMPORTANCE

Climate Change

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

The threat posed to Australia’s environment and economy by dangerous climate change.

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 ALBANESE (Grayndler) (3.59 pm)—Climate change is the greatest threat to our future security, and it is time for a little less conversation and a lot more action when it comes to climate change. Last night a conference began in Montreal. The UN Framework Convention on Climate Change is meeting in conjunction with the first meeting of the parties to the Kyoto protocol. At the first half of the meeting will be 189 countries, of which Australia is one. More than 10,000 delegates are gathering to discuss the best way to meet this challenge. But the second half of the equation—the first meeting of the parties to the Kyoto protocol, involving 156 countries—is something that Australia will not be a part of. Of all the industrialised nations in the world, only Australia and the United States will be outside of those meetings.

You might ask, Mr Deputy Speaker, why you would need to act. We have had remind-
ers just in the last week, with the report from the Bureau of Meteorology that 2005 is on track to be the hottest year on record. September was the hottest month since records began in 1910. What will the impact of that be? In July, the government received its risk and vulnerability report. It noted the impact that climate change will have on Australia, given that Australia is the driest inhabited continent on earth. There will be a 20 per cent reduction in rainfall in southern Australia, and there will be a 20 per cent reduction in the run-off from that rainfall on top of that. We will see a substantial increase in extreme weather events—in cyclonic behaviour, in floods and in bushfires. Last year Cairns and Townsville just missed out on being hit by the first cyclone since we have been recording these matters that has crossed both borders, the west coast and the east coast of Australia. And the storm clouds of climate change also hang darkly over the future of our great natural wonders. The Great Barrier Reef is in danger of disappearing over the next 50 years, and Kakadu is in danger of salination. But we have a government that is frozen in time while the world warms around it.

We saw a very stark reminder of the consequences of complacency with Hurricane Katrina. Scientists in the US agree that the intensity as well as the number of hurricanes affecting the gulf region of the United States has been increased by the increase in sea temperature in those oceans. Hurricane Katrina was a window into the future, and it showed that climate change is also a social justice issue. It was not the rich people who were drowned and killed as a result of Hurricane Katrina hitting New Orleans; it was the poor and dispossessed. And that is exactly what would occur through the overall impact of climate change.

There is a clear case which has finally been recognised by the Minister for the Environment and Heritage. It took until October 2005 for the environment minister to say: ‘The debate is over. The evidence is in, and it is now time to talk about what we do.’ So what should we do about it? We know what the government is not doing about it: it is not taking any action. Just last week, as part of the report for the Montreal conference, the United Nations climate change secretariat reported that Australia’s greenhouse gas emissions increased by 23.3 per cent between 1990 and 2003—a devastating figure. Let us look at what other nations are doing, other similarly developed countries. In Germany, they had a 19 per cent reduction in their emissions over that period. In the United Kingdom, under the Blair Labour government, there was a 13 per cent reduction in emissions.

I ask those who would say that action is bad for the economy to think about this figure. At the same time as the United Kingdom decreased their emissions by 13 per cent, their GDP rose by 38 per cent. The fact is that good environmental policy is also good economic policy. That is why we need to take action, and we can start by ratifying the Kyoto protocol. We need to be a part of the global solution to what is a global problem.

Mr Lloyd interjecting—

Mr ALBANESE—The bloke opposite says: ‘Oh, well. What about Kyoto?’

Mr Lloyd—No, I said: ‘What about the jobs?’

Mr ALBANESE—This is what Prime Minister Howard said about jobs in 1997, when the government signed the Kyoto protocol:

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.

That is what the Prime Minister said about Kyoto in 1997, and the government only walked away from that in 2002 when it followed the United States’s lead. Wherever Bush goes, Bonsai follows. That is what occurred, and that is why Australia walked away from that issue.

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Grayndler will refer to members by their title or by their seats.

Mr ALBANESE—Kyoto is not perfect, but it is the only game in town. We should be sitting around the table at the meeting of the parties in Montreal and talking about ways to improve the operation of the Kyoto protocol when it comes into full effect during the period of 2008 to 2012. There are two issues which are key to Kyoto, and one is that to take action you need mandated targets which actually put pressure on to do the right thing.

How do you deliver the right thing? You deliver the right thing through the market. It is extraordinary that, while most of the climate sceptics across the other side of the chamber have conceded the argument—some of them still have not; the member for Tangney certainly has not and there are others, but most of them have conceded that the world is in fact round and that climate change is real—the market sceptics remain. What is the objection to introducing a national greenhouse gas emissions trading system? It is the best way to achieve low-cost reductions in emissions. It is the best way to move forward. But what does the government say? The government says no to that and yes to the Asia-Pacific climate pact. We say that the Asia-Pacific climate pact is good—it is consistent—but limited. It is not enough. The statement of the climate pact says that it is consistent with our obligations under the Kyoto protocol. It also says that it will build on existing bilateral and multilateral initiatives.

In 1992, we signed up to the UN Framework Convention on Climate Change. A year later, Australia, Japan and the US launched the International Energy Agency’s Greenhouse Gas Technology Information Exchange program, GREENTIE. This was followed a few years later by the climate technology initiative, which was followed by the Carbon Sequestration Leadership Forum. All these measures are good, but you need a driver and the driver is emissions trading through the market. You cannot transfer technology without the technology to transfer it. New technologies do not evolve from new documents; they evolve from new markets. We know about the lack of substance in the government’s position because here we are at 29 November, after being told that the first conference would take place earlier in Adelaide.

So we have an agreement with no targets, no funding, no documents of any substance and no meeting—because four of the six nations that were parties to the climate pact were very annoyed at Australia and the United States purporting that this was a replacement to Kyoto rather than something that complements it. As the Canadian foreign minister said, when you complement something you know that the real game is somewhere else. The real game is in serious action.

As a result, we are also missing out on economic opportunities. As a result of this, we do not have access to the clean development mechanism, which could drive change in China, India and Indonesia and which could drive investment. Sustainability must be at the centre of social and economic policy right across the board, and avoiding dan-
gerous climate change must be at the centre of sustainability. The science demonstrates that this is not an option but an imperative.

The Climate Group recently reported that 43 companies have significantly reduced their greenhouse gas emissions and saved a total of $15 billion, while increasing production by nearly 30 per cent. In recent years, DuPont has cut its greenhouse gas pollution by over 70 per cent and has saved more than $2 billion in the process. This shows that we can take action that is good for the environment and good for the economy. In fact, it is the only option into the future.

We should ratify Kyoto, have a national emissions trading scheme—and what is the third part of the equation? The third part is the mandatory renewable energy target. We are going to meet the mandatory renewable energy target of two per cent. How pathetic is two per cent. The rest of the world is talking about 20 per cent and we are talking about two per cent. Australia should be the Silicon Valley of solar energy. In 1990, we were positioned there; we were the world leader. Now we produce less than one per cent of the world’s product. We see companies like Pacific Solar moving away from Sydney to Germany, where they can get more adequate support. We are being told that there will be a flight of capital from renewables, once that MRET is reached.

But what do we hear from the government? The science minister announces, on the Sunday program, $1 million to go into a study on nuclear energy. We will know that they are serious across there when one of them says, ‘Not only do I support nuclear energy but I want the reactor in my seat and I’ll have the waste too.’ It is then that we will know they are serious about the nuclear energy option. Until that day comes, we know that this is just a smokescreen. Perhaps the member for Hughes could suggest that it could be at Point Nepean, in the seat of the member for Flinders. Perhaps that is a possibility, given other mad propositions.

Tonight the New South Wales Premier will be launching his statement on climate change and calling for a national summit, something he has called for in writing to the Prime Minister. Today the federal opposition joins the New South Wales Premier in calling for a national summit on climate change. An agenda has been proposed for that summit: market based policy frameworks; assessing, measuring and targeting future carbon and other greenhouse gas risks; developing international linkages to international carbon trading in climate change initiatives to assist Australian business; and the role of taxation and other incentives in promoting greenhouse gas emission reductions.

We need a national response to this issue—and the government is simply failing. The government says that it will meet the Kyoto target. People might wonder how a 23.3 per cent increase between 1990 and 2003 met with the government’s rhetoric of meeting the Kyoto target of 108 per cent. People might ask about that. I will tell the parliamentary secretary opposite: it is because the decisions of the New South Wales and Queensland Labor governments to stem land clearing have not kicked in yet. That is the only reason why we will get within cooee of our Kyoto target.

Our emissions are spiralling out of control and we need solutions that are good for business, good for the economy and also good for the environment—and we can achieve them. We have an extraordinary position here with some sort of reverse wedge politics. Opposite we have the great free-marketeers. In August 2004, Treasurer Costello took a position to cabinet to introduce a national emissions trading system and got knocked over by sectional interests. It is time that the
Australian interests were put first and it is time for real action to address climate change. (Time expired)

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (4.14 pm)—I welcome this debate on a matter of public importance because it is a chance to set forward the fact that it was Australia that has brokered, along with the United States, perhaps the most important development in this decade in relation to greenhouse controls and the Asia-Pacific Partnership on Clean Development and Climate. I welcome this debate because it is a chance to set the record straight that Australia is one of the very few industrialised countries that is on track to achieve its Kyoto target of 108 per cent. Australia is one of the very few Western nations on track to achieve its targets. I also welcome this debate because it is a chance to ask our amiable friends in the opposition whether they support Premier Iemma’s mad plan for a desalination plant, not only because it continues to allow 400 billion litres a year of sewage to be discharged off Sydney’s coasts but because it has an extraordinary greenhouse footprint of approximately 4.9 megawatt hours per megalitre, or almost three times the 1.7 megawatt hours per megalitre of production for recycling. It is an extraordinary situation. The opposition on the other side of the table not only pretend to be in support of action to abate greenhouse gases but also sit by passively whilst the greatest single initiative to increase greenhouse gases in Australia—Premier Iemma’s desalination plant—is before us.

I want to deal with this debate in four stages. Firstly, I want to talk about the way in which Australia is one of the few annex 1 nations to be meeting its targets under Kyoto. It is the difference between making a promise and failing to reach it and not making the promise and delivering. It is the second of those which Australia has done: it has delivered where others have made promises. Secondly, I want to talk about the fact that we do this because there is a real case that we have to address as a nation, but to do it in isolation is meaningless, and that is why we have pursued an international strategy through the Asia-Pacific Partnership on Clean Development and Climate, which I believe will become the most significant development on any environmental treaty in this decade.

That leads me to the third point—that Australia more than any other country through the Asia-Pacific partnership is taking the lead in developing the next wave of mechanisms to deal with climate change, but with not just 15 per cent but 50 per cent of the world’s emissions, and as the basis for international action in the coming decades. The fourth area that I want to deal with, in conjunction with my learned colleague and friend the member for McMillan, is the way in which Australia is domestically pursuing greenhouse actions which will have a long-term impact over the coming 30, 50 or 70 years and a real impact on the emissions of Australia. It will impact on fossil fuels, it will increase renewables and the work of carbon sinks in absorption of CO₂ and like emissions and it will decrease energy demand.

Let us turn to the first of these questions, and that is the notion that Australia is somehow a pariah. Yet the reality is this: Australia is on track to meet its targets which were set under the Kyoto protocol. Let me deal specifically with what other countries are doing. The European Union is on track to breach its targets by 5.1 per cent; Germany, 2.1 per cent; the Netherlands, 6.6 per cent; Denmark, 20.2 per cent; Japan, 13 per cent; our neighbours, New Zealand, 32 per cent; and Canada, 19 per cent. All of these countries have ratified the agreement, yet none of them is delivering against that agreement. By
comparison, Australia has been upfront and said, ‘We do not believe that this mechanism is the best means to achieve this outcome; nevertheless, we will deliver.’ Australia is delivering where others have failed.

I say that with great respect to other nations, but it is not unlike Prince Hal in Henry IV, Part I, when he says in confronting Hotspur: ‘I never promised to pay, but now that I am here I shall pay thee double.’ The message is very simple. There are those that promise and fail to deliver, and there are those that make no false promises but actually deliver. That is why Australia is not only not a pariah but, among the Western and developed nations of the world, one of the few that can stand up, proud and strong, and say, ‘We have delivered against our goals. We are doing that. We are on track to achieve our targets.’ That is something of which Australia can rightly and justifiably be absolutely proud. I repeat that the European Union is on track to breach its targets by 5.1 per cent, Germany by 2.1 per cent, the Netherlands by 6.6 per cent, Denmark by 20.2 per cent, Japan by 13 per cent, New Zealand by 32 per cent and Canada by 19 per cent, and I could go on to other individual countries.

Against that background of meeting our targets where others are not—and this has been conveniently and studiously ignored by our friends in the opposition—it is important that we do this (1) as a matter of principle and (2) because we recognise that the Intergovernmental Panel on Climate Change findings present us with a real challenge and a real threat. We notice that CO₂ emissions have increased to 30 per cent greater than preindustrial times. They are the greatest the world has seen in over 300,000 years. Over the last century, there has been a 0.6 per cent average increase in global climate. The IPCC, the Intergovernmental Panel on Climate Change, has acknowledged that there are real challenges, that there is the threat of an increase in sea levels over the coming century of between 10 and 80 centimetres, that there is the threat of an increase in temperature from upwards of 1.4 degrees Celsius and that this creates a potential challenge and threat for Australia, amongst other countries. Against that background, we have a responsibility.

Here I want to draw directly on the silence of the opposition in relation to the greatest new and unnecessary stream of greenhouse gases in Australia: Sydney’s desalination plant. It is an issue that was unaddressed and ignored and on which there has been complete silence from our friends in the opposition because it is a matter of quiet, creeping shame. Firstly, it allows 400 billion litres of primary and raw sewage to continue to be discharged off Sydney’s coast and it entrenches that problem for the next 20 to 50 years. Secondly, it has a greenhouse footprint almost three times that which occurs from recycling.

That is the mechanism that the New South Wales government has embraced to deal with its water supply issues, which itself is a problem that has resulted from 12 years of inaction. In doing so it has embraced the single most energy inefficient production mechanism that it could choose. As former Premier Carr, who commissioned the plant historically, said: desalination is bottled electricity. Bottled electricity means free greenhouse gases ranging forth from the very people who last night pretended to be making progress on greenhouse.

We recognise, firstly, that Australia is meeting its targets; secondly, that there is a need for the world to take action. Minister Campbell, who has been the leader, along with the foreign minister, in relation to the Asia-Pacific Partnership on Clean Development and Climate, has recognised that, internationally, there does need to be a move to
reducing greenhouse gases by up to 50 per cent over the coming century. That is the only way to stabilise the parts per million of CO₂ and CO₂ equivalent gases.

However, when we look forward to Australia’s role in the international community, you can see that Australia has taken the lead in developing what I believe will be the most important international environmental agreement of this decade: the Asia-Pacific Partnership on Clean Development and Climate. Who are the members?—Australia, the United States, Japan, South Korea, China and India. Four of the world’s largest economies and 50 per cent of world population is represented. Approximately 50 per cent of global CO₂ or CO₂ equivalent emitters are represented. So it represents a mechanism that is approximately three times greater in its scope than that represented amongst the annex 1 countries of the Kyoto protocol.

What is the purpose of this agreement? It has a single, very clear objective: to decrease global greenhouse emissions by the sharing and exchange of technology. It was an agreement that Australia brokered and helped deliver. Australia was a key instigator and Australia will be the host of the first meeting in January. I think that this mechanism will become the basis for a tremendous step forward in relation to technology and practical steps to mitigate the greenhouse effect.

What has the opposition said on this? Both the member for Grayndler and the Leader of the Opposition initially rejected it. The Leader of the Opposition famously called it ‘spin’. Then we saw recently that the shadow minister for primary industries, resources, forestry and tourism, Martin Ferguson, said:

By any measure the six countries in the Asia-Pacific partnership—
and he lists them—

represent a regional partnership of great significance and even greater opportunity.

He is correct. It was a great step forward and an important one. But how do we complement our international action with our domestic action? I think it is critical here to note that this government has allocated over $1.8 billion in relation to greenhouse emissions and the production of new initiatives to try to mitigate our greenhouse gases.

In particular, what we have tried to do is look at four fronts. The first is decreasing emissions. Most importantly here, there is something utterly practical—that is, $500 million towards a low-emissions technology demonstration fund. Australia produces about 550 million tonnes per year of CO₂ or CO₂ equivalent. This fund is aimed at reducing, on any one single project, those emissions by approximately three million tonnes of CO₂ emissions per year. We have had no shortage of outstanding proposals to date. The decisions will be made in time, but this fund is critical.

The second is in relation to support of renewables: $100 million to the Renewable Energy Development Initiative; $205 million for the Renewable Remote Power Generation program; $20 million for advanced electricity storage. Similarly, for carbon sinks: $20.5 million to support the creation of carbon sinks. In energy demand, an area in which I have to say Australia has not, at the state level, proceeded as well as it has in controlling water demand, we see that there is $75 million of Solar Cities funding, to step in where the states have failed to act. This is likely to have an impact. Taken together, these different approaches are extremely important. They represent the opportunity of using technology to maintain our jobs, to maintain our employment, to transform our economy but not to take the approach that has been recommended by the opposition of squeezing the economy without achieving
real outcomes. How can they support a desalination plant without acknowledging its extraordinary consequences?

By comparison, I want to note this. Much has been made by the member for Grayndler of the mandatory renewable energy target scheme, which was a start-up scheme. It was always intended as a start-up scheme to get renewable energy under way in Australia. It was attempting to achieve an outcome of 9,500 gigawatt hours of renewable energy production by 2010—and it is on target to achieve that.

We have seen that installed capacity in terms of wind energy prior to 2000 was 10 megawatts; now it is 470 megawatts. Another 330 megawatts of capacity is currently in planning with more under consideration. Our job was to assist that industry to start up and get under way and we have been successful. We set a target, we achieved it and now it is time for that industry to be able to produce and proceed on its own merits.

In summary, the position is clear: internationally, the Asia-Pacific partnership is, I believe, likely to be the most important environmental and greenhouse initiative of this decade. It was started by Australia, it was brokered by Australia and it will be led by Australia in conjunction with the other five countries. For that Australia has every right to stand proud for our contributions internationally. (Time expired)

Mr GEORGANAS (Hindmarsh) (4.29 pm)—I too rise to support this matter of public importance. The federal Minister for the Environment and Heritage, Senator Ian Campbell, has finally declared that the climate change debate must move on and into action, a move that is welcome. It is not before time. This government has had a long history of dismissal, avoidance and inaction. There have been many excuses made by the current government as to why we should not sign the Kyoto protocol and on other environmental issues.

The UN began negotiating what became known as the Kyoto protocol in 1990. The United Nations Framework Convention on Climate Change came into being in 1992. The Kyoto protocol itself was adopted in 1997. At the time, it was signed by Australia, but once the United States said no, we followed. Australia and the US did not ratify the Kyoto protocol.

Australia was one of the first countries to ratify the Montreal protocol to fix the hole in the ozone layer, but we are one of only two industrialised countries not to ratify the Kyoto protocol on climate change. The Hawke and Keating governments’ decisive action on the hole in the ozone layer is in stark contrast to the complacency of the Howard government’s actions in relation to climate change.

The debate, the research, the evidence and the need for this government to lead have been well established since the government first came to power in 1996. Since the beginning of the industrial revolution, atmospheric concentrations of CO2 had not risen above 270 parts per million until recently. Today they are at 379 parts per million. The rate of increase in CO2 concentrations is accelerating and will continue to do so. Global surface temperatures have risen by one degree Celsius. The five hottest years on record have occurred in the last seven years. The 10 hottest years have been in the last 14, for nine of which this Liberal government has been in control.

Snow cover has decreased by 10 per cent since the 1960s. Glaciers are retreating dramatically for the first time since the last ice age. One glacier, in the Bernardo O’Higgins national park in southern Chile, is known to locals as having retreated from the waterline some 40 metres up the face of the mountain.
Local tribesmen in northern Canada are having their traditions and very subsistence put at risk through the usually frozen seas becoming nothing but semi-frozen mush in winter, therefore not being able to support people’s hunting and fishing. Arctic sea ice has lost half its thickness in recent decades and Greenland’s icesheet is melting at a greater rate than thought probable.

The Intergovernmental Panel on Climate Change, a consortium of several thousand independent scientists, predicts that, if we go on as we are, by 2100 average temperatures will be between 1.4 and 5.8 degrees Celsius higher than they are now. It might not sound like much, but during the last ice age it was only four to five degrees Celsius colder than it is today.

All of this will have a massive impact on Australia. As we all know, the impact of such a temperature change is expected to be acute. Sea levels are expected to rise by as much as seven metres as a result of the deglaciation of Greenland. The impact on Australasia can barely be imagined. Consider the devastation caused by the tsunami approximately a year ago. Consider the devastation in the countries it impacted on in one relatively small region, the ease with which the tide rose up into the country and the impact on the lives of many thousands of people in some of the poorest neighbourhoods that you would find in the world.

Australia is a coastal nation that would feel the effects in more ways than soggy sand, loss of domestic housing stock and loss of industry and infrastructure. Australia would no doubt be at the top of the list of countries which would be expected to help sinking populations throughout the region and to accept millions of displaced persons while we ourselves are close to crisis.

The Howard government has ignored a key recommendation to bolster Australia’s domestic disaster plan to guard against extreme weather caused by climate change. The government’s Climate change: Risk and vulnerability report, which was provided to the government in March 2005, but released in July, recommended that Australia’s disaster mitigation package should include measures relating to climate change. In the six months since the report was provided, the government has done nothing to address this important recommendation. After 10 long years of the Howard government, we remain unprepared for the impact of the disasters of climate change.

Climate change should be on the agenda to ensure that Australia’s response to the challenge is dealt with at the highest level of government. The government’s own Climate change report estimated that Australia could be two per cent hotter by 2030 and that this increase would be devastating for this country, with more severe wind speeds in cyclones, more severe heatwaves and bushfires, extended droughts, reduced rainfall in southern Australia and extensive damage to the Great Barrier Reef. The possibility that climate change contributed to the intensity of Hurricane Katrina should make alarm bells ring.

Scientists have warned that climate change induced by human activity will increase the frequency and power of tropical storms. Leading climate researcher Professor Kerry Emanuel from the Massachusetts Institute of Technology recently found that tropical storms have doubled in destructive potential in the past 30 years because ocean surfaces have become warmer. The government’s Climate change report recommends that the current study of emergency management priorities and responses being carried out by COAG should systematically include the additional risks posed by climate change. The Climate change report is a call
to action which requires a determined response, not complacency.

My home city of Adelaide is particularly vulnerable to climate change. The electorate of Hindmarsh is a coastal division; small sand dunes are the only protection we have for the entire area between the sea and the rest of the land. At present approximately 100,000 people live in that area and would be at risk of being flooded—flooded worse than the area was when it was in its natural state of marshlands and swamp 150 years ago. The entire electorate of Hindmarsh would need to be redistributed.

The Australian Medical Association and the Australian Conservation Foundation have reported the real and present danger climate change poses to health in Australia. The report calls for a national response to climate change. The shadow minister for the environment has suggested that the AMA and the ACF not hold their breath if we are to go on this government’s past record on environmental issues. This government has consistently ignored the experts and relies on political spin to deal with climate change. Unfortunately for all Australians, this approach will ultimately damage our nation’s economy and the health of all Australians.

The government’s own Climate change report estimated that Australia, as I said earlier, would be two per cent hotter by 2030 and that that increase would be devastating. Rising temperatures will lead to thousands of deaths from heat related illnesses. As our planet gets sick, so will we human beings. People around Australia know the effects of the human body overheating. Campaigns are constantly run by all sorts of groups to remind parents not to lock their kids in cars. Sportspeople are encouraged to take it easy on hot summer days. Elderly pensioners who, for any reason, cannot access airconditioning will suffer. Hindmarsh has the greatest proportion of electors aged 65 and over of all electoral divisions in the country. In excess of 25 per cent of Hindmarsh constituents are aged 65 and over. Irrespective of other costs to the nation, the price these people and those who replace them will probably pay for this government’s inaction and demonstrated apathy—should I say negligence?—for the condition and future of our environment is too much for them to bear and too much for me as their representative to excuse or ignore.

Despite the warnings from the medical and scientific community, the Howard government stubbornly refuses to ratify the Kyoto protocol. The Howard government’s refusal to show leadership at home or to be part of a serious international effort to combat climate change is bad environmental policy. It is bad health policy and it is bad for the Australian economy. Climate change threatens our health, our economy, our natural resources and our children’s futures.

The AMA and ACF’s Climate change report is a call to action which requires a determined response, not complacency, as we have been seeing over the last few years. All three tiers of government need to work on this together—local government, state government and federal government. The Minister for the Environment and Heritage said that Australian local governments lead the way when it comes to taking action to reduce greenhouse gas emissions. He said that local governments lead the world, not the federal government, not him and not the Prime Minister.

On 27 October 2005, the minister stated that climate change ‘is a very serious threat to Australia’ and we ‘need to take urgent action to avoid disaster’. Such is the Howard government’s urgency to address the threat of climate change that they let local government lead on this issue. That is great, and we
welcome local government because they do a
great job, but the most significant environ-
mental challenge facing the global commu-
nity requires strong action and leadership
from the federal government. It also requires
Australia to be part of a global response.

(Time expired)

Mr BROADBENT (McMillan) (4.40
pm)—Whilst I acknowledge the interest of
the member for Grayndler and the member
for Hindmarsh in this issue of climate
change, I believe they are both obsessed with
environmental junk science and they are ig-
noring practical sense and a reasoned debate.
But I would like to find something on which
I can agree with the member for Grayndler. I
would like to find something in his whole
address that I can agree with—and I agree
absolutely when he said that good environ-
mental policy is good economic policy. That
is why this issue is so important not only to
the people of Australia but to the people of
my electorate of McMillan. To date, the ma-
jor contribution to this debate on climate
change has been to do with a ‘Love the Envi-
ronment Day’ on Valentine’s Day and a slav-
ish commitment to signing the discredited
Kyoto accord. On this side of the house, we
have taken a much more proactive and posi-
tive approach to meeting the challenges that
undoubtedly lie ahead.

The Howard government is doing what it
has put forward to the people of Australia. It
has made a $1.8 billion investment in practi-
cal and effective measures to tackle green-
house gas emissions—measures that will
soften the impact of possible climate change.
You know that I am a sceptic, Mr Deputy
Speaker, on the whole of the climate change
issue, and I may be setting myself aside not
only from my own colleagues but also, cer-
tainly, from the Labor Party, but the meas-
ures that the government has put in place
have already put the nation on track to be
one of the few countries that will meet their
Kyoto emissions targets. Last month, the
British Prime Minister acknowledged that of
itself the Kyoto protocol would not deliver
the reductions in greenhouse gas emissions
needed to slow down climate change, even
though Britain is a signatory to the agree-
ment. He also acknowledged what the How-
ard government has been saying all along—
that meaningful reductions of greenhouse gas
emissions can only be achieved through co-
operation between the world’s major econo-
 mies, including those of China and India,
who remain outside the Kyoto protocol.
There are several fundamental flaws in the
way that the Kyoto protocol has been de-
signed that make not only its long-term vi-
ability unsure but its effectiveness doubtful.
Yet this remains the central plank to Labor’s
answer to the potential threat posed by cli-
mate change.

In my own state of Victoria, the Labor
Premier has also cast in his lot with the wind
power industry as the be-all and end-all in
reducing greenhouse emissions. He is now
proposing to introduce Victoria’s own man-
datory renewable energy targets as a way of
propping up the wind power industry. Part of
this eye-popping idea would be to force re-
tailers to buy electricity from renewable
sources such as wind energy companies. The
Department of the Environment and Heritage
estimates that the cost for retailers would be
$1 billion. Victorian Minister for the Envi-
ronment John Thwaites has conceded that
this plan would cause a hike in electricity
prices. The Australian government has al-
ready been operating an MRET scheme for
five years. The Australian government’s
commitment will see 9,500 gigawatt hours of
renewable energy added to the national elec-
tricity market as well as the $14 million in-
vested in research and development that has
seen 22 wind turbine developments Australia
wide.
The fact is that Labor and the Greens seem more preoccupied with the Kyoto protocol than with tackling greenhouse gas emissions. Under the Victorian government’s proposal, Victorians would be paying more for something and getting less of it. Wind power cannot compete with fossil fuel generation unless there is effectively a subsidy—in this case, provided by the Victorian taxpayer. To even contemplate such a proposal would be both economically flawed and an unfair and unwise burden on the taxpayer. Alan Moran from the Melbourne based Institute of Public Affairs asserts correctly that this form of ‘industry welfare’ is inconsistent and ridiculous. If Premier Bracks wishes to subsidise the wind industry to generate more jobs, then, as Moran points out, why not the manufacturing industry? This evidence suggests that, so far, the only proven product wind turbines are capable of generating is community division and dissent.

State governments Australia wide intent on appeasing the wind industry, and therefore foisting wind farms on dissident regional communities, are mostly to blame for this antipathy towards turbines so far. That is why the federal government’s recently announced plan to set up a national code for wind turbine structures is vital. Instead of dividing communities, such as the Bald Hills, Toora and Dollar projects have done in South Gippsland, and even Wonthaggi in my electorate has been affected, there would be a proper process to undertake. It is all very well to deride such concerns as having a ‘not in my backyard’, or nimby, mentality, but communities in regional areas should not have to shoulder much of the burden for city and country in the renewable energy debate. Wind energy may well turn out to be a part of the solution to finding reliable renewable energy sources, but the evidence at least suggests it has many flaws yet to be overcome. It is by no means the only source to investigate. Solar power, hydro, liquefied natural gas and biomass are just some of the other options that warrant further study. The need to find a cleaner, greener way to generate energy is clear. Sourcing energy that is both economical and practical must be a requirement.

I want to make sure that in my speech I list exactly what the nation, through the government, is doing about these issues. The Australian government’s total commitment to addressing climate change now stands at $1.8 thousand million. A $500 million Low Emissions Technology Demonstration Fund will mean a long-term greenhouse abatement potential. We have a $100 million Renewable Energy Development Initiative, which also will give long-term greenhouse abatement potential. The $205 million Renewable Remote Power Generation Program will increase commercial competitiveness of technology. The $20 million advanced electricity storage technologies program will go to decreasing reliance on fossil fuels. The $14 million wind energy forecasting capability initiative will help electricity networks utilise more wind power—although the fluctuations in wind power are causing some concern, not just in this nation but in New Zealand as they could bring down the whole network.

We have a $75 million Solar Cities program to encourage energy efficient options with solar. There is a continued roll-out of minimum energy performance standards for equipment and appliances, and it is expected that we will deliver more than $4 billion worth of economic benefits and 200 million tonnes of abatement cumulatively to 2020. The government also announced the commencement of five-yearly mandatory energy efficiency opportunity assessments. These have so far netted savings of energy equal to that used by 10,000 average Australian households. It is expected that the $20.5 million Greenhouse Action in Regional Austra-
lia program will continue the establishment of forest sinks. What did the opposition’s spokesman on these issues say? I draw your attention to a media release of the Minister for the Environment and Heritage. It reads:

Mr Ferguson’s speech to the Australian Uranium Conference outlined why Australia needed to clean up coal and look beyond Kyoto. He went on to say:

“In August, a coalition of 22,000 businesses in New Zealand called on that country’s government to scrap its commitment to Kyoto and consider joining the Asia-Pacific Partnership.

This would be in direct opposition to his own environment spokesperson, the member for Grayndler. He is quoted again:

“Businesses in New Zealand are concerned that compliance with Kyoto could cost far more than the government has estimated.”

This is the second time Mr Ferguson has provided a ringing endorsement for the climate change partnership but his comments are at complete odds with Kim Beazley and his environment spokesperson, Anthony Albanese.

Mr Deputy Speaker Jenkins, as you know in my electorate a wind turbine development has just been established near the township of Wonthaggi. The vista is disgraceful as you come through Anderson in my colleague’s neighbouring electorate towards what you would know as the 90-Mile Beach and across Kilcunda. Smack dead centre of that beautiful landscape are massive wind turbines. What I want to see happen is for everybody to just take a step back when it comes to coastal areas. They are precious not just for this generation but for the generations to come. We as a community have to have regard for the legacy that we leave behind. We have destroyed one landscape. There are further landscapes in Gippsland that need protecting. As part of the government process, the minister, Senator Ian Campbell, as I said in my address, has outlined a set of proposals that could make a difference to communities in country areas, in regional areas, when somebody proposes such a wind turbine development. Australians are great initiators, and I hope that they will consider Gippsland as we address these issues. (Time expired)

Mr WINDSOR (New England) (4.50 pm)—I am pleased to speak on this matter of public importance. There are a number of opinions in this place on climate change and the impact that government policy is having on it. In many people’s minds the jury is still out on the long-term effects of climate change. I was quite interested to hear the member for McMillan agreeing with the member for Grayndler. I think that would probably be a first for this place! The point they made was that good environmental policy equals good economic policy. I think most people on both sides of the House would agree with that. I have heard many speakers in many debates on climate change raise that issue, and I think it is a starting point of agreement in this debate. That is the thing that comes to me even though there are slightly differing views on climate change, on the impact of policy on it, on Australia’s and other nations’ roles in relation to it, on where we stand and do not stand on Kyoto and on what we are doing internally.

The other thing that comes to me is that we really do not have any clear direction or long-term policy on renewable energy sources, such as the use of wave action, which the member for Kalgoorlie spoke about yesterday. I did not hear all of his contribution to this debate, but he did talk about the need to at least examine wave action as a form of energy. I have heard the member for Kingsford Smith speak on a number of energy related issues and climate change. He has talked about wind energy and solar energy—the sorts of things we may be able to gain advantage from if adequate research is put into them. The member beside me, the member for Kennedy, and I have spoken on
many occasions about ethanol and biodiesels and how they could be used in a nation that has become quite dependent, particularly in fuel pricing, on overseas markets. We have argued strongly, along with some others in the major parties, that a mandate of 10 per cent should be imposed on the use of renewable energy in petrol in Australia. So far our voices have been unsuccessful but I think that debate will eventually come to fruition, otherwise Australia will be left behind in the broader debate about renewable energy.

The government put in place a renewable energy policy in 2001 and did virtually nothing to impose it. It set a target, which it has recently reiterated, of 350 million litres of renewable energy from ethanol, biodiesels and those sorts of things. The rate currently being produced in Australia is below 100,000 megalitres. The target the government set is, I think, 0.85 of one per cent of our fuel usage. Some people within the National Party some years ago—and I applaud those who had the courage—argued that we should follow the United States and some South American and European countries and at least examine the options of a 10 per cent mandate for ethanol in our petrol and for biodiesels. The current target in this nation is 0.85 of one per cent. I do not think anybody would argue that that target will make a significant difference to climate change, the small particle emissions from modern petrol engines or the carcinogenic effects on the health of the nation. This is tokenism in its extreme, in my view. I note that the New South Wales government has joined with the Queensland government to suggest that government fleets will be required to use ethanol or biodiesels where they are available. Obviously those who have control over the availability of those fuels are the fuel companies, and they have made it very plain that they do not want to relinquish any control over their sources of profit. Even from today’s papers people would recognise the price gouging by the major fuel companies.

So our long-term policy is almost nonexistent not only in relation to renewable energy fuels such as ethanol and biodiesels but also in relation to solar energy. There is wind and solar energy—I am not familiar with much of the wave action theory but there are obviously proponents who are, particularly from Western Australia, and they are seeing wasted opportunities for wave action as a source of energy. Some of these energy sources are uneconomic at the moment, but I do not think Australia should presume that, because something is uneconomic today, we should not carry out any research into what may be a lifesaver for this nation tomorrow.

We are constantly told in nearly every debate in this place—for instance, the industrial relations debate that is before the House at the moment—that part of the reason the government has to look at reform is to maintain some degree of global competitiveness for our industries, particularly our export industries.

I would suggest that there is another side to that equation: we should look very closely at our domestic policy and what we as a nation can do in a comparative advantage sense that will out-compete, even given our higher cost structures, some of the countries we deal with. One of the advantages of this country is that we have a large land area and an efficient farming base. We are told that it is the most efficient in the world. That farming base could be used to produce renewable energy sources. Some of the most recent information suggests—and the member for Kingsford Smith may be interested in this—that the energy balance of no-till agriculture, energy in as related to energy out, is very positive. When you look at the ethanol plant proposed for the Gunnedah area, you find that the energy balance savings from that one plant, which would produce between one-
quarter and one-third of one per cent of our fuel needs, would be equivalent to removing 70,000 cars from the roads in terms of the pollutant effects.

Even though we talk about these things as a government and as a parliament, we are not progressing the debate sufficiently. One of the things I would like to suggest, which I wrote to the Prime Minister about some months ago, is an issue that was raised locally—I would like to give credit to a local adviser of mine, if I may, a man called Mr Spot Cunningham, who has been a proponent of renewable energies and a source of great inspiration and encouragement to me on some of the policy issues that I have elaborated on in this parliament.

The issue that I did write to the Prime Minister about was that the parliament should initiate a renewable energy authority, made up of prominent Australians who, with a particular bent to the future, are interested in renewable energy sources. This authority should be given some liberty in constructing a future policy mix that addresses our advantages and that embraces, as good economic policy should, not only the environmental consequences but also some of the social consequences of that policy.

If the sugar industry—and I am sure that my colleague the member for New England said he was not an expert in sugar. Similarly, I cannot speak with authority about the wheat or grain industries, but I can about the sugar industry. For every 100 tonnes of sugar cane cut in the field, 73 tonnes of CO₂ is taken out of the atmosphere. So every single year on a hectare of cane land we take 73 tonnes of CO₂ from the atmosphere. Why are we racing around looking for solutions? The solution is out there, flashing in neon lights. Let me just

Mr KATTER (Kennedy) (5.00 pm)—I have followed very closely the debate on global warming, and the case for it is a very contentious one. However, the case is not contentious on the evidence of CO₂ emissions. In 1800, there were 280 parts per million of carbon dioxide in the atmosphere; in 2005, there are 360 parts per million. That is a very significant increase.

If you look at the two graphs I have here, you will see that the increase in temperature is pretty similar. That is some evidence of global warming. But, if you go back 140,000 years, temperatures were considerably higher than they are now—two degrees Celsius to be exact—and 20,000 years ago the temperature was five degrees Celsius cooler than it is now. Whatever cycle—if it was a cycle—that the earth was in 140,000 years ago that caused the increase may well be the same cycle that we are in now.

I think every intelligent person would say that there has been a very significant increase in CO₂ and that it is a change that should be looked at. If we want change, though, let us do it a little bit more slowly than we are doing it at present—hence, the Kyoto protocol agreement. I was very disappointed in the opposition today. If you are going to get up and make a proposal then you should tell us what your proposal is. You should not come in here and say: ‘Everything’s wrong, but I’ve got no solutions to it. We’re going to pay some scientists to do it.’ You can do your own science. It is not enormously difficult. You get out a few physics and chemistry books and do a bit of reading. You do not have to be Albert Einstein to do that.
reduce that to figures for the House: from every hectare of cane land, we produce 100 tonnes of cane, which takes out 73 tonnes of CO₂ from the atmosphere.

We could move to E10—it could all come from sugar cane but it will not, of course; the bulk of it will probably come from grain; but that is the model that I am working on here—like every sensible nation on earth is currently doing. The Americans have over four years to move to five per cent by law. Our National Party ministers in this place tell us that we are not allowed to have that, because they believe that people should be able to fill their petrol tanks up with whatever they want to fill them up with. I quite liked filling my car up with lead petrol. It might have killed a few people but it was a hell of a lot cheaper fuel. But the governments of Australia in their wisdom decided that for the good of the health of the people they would take lead out of petrol.

Mr Windsor—What happened to choice?

Mr KATTER—Yes! What happened to choice? Mr Anderson’s and Mr Truss’s argument was about having choice. If we can force something upon the people of Australia for the good of our health—I am not saying that it is a bad thing—and if we can mandate lead out, then we can most certainly mandate ethanol in for exactly the same reasoning. The argument put up by those two people was ridiculous. Unfortunately, one of them held the deputy prime ministership of Australia and the ministry for transport and the other held the ministry for agriculture—the two relevant ministries. So we are here today debating this problem when the answer is flashing in neon lights for all of us to see.

Three million tonnes of CO₂ is thrown out by a 500-megawatt power station. A 1,000-megawatt power station will put out about six or seven million tonnes of CO₂. Sugar mills can supply 1,000 megawatts cogeneration. An E10 blend plus cogeneration will take out 20 million tonnes of CO₂ from the atmosphere every year. I will repeat that: a 10 per cent ethanol blend and cogeneration will take out 20 million tonnes of CO₂ from the atmosphere. The figures vary widely. An energy web site says that there are 550 million tonnes of CO₂ emissions. The greenhouse gas emissions office—and a lot of people have cast great humour at the ‘gas emissions’ title that was given to it; the title was subsequently changed, but I think the first one was far more appropriate, but we will take them as the official spokesman for the government of Australia—say that the current emissions are 405 million tonnes, which was the latest figure, recorded in 2003, even though other web sites are saying 550 million tonnes.

With 20 million tonnes being taken we have more than hit our Kyoto protocol target. If we do what I think should be done in this country, which is have 40 per cent ethanol content in our fuel, petrol would be much cheaper and there would be more revenue to government than in fact the excise on fuel generates. Ethanol delivers through the bowser in Brazil at present petrol at 68c a litre. We could have petrol in Australia at 75c a litre. If we went to 40 per cent it would be an 80-million tonne CO₂ reduction. We can look toward the total abolition of our CO₂ emissions if we go down this pathway.

As the Minister for Mines and Energy in the Queensland government, I chaired the national conference on solar energy. Professor Szokolay of the University of Queensland put out a very excellent book. One of the many interesting facts that he narrowed down was that 40 per cent of the consumption of electricity in households came from the heating of water. Once again I cannot speak for the rest of Australia, but I know that in my home state of Queensland we most certainly could supply almost all of that...
40 per cent from solar hot water systems on the roof. There is no reason why every single house in the state of Queensland could not have that. If the government had survived in 1989, I can assure you that in 1990 we would have been proceeding with solar hot water systems on the roof of every government and public service house in the state of Queensland, which was about a quarter of our housing. So another huge reduction in CO₂ can come from the very simple ho-hum, yawn-yawn device of a solar hot water system on your roof. That would be another 30-million tonne reduction in our emissions.

So, if we went to E40, we would solve our shortage of petrol problem, we would help our current account problem, we would have more revenue for the government than we have at the present moment, we would create 40,000 jobs in Australia and we would rescue two industries—grain and sugar cane.

Let me move on swiftly. It is very hard to see how you are going to get energy without CO₂ emissions without going down the nuclear pathway. Of course, nuclear energy can convert water, H₂O, into H₂, which is an excellent and non-polluting source of power. We import into this country every year carbon for aluminium and rubber production, in activated carbon for gold processing and in carbon fibre. It is about $600 million worth of carbon every year. Carbon dioxide is carbon plus oxygen. Take the oxygen off it and we have carbon, which can be used as a replacement in all of these various fields. The technology is there to walk down this pathway right now. But, flashing neon lights, there are two very simple things to do: have 10 per cent ethanol and solar hot water.

The DEPUTY SPEAKER (Mr Jenkins)—Order! The discussion is now concluded.
Report of the Parliamentary Delegation to the 113th Inter-Parliamentary Union Assembly in Geneva (16-20 October 2005) and a bilateral visit to the Republic of Singapore (23-27 October 2005).

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

Speech time limits—
Each Member—5 minutes.

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

2 STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES
Overseas adoption in Australia.

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

Speech time limits—
Each Member—5 minutes.

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

3 STANDING COMMITTEE ON PROCEDURE
Inquiry into procedures relating to House committees.

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

Speech time limits—
Each Member—5 minutes.

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

4 JOINT STANDING COMMITTEE ON MIGRATION

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

Speech time limits—
Each Member—5 minutes.

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

5 JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES
Norfolk Island financial sustainability—The challenge: sink or swim.

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

Speech time limits—
Each Member—5 minutes.

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

6 PARLIAMENTARY JOINT COMMITTEE ON ASIO, ASIS AND DSD

The Committee determined that statements on the report may be made—all statements to conclude by 1:30 p.m.

Speech time limits—
Each Member—5 minutes.

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

7 JOINT STANDING COMMITTEE ON TREATIES

The Committee determined that statements on the report may be made—all statements to conclude by 1:40 p.m.

Speech time limits—
Each Member—5 minutes.

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

PRIVATE MEMBERS’ BUSINESS
Order of precedence
Notices

1 Ms Roxon to present a Bill for an Act to amend the Crimes Act 1914, to deal with threats and incitements because of race, colour, religion or national or ethnic origin. (Crimes Act Amendment (Incitement to Violence) Bill 2005) (Notice given 28 November 2005.)

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

2 Mrs Elliot to move:
That this House:
(1) notes that petrol prices in regional areas have dramatically increased and are averaging well over $1.20 per litre;
(2) recognises that these prices are becoming prohibitive for families and small businesses and are adversely impacting on tourism - an industry which many regional areas rely on; and
(3) calls on the Government to direct the Australian Competition and Consumer Commission to formally monitor prices under Part VIIA of the Trade Practices Act 1974. (Notice given 28 November 2005.)

Time allotted—30 minutes.

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

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

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

3 Mrs May to move:
That this House:
(1) recognises that:
(a) good health is the single most important factor necessary for individuals to lead a happy and successful life;
(b) what individuals think, eat and the amount of activity they undertake are important determinants of health and wellbeing;
(c) Australians have a high incidence of preventable diseases that are influenced by lifestyle and behaviour including cardiovascular diseases, cholesterol, obesity and diabetes;
(d) for many Australians, health is simply access to medical goods and services; and
(e) once illness has taken hold, because of the mind/body connection, many do not have the mindset to better improve their health until they get a ‘scare’ which often comes too late; and
(2) calls on the Australian Government to:
(a) educate youngsters in schools about health and ways of preventing illness;
(b) educate couples before starting a family on healthy lifestyles for children;
(c) refocus the training of our doctors from ill health to good health with an emphasis on preventative care; and
(d) implement a National Health Strategy with a strong focus on preventative health. (Notice given 9 November 2005.)

Time allotted—remaining private Members’ business time.

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

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

The Committee determined that consideration of this matter should continue on a future day.
DEFENCE LEGISLATION AMENDMENT BILL (No. 2) 2005
EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT AMENDMENT BILL 2005
CENSUS INFORMATION LEGISLATION AMENDMENT BILL 2005
ANGLO-AUSTRALIAN TELESCOPE AGREEMENT AMENDMENT BILL 2005

Referred to Main Committee

Mr BARTLETT (Macquarie) (5.11 pm)—by leave—I move:

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

Question agreed to.

BUSINESS

Mr JOHN COBB (Parkes—Minister for Citizenship and Multicultural Affairs) (5.12 pm)—On behalf of the Leader of the House, I ask leave of the House to amend the notice relating to the Anti-Terrorism Bill (No. 2) 2005, by omitting 7 pm and substituting 8 pm.

Leave granted.

Mr John Cobb—I move:

That 7 p.m. be omitted and 8 p.m. substituted.

Question agreed to.

Mr JOHN COBB (Parkes—Minister for Citizenship and Multicultural Affairs) (5.13 pm)—I move:

That, in relation to proceedings on the Anti-Terrorism Bill (No. 2) 2005, so much of the standing and sessional orders be suspended to enable:

(1) at the conclusion of the second reading debate or at 8 p.m. on Tuesday 29 November 2005, whichever is the earlier, a Minister to be called to sum up the second reading debate without delay and thereafter the following occurring:
(a) the immediate question before the House to be put, then any question or questions necessary to complete the second reading stage of the bill to be put;
(b) the bill then to be taken as a whole during consideration in detail for a period not exceeding 60 minutes, immediately after which the question then before the House to be put, then the putting without amendment or debate of any question or questions necessary to complete the consideration of the bill; and
(2) any variation to this arrangement to be made only by a Minister moving a motion without notice.

Question agreed to.

ANTI-TERRORISM BILL (No. 2) 2005

Second Reading

Debate resumed from 28 November, on motion by Mr Ruddock:

That this bill be now read a second time.

upon which Mr Beazley moved by way of amendment:

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

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

(1) notes that securing the community from terrorism and ensuring our citizens live in freedom from fear is among the highest and most fundamental tasks of government;

(2) condemns the Howard government’s failure to take necessary and practical measures to adequately protect Australians from terrorist threats, in particular, its failure to:

(a) ensure aviation security as detailed in the recent report of Sir John Wheeler including:
(i) the x-ray examination of 100% of international checked baggage;
(ii) the upgrading of security at regional airports;
(iii) providing effective and coordinated security at Australian airports;
(iv) ensuring the effective and accurate operation of Aviation Security Identity Cards;

(b) provide adequate maritime security including:

(i) allowing 90% of containers to transit ports without being x-rayed;

(ii) failing to enforce requirements that all inbound vessels identify their crew and cargo 48 hours before arriving in port;

(iii) providing single voyage permits for foreign flagged ships of convenience to carry explosives and dangerous substances around the Australian coastline and into our ports;

(c) ensure security on our mass transit systems especially urban rail systems;

(d) provide a single co-ordinated response to terrorism through a Homeland Security Department;

(e) meet the international Financial Action Task Force’s 9 Special Recommendations on Terrorist Financing and the 40 general recommendations on Money Laundering—leaving Australia unprepared to deal with the estimated AUD $2-3 billion laundered annually through the Australian economy by criminals and possibly terrorists;

(f) adequately secure Australia’s increasingly porous borders; and

(g) establish a Coastguard to properly protect our maritime approaches particularly in the north and north-west of Australia;

(3) notes that:

(a) tough anti-terrorist laws need to be matched with strong safeguards;

(b) the struggle to defeat terrorism does not require us to surrender the basic rights and freedoms of the democratic and free society that we enjoy in Australia; and

(c) the requirement for effective safeguards is highlighted by the Howard Government’s record of incompetence in immigration detention, which has led to the wrongful detention of at least 220 people;

(d) the counter-terrorist financing measures contained within this bill are a mere fraction of the measures required to bring Australia into compliance with the global standard;

(4) condemns the heavy handed and arrogant tactics originally adopted by the Howard Government in planning to introduce this bill into the Parliament and have it debated immediately on Melbourne Cup day and also seeking to have Senate Committee scrutiny limited to just one day;

(5) calls on the Government to:

(a) introduce legislation to establish a permanent independent oversight agency for the Australian Federal Police to oversee the operations of the AFP without delay;

(b) provide increased resources for the Inspector General of Intelligence and Security to enable improved scrutiny of the expanding intelligence community;

(c) expand the role of the Joint Standing Committee on Intelligence Services to include oversight of those aspects of the AFP associated with anti-terrorism activities and, further adopt the recommendations of that Committee made last year in relation to the Committee’s access to classified material;

(d) automatically refer all proposed laws relating to intelligence services or counter terrorism to the Standing Committee on Intelligence Services for report to both Houses of Parliament;

(e) recognise that a key safeguard against terrorism is the maintenance of a coherent and harmonious multicultural community and therefore;

(i) adopt Labor’s plan to criminalise incitement to violence on racial or religious grounds by separate legislation; and
(ii) ensure the teaching of respect for Australian values in all schools;

(f) report to the Parliament on the question of constitutionality of the measures contained in the bill;

(g) report to the Parliament on whether the proposed laws are consistent with Australia’s obligations under international law;

(h) ensure that fair commentary, artistic expression and criticism is not restricted by this bill;

(i) ensure that peaceful industrial, political and artistic protest is not restricted by this bill;

(j) excise schedule 7 on sedition and refer the sedition laws of Australia to an independent public review for consideration and recommendation to the Parliament prior to introducing amendments to the Parliament;

(k) expedite the stalled Counter-Terrorist Financing and Anti-Money Laundering legislation, first promised by the Howard Government in December 2003 and yet to be brought before the Parliament;

(6) calls on the Government to seek agreement with the States and Territories to alter the bill to give effect to the following:

(a) require the Attorney-General to report to Parliament on the use of control orders, preventative detention orders and prohibited contact orders every three months, to ensure sufficient parliamentary scrutiny as is the case in the UK;

(b) require the court to hear a control order confirmation hearing as soon as reasonably practicable after the interim hearing;

(c) permit a person held subject to a preventative detention order to inform an immediate family member about their detention in similar terms to that applying in the bill to a person under 18 years, subject to any prohibited contact order that may have been made (ie a specific decision that that family member should not be informed for security reasons);

(d) subject the provisions of the Anti-Terrorism Acts (No.1) and (No.2) to a five year sunset clause, not the proposed ten years (noting that the ASIO 2002 Act is subject to a three year sunset clause and similar UK laws are subject to an effective one year sunset clause);

(e) subject the provisions of the Anti-Terrorism Acts (No 1) and (No 2) to a review after two and one half years, by a committee as is required by section 4 of the Security Legislation Amendment (Terrorism) Act 2002;

(f) establish a Federal Public Interest Monitor with similar powers and functions as the Queensland office; and

(g) define an issuing court for the purposes of control orders to be the Federal Court; and

(7) urges the Senate committee to look closely at the issues outlined above as well as:

(a) the breadth and reach of the provisions relating to advocacy of terrorism and financing of terrorism; and

(b) any retrospective effect of the bill”.

Mr GARRETT (Kingsford Smith) (5.14 pm)—I will continue my remarks on the Anti-Terrorism Bill (No. 2) 2005. As I was saying yesterday, numerous legal organisations and senior practitioners, including Peter Gray SC from the Sydney bar, who provided an opinion to me specifically on this matter, have stated that these laws could in fact capture artistic expression. I seek leave to table that opinion.

Leave granted.

Mr GARRETT—Gray’s verdict was clear:

Australians involved in creative or artistic fields seem to me to be particularly vulnerable to the risk of prosecution under the regime to be introduced by the Bill.

The opinion went on to say:
Risk of contraventions of provisions of the Bill would arise, perhaps in a more acute way, with for example:

a play or film or television programme depicting in a sympathetic or even non-hostile way the policies or strategies or motivations of the Iraqi insurgents, or of al-Quaida, or of other groups which may from time to time be at war with or engaged in armed hostilities with Australia.

... ... ...

a song, or picture, or written work, which expressed corresponding sentiments or which utilised the musical or artistic or literary traditions or styles associated with the culture of a hostile organisation or country in a way which signified sympathy with or admiration of that culture.

any imaginative/creative work, (literary, visual or other) which repeated or included seditious views expressed by others.

... ... ...

At the very least, it seems to me that the increased uncertainty about the scope of the new offences and the potential severity of the punishment for them would inevitably tend to stifle, or to drive underground, the free expression of opinion and of creative or artistic responses to public and governmental affairs.

No substantial alternative view has been placed on the record, other than assertions by the Prime Minister and the Attorney-General that this is not the case. Moreover, the Attorney-General has said these clauses will be subject to review, the clear implication being that they are not in a coherent shape at present. If that is the case then why enact laws of this kind at all, or at the very least why not review them first instead of ramming them through the parliament?

Alone amongst voices addressing this matter, the justifications by the Prime Minister and the Attorney-General for the new laws have been various but in all cases wrong. Now the Senate Legal and Constitutional Affairs Legislation Committee has, in a unanimous bipartisan report, said that the seditious schedule should be taken out of the legislation altogether. The claim that the Attorney-General makes that the seditious laws just update some of the language is wrong. There are expanded provisions in these laws, including new offences for urging assistance of any kind for the enemy or for countries where the ADF has been deployed.

The claim that the seditious laws are meant to catch language which goes beyond criticism but encourages the use of force or violence is wrong. Some of the proposed seditious offences have no link to violence or terrorism, including those that refer to ‘unlawful associations’—an unlawful association merely falling into that definition if a single member of that association has a prescribed seditious intention.

Critically, the claim made by the Attorney-General that people will still be able to participate in vigorous public debate because they will be protected by the good faith defence is also wrong. The good faith defence clearly does not protect free speech and freedom of artistic expression; indeed it makes no mention of these categories of activity at all. Additionally, a number of the offences relating to unlawful association have no defences at all, as the offences are in the Crimes Act but the defences are in the Criminal Code. Competent authorities, to use one of the Attorney-General’s stock phrases, are unanimous that the good faith defences are especially limited and offered no defence in previous prosecutions for sedition, such as the prosecution of communist leader Sharkey in 1949.

Finally, the Attorney repeatedly offers that the proposals are in line with the Gibbs commission recommendations of the early 1990s. Again, with respect, he is wrong, for, whilst a component of Gibbs’s recommendations are reflected in the new laws, the main thrust of his commission’s report was to limit the seditious offences to three circumstances:
incitement to overthrow or supplant by force or violence the Commonwealth government and constitution, violent interference in parliamentary elections and incitement to use force by one group within the community against another. The former Chief Justice expressly recommended the removal of the unlawful association offences, but here they are expanded in the new bill and additionally new offences lie.

What confidence can we have in anything the government brings forward if the Attorney-General and government spokespeople such as the Prime Minister continually misrepresent the legal situation in relation to this bill? What confidence can we have if members of the government who are lawyers and have some comprehension of the gravity of making false and misleading claims of this sort on a matter of this importance say nothing? The answer is we can have none. I refer to an editorial that appeared in the Herald Sun on 28 November, which stated:

Mr Howard’s sometimes flippant defence ... is short of reassuring...

... we believe the laws threaten with criminal sanctions those who exercise their democratic right to speak out or those who report what they say.

The editorial went on to say that the Attorney-General should abandon these laws. It is absolutely right about that. We can have some confidence in the recommendation of the Senate committee report, because that report was bipartisan. It contained recommendations by both government and opposition members. The Greens and the Democrats also concurred that the schedule 7 offences of sedition should be withdrawn altogether. That is the only possible action that is open to the Attorney-General.

Artists who express a range of diverse views are as essential a part of our democracy as the press. Yet both these entities in our society find themselves in the gun sights of these new laws. For artists and those who publish their work, whose careers are often precarious and marked by periods of tough times, even the possibility of falling foul of laws of these kinds is enough to constrain and lessen the scope of their work or the publication of it to the public.

Importantly, what falls within the expanded term ‘urging’? This is the question which has not been answered. Urging is something which artists always do, and who can say with any confidence that the uptake of such actions produced by song, a word or a pamphlet will not result in an action deemed under these laws to be considered seditious? This is an intolerable situation for the artistic community of Australia to be placed in.

The editor of the Ballarat News, in reporting on the Eureka blockade, found himself in that situation some 100 years ago. It is not too remote a possibility that a modern artist reflecting on the war in Iraq will not be in the same situation. The mere fact that we are quite properly conducting a debate in these terms indicates the extraordinary state of affairs that has been reached by the prospects that this legislation brings to the House.

As for the remainder of the bill, I have already said that I do not agree with some of its elements. But I urge the parliament to accept the amendments brought forward by the opposition and the recommendations from the Senate committee. They will go some way towards improving this bill. Frankly, a five-year sunset period with additional review procedures is the very least we should expect for legislation which has such scope. I welcome the constructive approach taken by the members of the Senate committee, and I note the role played by Senator Payne, who I think has laid out some clear
guidance for her colleagues in considering this legislation.

When a government has imprisoned its own citizens, left a citizen without legal rights or fair treatment in an overseas jail, demonised those who have sought to flee persecution and come to Australia, locked up children behind razor wire in detention camps and made adverse comments on judges and lawyers working in the criminal justice and administrative law field—when a government and an Attorney-General have a track record of this kind, I think all Australians would be mindful of the need to look very closely at legislation of this magnitude and to oppose, or at the very least aim to amend, those aspects which weigh down on the rights and freedoms that are a part of our way of life. The cumulative effect of laws of this kind is to make Australia a different country. Whether the laws will achieve their aim is another matter. In their proposed form, they will chill debate. The sedition clauses should be removed as a matter of urgency. (Time expired)

Mr BALDWIN (Paterson) (5.24 pm)—I rise to speak on the Anti-Terrorism Bill (No. 2) 2005. Much of the public and media comment has focused on the act of sedition but, to be clear, this bill amends the Criminal Code Act 1995, the Crimes (Foreign Incursions and Recruitment) Act 1978, the Financial Transaction Reports Act 1988, the Australian Security Intelligence Organisation Act 1979, the Surveillance Devices Act 2004, the Administrative Decisions (Judicial Review) Act 1977, the Crimes Act 1914, the Migration Act 1958, the Aviation Transport Security Act 2004, the Proceeds of Crime Act 2002, the Customs Act 1901 and the Customs Administration Act 1985. This bill broadly encompasses the installation of measures that are designed to protect our fellow Australians.

This government is taking a responsible and proactive attitude to providing protection to all Australians. This bill will install a strong series of federal regimes of offences and powers targeting terrorist acts and terrorist organisations. It is the result of a comprehensive review of existing federal legislation that criminalises terrorist activity and confers powers on law enforcement and intelligence agencies to effectively prevent and investigate terrorism.

I want to highlight the principal features of the bill. These include an extension of the definition of a terrorist organisation to enable listing of organisations that advocate terrorism, a new regime for control orders that will allow for the overt close monitoring of terrorist suspects who pose a risk in the community, and a new police preventative detention regime that will allow detention of a person without charge where it is reasonably necessary to prevent a terrorist act or to preserve evidence of such an act.

The bill strengthens financing of terrorism offences by better coverage of collection of funds for terrorist activities, and it puts in place a new regime of stop, question, search and seize powers that will be exercisable at airports and other Commonwealth places to prevent or respond to terrorism. There will be a new notice to produce regime that will ensure the AFP is able to enforce compliance with a lawful request for information that will facilitate the investigation of a terrorism or other serious offence.

There are amendments to ASIO’s special powers for warrant regime, amendments to the offence of providing false or misleading information under an ASIO questioning warrant and amendments to authorise access to airline passenger information by law enforcement and intelligence agencies. The bill creates a legal basis for the use of video surveillance at Australia’s major airports and on
aircraft. It also implements additional FATF special recommendations covering criminalising the financing of terrorism, alternative remittance dealers, wire transfers and cash couriers. Finally, the bill updates sedition offences to cover those who urge violence or assistance to Australia’s enemies.

This bill is very detailed, but, as I said, much of the public attention has focused on the act of sedition. In schedule 7(4), the intention is to insert at the end of section 30A the words:

... seditious intention means an intention to effect any of the following purposes:

(a) to bring the Sovereign into hatred or contempt;
(b) to urge disaffection against the following:
   (i) the Constitution;
   (ii) the Government of the Commonwealth;
   (iii) either House of the Parliament;
(c) to urge another person to attempt to procure a change, otherwise than by lawful means, to any matter established by law of the Commonwealth;
(d) to promote feelings of ill-will or hostility between different groups so as to threaten the peace, order and good government of the Commonwealth.

I do not have a problem with that, and the phone calls to my office about this show that others have no problem with that. Of course there are a few—who probably have not read the full intent of the bill—who would complain. I accept that; that is part of democracy in Australia. But I want to go on the record as saying that I make no apology for wanting to protect fellow Australians. It was Voltaire who said:

I disapprove of what you say, but I will defend to the death your right to say it.

I think that was more than adequately updated by Nelson Mandela, who said:

For to be free is not merely to cast off one’s chains, but to live in a way that respects and enhances the freedom of others.

That is the key principle: respecting and enhancing the freedom of others.

This bill does not shut down Islamic faith in Australia. What this bill seeks to do in part is take a stance against those who incite others into violence or terrorist acts within Australia. This is an active bill that takes proactive measures. The way that members of the opposition speak, you would think that there are no terrorist activities within Australia. I would remind people of incidents early this month where a number of people, following a change of legislation in this House, were arrested on suspicion of intent to commit terrorist acts. Some of the things that concern me surround a man known as Abdul Nacer Benbrika, also known as Abu Bakr, who has been a very strong advocate for a radical brand of Islam. In fact, he said on the ABC:

Osama bin Laden, he is a great man. Osama bin Laden was a great man before September 11, which they said he did ... Until now nobody knows who did it.

I am quoting an article out of the Herald Sun by Mark Dunn, Liam Houlihan and Jane Metlikovec. It says, quoting Mr Benbrika:

“I am not involved in anything here. I am teaching my brothers here the Koran and the Sunna,” he said in August.

“I am trying my best to keep myself, my family, my kids and the Muslims close to this religion.”

But Mr Benbrika said his view of Islam left no room for tolerance of other religions and supported violent conflict with oppressors.

“Jihad is part of my religion, and what you have to understand (is) that anyone who fights for the sake of Allah, the first, when he dies, the first drop of blood that comes out from him, all his sin will be forgiven ...”

“According to my religion ... I don’t accept all other religion except the religion of Islam ... The
only one law which needs to be spread—it can be here or anywhere else—has to be Islam.”

After his arrest, a recording of a police interview was released that quotes Mr Benbrika as saying:

If we want to die for jihad, we have to maximise damage ... damage to their buildings, everything. Damage their lives to show them.

I would consider this, as most people would, a threat against all Australians. I would consider this to be an act of sedition, an act of terrorism. To invoke others, to teach others, to carry out acts against fellow Australians, to damage, to maim, to damage our infrastructure, is something that can no longer be accepted. Those who support the argument put by the opposition tend to be apologists for everything that goes wrong. Every action that is taken they seem to be the apologists for.

It was interesting to listen to a contribution to a debate yesterday by Julia Irwin in this House, the member for Fowler. She quoted quite extensively from the Bible and said that the Judaeo-Christian ethic outlined in the Bible is one of extreme violence. I, like you, Madam Deputy Speaker Bishop, have read the Bible. I have read the Old Testament and the New Testament. It is true what she says. The Old Testament is a fairly violent piece of writing that records what God instructed individuals to do—not a race of people but individuals of his chosen people. The one thing that she omitted from her statement was that the New Testament included all people—all people could become Christian by admitting their faith, by giving their heart and on the direction of loving one another and giving various things to each other, such as hope, opportunity and all the positive messages. In the New Testament there is no instruction to go out and kill. In fact, it says to do completely the opposite. So I think that her statements have been way out of whack.

In the Koran there is only one book. There is not an Old Testament and a New Testament. The problem with all religions—whether it be those of the Christian ethic, those of a Jewish base, those of Islam or indeed even Hinduism—is that if people follow it through to extreme measures and misinterpret then there are problems, as put to me by Gay Carmen, with some quotes from the Koran. This is the sort of thing that the extremists will follow. From Koran 9.5:

Fight and kill the disbelievers wherever you find them, take them captive, harass them, lie in wait and ambush them using every stratagem of war.

From Koran 9.112:
The Believers fight in Allah’s Cause; they are slain and are slain, kill and are killed.

Then in Koran 9.29:
Fight those who do not believe until they all surrender, paying the protective tax in submission.

In Ishaq, 325:
Muslims, fight in Allah’s Cause. Stand firm and you will prosper. Help the Prophet, obey him, give him your allegiance, and your religion will be victorious.

In Koran 8.39:
Fight them until all opposition ends and all submit to Allah.

The final one I will quote, Koran 8.39, is:
So fight them until there is no more Fitnah (disbelief [non-Muslims]) and all submit to the religion of Allah alone (in the whole world).

There have been many writings. In fact Paul Kent, around 10 November, in an article that he wrote, said:

It is about the way things are done in this country, and of the huge gulf between the Australian way and the extremist way that is now so apparent, and which has brought us all into this ungodly war.

Here, we have social customs that as a nation we respect.

We try to provide a future for our children, we stand in court if we have somehow found our way
there, we want to be good examples, with a good message, for our young.

There are a lot of people who follow the Islamic faith. I guess they are like a lot of people who follow the Christian faith: they have an essential belief in the good parts of the book that it provides. There are extremists, however, who follow it to the nth degree. I would put to you that Abu Bakr is one of those people who follow the writings to the nth degree, who incite other people to commit violent acts. He was one of a group of people who were assembling chemicals to make attacks on our buildings and our people.

That was clearly outlined in the Sydney Morning Herald on 9 November in the article ‘Purchase of chemicals key to raids’ by Tom Allard. He says:

There is no shortage of evidence of sympathies among the group for Muslim extremism. Benbrika had openly praised Osama bin Laden and proselytised on the righteousness of the resistance in Iraq and suicide bombers.

Tom Allard continues:

One of the Melbourne men detained, Abdulla Mehri, wanted to become a suicide bomber, police allege. And the men, are said, according to phone intercepts, to have agreed that killing innocent women and children was permitted in pursuit of violent jihad.

I find that disturbing; everybody in this parliament should find that disturbing. In fact, most calls that I take in relation to this issue are from people who fear for their future against extremists. At the moment, it appears that Islamic extremists are promoting and pushing the cause of violence and of destruction of our government and our way of life.

These bills, in particular the changes to the seditious act, will allow this government to take action against those who would deter people from having a peaceful existence in Australia.

Australia is one of the most tolerant countries in the world. We accept people from everywhere, regardless of their race, religion, culture or whatever else. But we cannot accept those who incite other people in Australia to commit acts of terrorism and violence against those who live in this country—people who only want to live here in peace.

In finalising my comments on this bill, I will quote one part of a statement made by the Prime Minister in a column in the Daily Telegraph. Under the heading ‘Why do we fight for everyone’s children?’ he said—and I think this sums it up:

One thing remains unchanged. Overwhelmingly, the world is a good place. We live in a society where most people are good people. The majority of the community want a peaceful life.

The challenges we face in today’s world are best confronted with a message of hope, reassurance and tolerance.

I want Australia to be a tolerant nation, but I also want a government that will stand up to protect the people of Australia. I commend the bill to the House.

Mr SWAN (Lilley) (5.39 pm)—A year after the attacks of September 11, 2001, I said in this House that how we combat terrorism will define the sort of nation our children will inherit. We have learned a lot about terrorism in the years since the attacks of September 11. We have seen terrorism up close in Bali and almost in our own land, and we have learned some important lessons. We have seen the damage that terrorism can do and we have examples from around the world of the right way for democratic countries to confront the special challenges presented by terrorism. We accept that it is our solemn responsibility to protect the people of Australia from terrorist attacks—and let me make it absolutely clear: Labor is committed to meeting this challenge. We also know that the best way to reduce the risk of terrorist attacks in Australia is to make sure that our
But, before I turn to the provisions of the bill, I will make some general points. We must make sure that the fight against terrorism is not used as part of a divisive political strategy. The debate about appropriate laws to combat terrorism should not be used to drive a wedge between all of us. It is not true that there is one group more concerned about human rights and another group more concerned about the security of their loves ones. We are all concerned about human rights and we are all concerned about the security of our loved ones. For that reason, we need to keep debate about appropriate laws to combat terrorism above politics and we need to be seen to be keeping it above politics. Keeping terrorism off Australian shores will take the support and cooperation of all Australians, regardless of their political views.

This bill is supported by Labor, but serious problems remain in it and the government should endorse Labor’s second reading amendment. The House must not pass the sedition provisions, which have nothing to do with the central purpose of the bill. Our current laws on identity to combat terrorist financing need strengthening, we must resource our financial tracking systems properly and we must recognise that, as a nation, our future security depends on how we combat global poverty and not just on how we structure our criminal laws. If we give up freedom of speech, the terrorists win. If we turn our eye away from the connection between terrorism and despair and poverty, the terrorists win. In our effort to get the laws right, we must show that we are morally superior to those who would hurt us.

I now turn to the bill itself. As my colleagues have noted, this bill picks up many of the ideas for combating terrorism that Labor has advocated for some time. In particular, it embraces some of the ideas for combating terrorism that the Leader of the Opposition has been advocating forcefully for a long time, one of which is a national regime for emergency stop and search powers. This bill will also allow for a government code dealing with the use of closed-circuit television for the purposes of aviation transport security. These are important advances.

But the government is not getting the message on the necessary and practical steps that we have been talking about for a long time on this side of politics. The government is not establishing a coastguard to protect our maritime approaches. It is not improving the rate of scanning of shipping containers. It is not increasing our number of sniffer dogs. It is not requiring 100 per cent of international checked baggage to be X-rayed. The government has not got the message about these and other necessary and practical steps that we on the Labor side have been advocating for some time.

The most controversial part of the bill is where it deals with control orders and preventive detention orders. Orders such as these must be available only in the most serious of circumstances and only where those targeted by the orders present an immediate threat. To make sure that these orders are issued only where they are absolutely necessary, we must have safeguards. In fact, we need nothing less than a combination of judicial review, independent oversight and parliamentary scrutiny of the operation of these laws. Labor supports these laws only because they are necessary to assist our law enforcement agencies to do their work.

I note that the government’s efforts to pass this legislation might have been easier if they
had made a better case for it. As the Law Council has suggested, the government’s case might have included an explanation of the human rights that are affected by the new laws, justification for interfering with these rights and how many people are likely to be affected by the laws and how vulnerable they are. In any case, this House must make sure that the Attorney-General reports frequently on the operation of these provisions. As for other aspects of the bill, there are a number of outstanding issues of concern, including restrictions on communication between detainees and their families and whether the bill is consistent with the Constitution and our responsibilities under international law. We have moved a second reading amendment dealing with our concerns and I call on the government to endorse that amendment.

In my remarks today, I want to talk about three things in particular—firstly, sedition. The sedition provisions have nothing to do with the central purpose of the bill and should be dropped. Secondly, I want to talk about the relationship between poverty and terrorism. For our national security, we must make a strong contribution to combating global poverty and the political instability that goes with it. Thirdly, I want to talk about the importance of combating terrorist financing. Our current arrangements leave us exposed on this front, and this bill does not fix the problem.

I will turn to the sedition provisions. After the parliament closed a loophole in the criminal law several weeks ago, terrorism suspects can now be held, charged and tried under ordinary criminal law. When Labor were put to the test, we made the responsible choice. We understand what it means to carry responsibility for our nation’s secure future. The fact that terrorism suspects can now be held, charged and tried under ordinary criminal law is a major achievement. Our open, accountable legal system is one of our strengths and part of what makes us such a strong democracy. I said at the outset that Labor accept the solemn responsibility of making sure our laws will let our police and intelligence agencies do their jobs. We will support legislation that makes this possible, but the sedition laws in schedule 7 of the bill before the House have nothing to do with that purpose—worse, they attack the freedom to criticise our government and the political arrangements that make our democracy strong. Passing that part of the bill will leave us with the kinds of laws that we in a free society can have no truck with.

The Senate Legal and Constitutional Legislation Committee has recognised this and, dare I say it, even members of the government’s backbench. Yesterday afternoon the committee recommended that the sedition provisions be removed from the bill in their entirety. The sedition provisions are inconsistent with our democratic values. As it currently stands, schedule 7 of this bill is a re-animation of the ancient offence of sedition. It is not surprising that the language of the existing law, for example, talks about ‘Her Majesty’s subjects’—but charging people with sedition is not how a modern democratic society treats those who want to criticise it. Under the proposed laws, we could even be put in the ludicrous position that someone who argues that Australia should become a republic could be charged with sedition, or at least be so concerned by the threat of being charged that they choose not to speak out.

The media know what a chilling effect these provisions could have. Last week a broad group of media organisations—AAP, the ABC, the Australian Press Council, the Australian Subscription Television and Radio Association, Commercial Radio Australia, Free TV Australia, John Fairfax, News Ltd, Prime Television, Regional Broadcasting
Australia, the Nine Network, Ten, the Seven Network, Southern Cross Broadcasting, SBS and Win Television—revealed their concerns that these provisions would pose a real threat to their capacity to report the news. If they cannot do their work impartially and honestly because they think that they will be prosecuted, then we are all worse off. The media’s freedom to report must be one of the central planks of our democracy, and it should not be compromised without a very good reason, and this bill is certainly not it.

As my colleagues have correctly observed, the debate about antiterror laws is not a battle between those who fight terrorism and those who defend civil liberties. Those who promote or incite the commission of a terrorist attack should be punished. That is clearly the right result, but the thing is that those who promote or incite the commission of an offence are already punishable under the Commonwealth Crimes Act. There is nothing in the sedition provisions that will make the job of policing terrorism any easier. They were not part of the COAG agreement, and it is not enough that the Attorney-General says he will conduct a review. We must defend the values that make us a strong democracy, and this part of the bill should simply be struck out.

I will now turn to the question of terrorism and poverty. I am not one of those who think that poverty leads directly to terrorism. We know that many of the terrorists who have caused such destruction in recent years are relatively well off and well educated—think of the attackers of September 11; there were engineers and architects among them—but I am firmly convinced that poverty is directly related to discontent, political instability and despair, all of which can make terrorism attractive to people in desperate circumstances. Raising people out of poverty is part of the solution to these problems.

As I noted in my speech to the House on the anniversary of the September 11 attacks, the gap between the wealthiest and the poorest nations has been growing. The quality and quantity of public education in many poor countries has been declining. While the situation of many poor countries has improved in the last decade, the very poor are getting poorer. Addressing the causes of terrorism means committing ourselves to the long-term social and economic progress of the poorest countries. As Michael Fullilove and Warwick McKibbin of the Lowy Institute for International Policy have argued:

Raising the poorest people on the planet out of desperate poverty gives them a stake in their societies and gives poor countries a stake in the orderly operation of international relations. It doesn’t prevent terrorism, but it helps to drain it of its appeal.

Including the poorest countries in the global economy requires a two-fold approach: reducing poverty in those countries and helping them create the conditions for trade and investment. We need to make sure our overseas aid is achieving these goals. We must do these things not just because it is our moral responsibility but because it is good for our national security. As President Roosevelt said after the Second World War:

We have learned that we cannot live alone, at peace; that our own well-being is dependent on the well-being of other nations far away.

We know that when weak states collapse into internal conflict, they provide fertile soil for terrorist groups that threaten those in rich countries.

We must involve developing countries in trade negotiations through constructive use of multilateral organisations like the World Trade Organisation. Developing countries constitute three-quarters of the membership of the WTO. The Hong Kong meeting of the WTO next month is a very important opportunity to make real progress on the Doha
development agenda to bring those developing countries into full participation in the global economy. I sincerely hope that we finally make some progress at that important meeting, because so many people in the world are depending upon a level of maturity at that round that has not been shown so far.

Poor countries need our help to give them a stake in the global economy, and we have a moral responsibility to help them. Along with the rest of the international community we must act not just to end terrorism but to make sure that the poorest countries share in the prosperity that an open international economy brings. Their economic development is our future national security, and we should never forget it.

The bill before the House also deals with aspects of terrorist financing. Again, Labor recognises that it is our solemn responsibility to make sure that our laws against the financing of terrorism are effectively enforced. We must take practical steps to make sure that terrorist organisations cannot use our financial system for their purposes. We support those parts of the bill that help to achieve that goal.

But the government is introducing changes to terrorism financing laws in dribs and drabs, and we have some concerns. That means that businesses have to make several sets of adjustments to their systems, which means several sets of costs. This is causing confusion, and certainly concern, in the business sector. The government has known about the shortcomings of our laws in this area since the international Financial Action Task Force issued its recommendations in 2001. It has taken the government four years to produce this legislation, and even now it does not do all that it needs to do and it is being introduced in a cumbersome way. For all its bluster about the importance of criminalising the financing of terrorism, it has taken far too long to bring the legislation before the House.

There are some important things that the bill before the House does not do. For one thing, we must ensure that we can track international money potentially used for terrorist financing. We must do this by making sure that agencies such as AUSTRAC, the Australian Transaction Reports and Analysis Centre, are fully resourced. The international body tasked with reviewing policies for combating terrorist financing, the Financial Action Task Force, last month reported that AUSTRAC’s resources for anti-money laundering and combating the financing of terrorism are—in their words—‘limited’. That is not good enough. They say that AUSTRAC needs ‘substantial dedicated financial resources’ that it is not getting. So our capacity to trace the financing of terrorists has been examined by the relevant international organisation and been found to be not up to scratch. This is shameful.

On top of that, they are also critical of our performance on the preventive side of the fight against terrorist financing. After reviewing the situation in Australia, the Financial Action Task Force found that that the obligations on Australian banks and financial institutions to verify identities do not meet the current international standards. We need a comprehensive national system to allow banks and financial institutions to share and verify information about identities. Until we have that, we have a potentially very dangerous gap in our capacity to know who is transferring money into, around and out of Australia, and our capacity to combat the financing of terrorism—let alone traditional crimes like fraud—is severely hampered. The government must act to improve our capacity to combat terrorist financing. It must act now and it must act in a way that minimises disruption and costs imposed upon the business community.
In summary, Labor support this bill but serious problems remain, most notably the sedition provisions, which are simply unnecessary and inject into the public debate a divisiveness that is not helpful to the community cohesion that is required to effectively combat terrorism. I believe the House must not pass the sedition provisions. I appeal to those on the government back bench who share our view that they should not be passed to join us in voting for our second reading amendment. They have nothing to do with the central purpose of this bill.

We must recognise that, as a nation, our future security depends on how we combat global poverty, not just on how we structure our criminal laws. Yes, we need to change them. Yes, we need to improve them. Yes, we need to update them. But that will not be the end of where we need to go as a country. If we give up freedom of speech, the terrorists win. If we turn our eye away from the connection between terrorism and despair and poverty, the terrorists win. In our effort to get the laws right we must show that we are morally superior to those who would hurt us. That is why I urge the House to adopt our second reading amendment, which achieves all of those objectives.

Mr HENRY (Hasluck) (5.57 pm)—I am pleased to have the opportunity to speak on the Anti-Terrorism Bill 2005. It represents a critical piece of legislation for Australia and Australians. It is designed to help deter and prevent acts of terrorism. It will also aid our security and police forces to identify and prosecute those responsible for terrorist atrocities that, since 9-11, have become an increasing and unwelcome part of our lives.

I am old enough to remember where I was the day that US President John F Kennedy was assassinated. I remember where I was the day that Neil Armstrong first set foot on the moon. I also vividly remember the events as they unfolded on September 11, 2001 and the horrific tragedies that occurred that day in New York and Washington.

On that day the nature of the world changed. The events of 11 September defined the threat that had emerged to Western democracies in a post-communist world. It was the catalyst for what has become known as the war on terror—a war waged not against conventional armies but against the shadowy world of loosely affiliated groups, bound not just by ideology but by a hatred of the West and the democratic freedoms that we enjoy.

With the passage of time it is all too easy to forget the horror visited upon the American people during the events of 9-11. Without the visible and more tangible threat that a conventional army would represent to threaten us, it is all too easy to slip back into our collective comfort zone in the belief that the world has not materially changed.

But to do so would be an act of self-delusion. The reminders of that fact have been very real in the events that took place in Madrid and London and much nearer home in Bali in October 2002 and October 2005, which together took the lives of 92 Australians—many of them from my own state of Western Australia—with devastating effects on the families and friends of those affected.

To counter the menace posed by terrorists, our democracy must adapt, as it has done in the past during times of war. Our security and police services have a weighty responsibility in protecting our communities, our families and our children. But with that responsibility must come the necessary authority and the tools needed for them to do the job. We must balance the freedoms that we enjoy today against the need to protect ourselves from those who hate and despise our way of life and who have indeed been able to use those very freedoms against us. I have
seen newspaper articles describing the package of measures in the Anti-Terrorism Bill (No. 2) 2005 as draconian. In my view, there is nothing draconian about them.

Mr Crean interjecting—

The DEPUTY SPEAKER (Hon. BK Bishop)—You will wait your turn, I remind the member for Hotham.

Mr HENRY—They represent an appropriate and considered response to the threat we face as a nation. The reforms that the bill contains will ensure that Australia’s counter-terrorism legislation remains at the forefront of international efforts to counter the global threat from the terrorist bomb, bullet and devastation.

The events that unfolded in London earlier this year and the dramatic antiterrorism raids that took place earlier this month in Melbourne and Sydney have brought with them a salutary lesson: the threat of terrorism also comes from within—not just from groups that have gathered beyond our borders seeking to gain entry to our country but by stealth. In reality, there are those living within our society who, it seems, despise the very things that make us Australian. They are the preachers of hate and there are their converts.

In response to this new threat, the Anti-Terrorism Bill (No. 2) 2005 contains a number of measures that will limit the ability of so-called home-grown terrorists to plan and carry out terrorist atrocities. The bill introduces control orders that will allow the Australian Federal Police to seek from a court the imposition of restrictions for up to 12 months on people who, because of their activities, have been identified as posing a threat to our society. The bill allows for preventative detention of persons for up to 48 hours in cases where the Australian Federal Police have reasonable grounds to believe the measure will substantially assist in preventing a terrorist act or will help to preserve evidence if one has already occurred. These detentions may also be extended for up to 14 days.

Some civil libertarians may shudder at such a power being granted, but in reality this is a power with safeguards built in. A detained person can only be questioned to confirm their identity. Their treatment while in detention will be the focus of a judicial review and could be subject to investigation by the Commonwealth Ombudsman. While in preventative detention the bill, consistent with Australia’s human rights obligations, provides that detainees must be treated with respect for their human dignity and must not be subjected to cruel, inhumane or degrading treatment.

While I accept that safeguards are required to stop abuse, I share the concern expressed by the member for La Trobe in his speech to the House yesterday regarding the lack of time provided to interview terrorist suspects while they are in preventative detention. If we are serious about protecting society from the threat posed by terrorism, police must have the authority and ability to interview terrorist suspects, and preventative detention should not be a barrier to that process.

With the phenomenon of suicide bombers and the terrorist liking for soft targets selected to maximise the number of people killed, maimed and seriously injured, I believe that control orders and preventative detention orders are entirely appropriate measures that will aid authorities in disrupting the planning and logistics involved in mounting such attacks. In my view, these provisions represent the minimum measures that we should be adopting. Attacks by suicide bombers are not isolated or random attacks perpetrated by a handful of fanatics but form part of a larger, well-orchestrated cam-
campaign of terror. The Israeli people know suicide bombers very well and have paid a high price in terms of human suffering and shattered lives. It was from the Israeli experience that London police adopted the policy that led to the tragic death of the Brazilian Jean Charles de Menezes on 22 July this year. The Israeli experience says that the only way of stopping suicide bombers from exploding their ordnance is to shoot to kill without challenge once they are detected. In this regard, it is my hope that the control orders and preventative detention measures contained in the antiterrorism bill will provide an alternative means to help foil the mounting of suicide attacks and the need to adopt such policies.

It is all too easy to develop stereotypical images and apply them to groups, and some concern has been expressed that the measures contained within this bill will adversely impact upon Australia’s Muslim community. I understand and empathise with that concern. But they and others should be assured that this bill targets not people’s faith or beliefs but particular types of conduct related to terrorist activity, whether perpetrated by Muslim, Christian, Hindu, Jew or Sikh.

The bill also extends the criteria for listing an organisation as a terrorist organisation to those who advocate terrorism, as well as those who perpetrate terrorist acts. This is a welcome provision and demonstrates a dawning that for terrorism there can be zero tolerance. The bill defines the word ‘advocates’ to cover only those whose advocacy can be regarded as inherently dangerous to the community at large.

Let us be very honest and realistic here. The stakes for all Australians are very high indeed, and I would remind the House that the arsenal of terrorists has expanded since the 1970s and 1980s. From the Kalashnikov and the explosive devices of the PLO or the IRA, things have expanded to include toxic nerve agents such as sarin gas and bioterror weapons such as anthrax. We also face the very real possibility that, in the not too distant future, a dirty bomb will be detonated in a Western city. In a *Sunday Age* article on 7 August 2005, nuclear physicist Dr Frank Barnaby expressed amazement that this had not happened already. Dr Barnaby, in a keynote speech at a Melbourne conference, described the dirty bomb as the most probable form of nuclear attack on the basis that it would be ‘so easy to do’. Exploding a dirty bomb in one of our cities could potentially contaminate tens of square kilometres and impact on the long-term health of hundreds of thousands of people.

Those who preach hate and intolerance represent a threat not only to fundamental freedoms but to Australia’s commitment to multiculturalism. I am committed to multiculturalism and in my electorate of Hasluck you will find people from over 76 countries in our community, living in harmony and speaking a total of some 85 different languages. I do not want to see Australian society polarised by those who abuse our democracy and despise our freedoms. Fear and suspicion are the twin children of terror. We must not allow them to flourish and grow in Australia, and it is my belief that the Anti-Terrorism Bill (No. 2) 2005 will provide the framework for our police and security services to act in defence of our Australian way of life. On that basis I welcome and support this bill.

Mr CREAN (Hotham) (6.09 pm)—I rise to speak in support of the second reading amendment moved by the Leader of the Opposition to the Anti-Terrorism Bill (No. 2) 2005. Labor has argued consistently since 2001 that we need balanced laws—laws that are tough on terrorists but that protect our democratic freedoms. The legislation before the House does not get the balance right.
Labor’s amendments contained in the second reading amendment would get the balance right, and the bipartisan recommendations of the Senate Legal and Constitutional Legislation Committee, tabled just yesterday, would have also considerably moved in the direction of getting the balance right. The bill in the form before the House reflects this recurring failure on the part of the Howard government to get the balance right when it comes to national security and protecting civil liberties.

It does not go far enough in protecting the security of Australian citizens by, for example, strengthening security at our airports, on our wharves and on the railway platforms of our great cities or securing our exposed coastline by establishing a coastguard. What it does, in failing to do those things, is actually attack the civil liberties of those very citizens. Labor argues that we need tough antiterrorist laws, but they have to be introduced in a way that does not take away the very rights and freedoms that the terrorists themselves aim to destroy. The basic rights of our citizenry include the right of freedom of speech, the right to know the crime with which you are charged, the right to defend yourself, the right to a fair trial and the right not to be continuously detained without charge or trial.

Every time this government has introduced new laws to protect us from terrorism it has eroded some or all of these rights. It failed to get the balance right in 2002 and it failed again in 2003. It has failed again with this legislation. As on previous occasions, Labor’s amendments do get the balance right and I urge the government to accept these amendments. I urge the government to listen to its own members on the Senate Legal and Constitutional Legislation Committee: Senator Payne, Senator Mason and Senator Scullion. They are Liberal members who joined with all the Labor members on that committee to propose a significant number of changes—some 51 in all. If the government ignores those three Liberal senators, they have no option but to vote for their own recommendations in the parliament. If crossing the floor is a problem for them they should abstain. Having heard the evidence and having deliberated on these issues and come to a conclusion, they are obliged to see that conclusion carried out.

The government, of course, approaches these sorts of solutions and those who advocate them with disdain. We know it has restricted debate in this chamber. Some 44 out of Labor’s 60 members of parliament are unable to speak in this debate because the government will gag them. It will introduce the guillotine. Today it gagged its own members in its own party room. It would not allow debate in the Liberal party room today on this legislation. In other words, government members are expected to vote on this bill tonight when they have not even agreed on a position, because the Prime Minister gagged his own party room. What does this say to the senators who have actually considered the detail of this legislation and come to conclusions about it and the need for change, when their views are not even able to be heard and debated in the party room because the Prime Minister does not want it?

The reasons we need tough laws to fight the terrorists are obvious, post September 11 and post Bali. Those events in 2001 and 2002 were graphically etched in the minds of Australians. They changed the security, the concerns and the issues that Australians have. They changed them forever. But, having said that, this government needs to be honest with the Australian people as to why we need this new legislation before the House to fight terrorism. If in fact, as I will argue in this debate, we got the balance right essentially because of Labor amendments in 2002 and 2003, why do we need new laws in
2005? I will tell you why: because of Prime Minister John Howard’s decision to take us to war with Iraq in 2003—a decision which was based on a lie, a decision which has made this country more unsafe and made us a bigger target. Do not just take my word for it. Mick Keelty, the chief commissioner of the Australian Federal Police, said so, only to be attacked by the Prime Minister for telling the truth. Forty-three former Defence chiefs and diplomats, eminent people in this country, also said so. They said that Australia was taken to war in Iraq on the basis of false assumptions and deceptions.

So we made the decision to go to war in 2003 based on a lie. We, as a result, made ourselves a bigger target for terrorism. The Prime Minister of this country wants us to judge his prime ministership through the prism of trust. He told us to trust him at the last election, a man who has shown on so many occasions that he cannot be trusted—the person who said we would never, ever have a GST; the person who argued that parents had thrown their kids overboard; the person who said Medicare would be retained in its entirety, who said we would not have $100,000 university degrees, who said the reason for invading Iraq was to deprive it of its weapons of mass destruction that have never been shown to exist; and the person who, during the last election, never mentioned the extreme industrial relations legislation he is now seeking to ram through the parliament. His determination to ram through this legislation that we are debating tonight without proper scrutiny and in attempted secrecy is a further abuse of trust of the Australian people.

I say again: we do need tough antiterror laws, but we must also protect the nation’s civil liberties. They are not mutually exclusive. The balance can be struck. On many occasions in this House, Labor has argued for the balance and to achieve that balance, and Labor has consistently put forward proposals that do achieve that balance. It can be done if there is a preparedness to consult and to consider. On many occasions, Labor has proposed constructive solutions to strike this balance. A series of terrorism bills were introduced into this chamber in March 2002. The basis for them being introduced set the pattern. They were introduced at 8 pm on 12 March 2002—a hundred pages of legislation; a hundred pages of explanatory memorandum—and were debated the very next day. Under the original proposed bill, the government were seeking ASIO warrants to be provided for indefinite detention and questioning of persons, including children, who have information on terrorist attacks. They proposed detention incommunicado. They proposed no right to decline to give information or produce a document, no penalty for officers who do not administer the act correctly and no parliamentary oversight. That legislation, of course, in 2002 had serious flaws. Labor was able to make that legislation better, ensuring the terrorists—but only the terrorists—were targeted.

We also had the ASIO bills sent off for further parliamentary scrutiny. Ultimately even the Prime Minister, who had proposed the original draconian legislation, was forced to admit that we got the balance right. He said so at the Press Club on 11 September 2002 when he said:
We have, of necessity, tightened our security laws. I believe through the great parliamentary processes that this country has I believe that we have got the balance right.

Well, why doesn’t he use that ‘great parliamentary process’ again in relation to this legislation? Why doesn’t he draw not just on what the Labor Party is saying but on what a bipartisan position of the Senate committee has recommended? The truth of it is that back then we stopped the Prime Minister
from introducing the worst excesses which he sought to introduce, but he still keeps at it. That is why we are debating this legislation.

Then, of course, the Bali bombings occurred on 12 October 2002. The government responded, but again it could not get the balance right then. That was the debate about proscription, Madam Deputy Speaker—you would remember it. As the then Leader of the Opposition, I said that we would support any measure for tough and decisive action to stamp out terrorism. I said we wanted Australia to be tough on terrorists but only on terrorists. The government then wanted the power for the Attorney-General to proscribe organisations, but we said it was too much power in the hands of the executive. It needed judicial oversight. We said that we were prepared to accept the United Nations proscription formula. We even proposed and introduced a private member’s bill to proscribe Hezbollah. Why? Because of the intelligence briefing we and the government had in relation to that organisation. Again, the point I am making is that it was us who took the initiatives to deal with terrorism but not to strip away people’s civil liberties, as this legislation does.

After the proscription debate the two Senate committees reported on the ASIO bills. They recommended amendments that we, Labor, were prepared to adopt—but not the Prime Minister. He insisted on his own bill. He then ignored again the parliamentary wishes. He threatened the Labor Party that we would be to blame if there was a terrorist attack. Labor, to our great credit, at the end of 2002 stared him down. We told him that he could have had an agreed bill before Christmas. We had that late night sitting—members in this House would remember it. Instead, the Prime Minister walked away from that bipartisan opportunity, only to have the bill brought back into the parliament in June 2003, some six months later, when it passed in a form almost identical to that which we had proposed.

What we wanted then—because it was not in the original bill—was the choice of legal representation, the protection of children under the age of 18 years, a three-year sunset clause to ensure further parliamentary scrutiny and a questioning regime, not a detention regime. We got all of those things. We got them because they were right to get. But I said then that not only will Labor combat terrorism but Labor will protect the liberties that terrorists want to destroy. And that is what the balance has to always be about with this type of legislation. The parliament did get the balance right in 2003, but only because of Labor’s insistence and only because the government did not control the Senate.

It is also interesting to note that, despite the government insisting on the need for these new laws that we are debating tonight post the London bombings, and despite the agreed position of a fortnight ago to change ‘the’ terrorist act to ‘a’ terrorist act, the recent arrests of 18 suspects took place under the legislation finally agreed to on earlier occasions—the legislation that I have just talked about. So getting the balance right, protecting civil liberties, does not compromise the work of our law enforcers.

The history of this bill is an outrageous abuse of the parliament and of the premiers. It is another attempt by the Prime Minister to get his way now that he has control of the Senate. He and the Attorney-General are not attempting to get an agreement on what is needed—still no coastguard and still insufficient air and port security—but, ever pervasively, attempting to strip away civil liberties; they are at it again. The current Attorney-General, like his predecessor, Daryl Williams, has failed his charter. He has forgotten that as the Commonwealth’s first law officer he has a responsibility to the Austra-
lian people and their civil liberties as well as to the government. Daryl Williams lost his position as Attorney-General soon after the 2002-03 compromise. His hardline defence of the Prime Minister’s indefensible position was not rewarded. Howard dumped him. The current Attorney-General, Mr Ruddock, should take note. Stick up, Attorney, for what is right. You wear that Amnesty badge—show you believe in Amnesty’s principles. Adopt Labor’s amendments. Listen to the Senate committee. Listen to the members of your own party, do not gag them, and dump the sedition provisions.

The Prime Minister abused the trust of the premiers at the Council of Australian Governments. The proposal that he took to them did not even include the sedition provisions which now the Senate members recommend should be dumped. The Prime Minister sought secrecy on the legislation, but it was exposed by the courageous act of Jon Stanhope in posting the secret bill on his web site.

Ms Gambaro—Courageous.

Mr CREAN—The Parliamentary Secretary to the Minister for Defence, at the table, said it is outrageous.

Ms Gambaro—I said, ‘Courageous.’

Mr CREAN—What is outrageous, I ask the parliament, about taking the Australian people into your trust and showing them legislation that you intend introducing into the parliament, not through the stealth of night? The Prime Minister talks about trust. Have trust in the Australian people. Jon Stanhope did, and he is to be commended for that courageous stance. He demonstrated a preparedness to properly use the trust mandated to him. He took the people into his confidence. The Prime Minister simply abuses that trust. Honest John indeed.

The premiers forced a rethink of the legislation. Labor again promoted initiatives to get the balance right. Our second reading amendment does that again. But that second reading amendment is bolstered and reinforced by the findings of the Senate committee—bipartisan recommendations from all government and Labor members. The government members have joined Labor and recommended that the archaic provisions relating to sedition be removed altogether. They have then gone on to say that if they are not removed then the rights of free speech and peaceful protest should be protected. Just have a look at what that report says. In quoting the definition of seditious intention, it includes:

... nonviolent civil disobedience as exemplified by religious and political leaders such as Mohandas Gandhi, Rev Dr Martin Luther King Jr, Archbishop Desmond Tutu, and a great many other prophets of history.

What a great legacy for this country to be passing laws that would have prevented the sorts of actions and peaceful protests that those people led that changed the world, that changed people’s lives for the better. This government wants to close them down. The only evidence supporting the sedition provisions came from the Attorney-General’s own department and the police. All other evidence presented to the committee opposed the provisions.

The Senate committee has also recommended a sunset provision, just like Labor has, of five years, not 10. That is the sort of thing the Australian people want. That is the sort of balance that can be struck—tough on terrorism but protecting the civil liberties of the Australian people. That is why the Labor amendments should be supported and why the government, rather than gag its own members, should do the right thing—which it has always been forced to do in the past—and support that which Labor has put forward. (Time expired)
Mr HARTSUYKER (Cowper) (6.29 pm)—I welcome the opportunity to address the House today on the imperative of the Anti-Terrorism Bill (No. 2) 2005. This bill not only reflects the dangerous times in which we live but honours the responsibility that governments must accept to address the ongoing threat to our free society. The greatest duty a government owes its citizens is to protect its people and its nation’s interests. The terrorism threat is faceless, indiscriminate and unpredictable and now exists in a generation where extremists are seeking to undermine any society that does not adhere to their radical mantra. And if we have any doubts about the basis on which many terrorist organisations justify their heinous crimes, I would like to take the opportunity to read a quote from *Terror and Liberalism* by Paul Berman. In his book, Berman details the work of influential fundamentalist scholar Sayyid Qutb. Qutb’s writings on ‘Martyrdom and Jihad’, a commentary on *Surah 2*, include a passage which reads as follows:

The *Surah* tells the Muslims that in the fight to uphold God’s universal Truth, lives will have to be sacrificed. Those who risk their lives and go out to fight, and who are prepared to lay down their lives for the cause of God are honourable people, pure of heart and blessed of soul. But the great surprise is that those among them who are killed in the struggle must be considered or described as dead. They continue to live, as God Himself clearly states.

To all intents and purposes, those people may very well appear lifeless, but the life and death are not judged by superficial physical means alone. Life is chiefly characterised by activity, growth and persistence, while death is a state of total loss of function, of complete inertia and lifelessness. But the death of those who are killed for the cause of God gives more impetus to the cause, which continues to thrive on their blood. Their influence on those they leave behind also grows and spreads. Thus after their death they remain an active force in shaping the life of their community and giving it direction. It is in this sense that such people, having sacrificed their lives for the sake of God, retain active existence in everyday life ...

There is no real sense of loss in their death, since they continue to live. It is such disrespect for the sanctity of ‘life’ that we as a society and we as a government must counter today. At the heart of this bill is the recognition that protecting our national security and empowering our security forces with the tools necessary to fight terrorism requires legislative change that acknowledges modern reality. In the 21st century, it is no longer acceptable to adopt a reactionary approach which allows our security agencies to investigate only the perpetrators associated with a terrorist act. Today, security agencies have the science, technology, intelligence and expertise which can enable the prevention of criminal activity, in particular barbaric terrorist acts which can cost countless lives. Law enforcement agencies at every level have expanded their technological and intelligence-gathering initiatives in order to support new tactical, investigative, preventative and deployment strategies. Intelligence gathering crosses a host of different boundaries. It can be as simple as a verbal tip-off or as complex as the detail of forensics. Intelligence gathering today can also transcend national borders. The Australian Federal Police, for example, have now established the Transnational Crime Coordination Centre in Canberra. Other security agencies such as the Australian Security Intelligence Organisation are very active here and overseas. But as a government we have a duty to ensure our security agencies can use this intelligence to protect the people of Australia. This bill aims to ensure that the safety and security of Australians is not compromised by laws which prevent our security agencies from responding to potential acts of terrorism.
It is essential that we do not treat issues of national security and individual rights as mutually exclusive matters. The reality is that both these issues are married into the principles of the basic democratic freedoms of individuals and, therefore, our society. As Australians, we deserve the individual right to live in a safe and secure environment. We deserve the right to ensure that our democratic way of life is not undermined or weakened by the murderous actions of terrorists or those who wish to promote terrorism. This legislation is very much focused on preventative measures whilst still having checks in place to ensure it retains democratic integrity.

The legislation before us today will build on the national security measures which this government has implemented since the tragedy of September 11, 2001. This legislation is not about what we will lose under this legislation, as some would suggest. Rather, it focuses on striving to preserve and fighting to protect the values which we treasure in a modern Western society. The bill focuses on preventative measures and clarifies that it is not necessary to identify a particular terrorist act in order for the authorities to respond. Updated sedition offences will address security concerns over those who urge violence or assistance to Australia’s enemies. The bill will also extend the definition of a terrorist organisation to cover organisations that advocate terrorism. It will allow for what have been called ‘control orders’, which enable the close monitoring of terrorist suspects who pose a risk to the community. Under the control orders provision, the Australian Federal Police will be able to seek a 12-month control order on people who pose a terrorist risk to the community. This is essential because it enables restricting a person from being in a specific place. This can effectively prohibit a specific person from communicating or associating with specific individuals, restricting the use of specified substances and the carrying out of some activities. The control orders also provide that some individuals can be restricted from using some forms of communications, particularly telecommunications.

Whilst on the face of it the details of these control orders are concerning to some in our community, this legislation does include checks and balances which will protect the innocent. For the Australian Federal Police to receive a control order, they will have to provide evidence that the order will assist to prevent a terrorist act or that the person involved is involved in a terrorist organisation. In the first instance, the Australian Federal Police will have to justify that to the Attorney-General. The Attorney-General’s consent is required before a formal application can be made to a court. It will be incumbent on the court to be satisfied that, on the balance of probabilities, issuing the control order will substantially assist in preventing a terrorist act or preventing a person from training with a terrorist organisation. Any controls which the AFP is seeking from the court must be substantiated and shown to be necessary.

It is worth noting in this House that there are safeguards in place which respect the rights of individuals in relation to these proposed control orders. The process allows for an interim control order to be made initially and provides the subject person with the opportunity to attend court and make representations when the control order is confirmed, varied or revoked. The person can apply for the order to be varied, revoked or declared void as soon as the person is notified that an order is confirmed. The same court that issued the control order can, on application by the person subject to the order, revoke it. Normal judicial review processes would apply to decisions to issue or revoke control orders.
I would now like to consider stop and search provisions. Sadly, the recent terrorist events in England have reminded us how difficult it is to identify those who seek to carry out murderous activities. They could be a neighbour, a work colleague or a member of a local group. We all remember those individuals in London who joined the thousands of people on their way to work. They were dressed like everyone else; they carried bags like everyone else. The difference was what was in those bags. This legislation will provide police with powers to detain a person without charge where it is reasonably necessary to prevent a terrorist act or to preserve evidence of such an act. A new regime of stop, question, search and seize powers that will be exercisable at airports and other Commonwealth places will aid in preventing and responding to terrorism. The Australian Federal Police will be able to enforce compliance with lawful requests for information that will enable the investigation of terrorism or other serious offences. It is important to note that these provisions draw on powers already available to Commonwealth, state and territory police officers in arresting a person. State and territory police officers are able to use the arrest powers under their own legislation when assisting to bring a person into custody under a Commonwealth preventative detention order.

There has been much discussion about the sedition laws which are a key part of this bill. It is worth noting that it is currently an offence to incite a person to commit a criminal offence. However, under the Criminal Code there remains a difficulty in proving that the incitement was linked to a specific terrorist act. The new sedition offences detailed in this bill will address problems relating to those who incite directly other groups within our community. Importantly, these groups can include those which are against Australia’s armed forces, are based overseas or are in support of enemies of Australia. I welcome the commitment by the Attorney-General to conduct a review of the sedition offences, which will be carried out by the Security Legislation Review Committee chaired by the Hon. Simon Sheller AO, QC, a recently retired New South Wales Supreme Court judge. This commitment recognises the need for ongoing checks and balances of the current antiterrorism laws and provides an avenue for further amendments, should they be required.

Other parts of this bill will further boost the resolve of our security agencies to prevent a terrorist attack occurring in Australia. For example, this bill will enable ASIO to exercise special powers to access computers and data storage devices for a period sufficient to determine whether the information is relevant to any terrorist act. The bill also provides ASIO and the Australian Federal Police with improved access to passenger information with respect to potential terrorist acts. It strengthens the powers of authorised officers from these two security organisations and acts in a similar way to provisions which are already in place under the Commonwealth Customs Act.

In conclusion, it is important for all members to remind themselves that Australians correctly have high expectations of the work of our security organisations and the mechanisms which are in place to protect our society. It is important that we remember that combating a potential terrorist threat usually involves the assessment of numerous disparate pieces of individual information which, when viewed collectively, allow our security agencies to paint a picture of any specific act of terrorism. It is so easy after a tragic event such as an act of terrorism for some to say that our security agencies should have foreseen the impending threat. However, the reality is that we expect our agencies to identify acts before they occur. If we do this, we...
have an obligation, a responsibility and a duty to ensure that they are empowered with the tools they need to combat those threats. We as a nation are facing a threat from without and a threat from within. The protection and security of Australians is the greatest civil liberty that we as a government can provide to the citizens of Australia. That is why I welcome the opportunity to commend this bill to the House.

Mr RUDD (Griffith) (6.41 pm)—It is important at the outset to try and put the Anti-Terrorism Bill (No. 2) 2005 into some context. Why are we now in the middle of debating the need for strengthening antiterrorist legislation in Australia? The answer, of course, is that since September 11 our country faces a greater terrorist threat. But another question we need to ask ourselves is: why has Australia become a greater terrorist target? The answer to this question is complex because it lies in several parts. When you look at terrorist organisations like al-Qaeda and Jemaah Islamiah and those associated with them, it is quite plain that we are dealing with organisations which seek to target countries they identify as belonging to the collective so-called ‘Christian West’. That is one factor. There is another factor, which goes to the public record of comments made by al-Qaeda and Osama bin Laden and, in our case, concerns the military operation in East Timor, which involved a number of countries, not just Australia. New Zealand also took part, together with a number of other countries, under the United Nations Security Council resolution at that time. We will call that factor No. 2.

Factor No. 3 is our correct decision to engage in the military action in Afghanistan in defence of our American ally. When Osama bin Laden and al-Qaeda attacked America on September 11, the operational clauses of our security treaty with the United States were operationalised and, as a consequence, we found ourselves at war in Afghanistan—and rightly so. Together with our American ally we succeeded in removing the Taliban regime.

That brings us to factor No. 4—the invasion of Iraq. In Afghanistan a coalition of literally dozens of states engaged in that military action, all under the umbrella of the United Nations Security Council resolution which mandated that action. In Iraq this never occurred. In fact, the Security Council refused to pass relevant legislation in order to provide the international legal basis upon which an action could be undertaken against Iraq. The consequence was that we found ourselves to be one of only three or perhaps four countries—together with the United States, the United Kingdom and Spain—engaged in the military invasion of Iraq in March 2003.

The reality is this: the decision by Australia to be one of only three or four countries engaged in the military action against Saddam Hussein’s regime in Iraq has turbo-charged Australia as a terrorist target in the eyes of terrorist organisations like al-Qaeda, Jemaah Islamiah and others. This is an indisputable fact. It has made Australia a greater terrorist target than we would otherwise have been. And the only person in the Western world who effectively denies that this is the case is the Prime Minister of Australia, John Winston Howard.

We were told prior to the Iraq war that the function of the Iraq war in part was to reduce the overall terrorist threat. If anyone disputes that, we should look at the documentary record. On the eve of the war, on 10 March 2003, the Prime Minister said:

I see disarming Iraq as being part of the wider war against terrorism because of Iraq’s past and continuing assistance to terrorist organisations …
It did not stop there. On 20 March 2003, on the eve of the invasion itself, the Prime Minister said:

We believe that so far from our action in Iraq increasing the terrorist threat it will, by stopping the spread of chemical and biological weapons, make it less likely that a devastating terrorist attack will be carried out against Australia.

Third, on 25 March 2003, the Prime Minister said:

And the more countries like that that have such weapons, the greater becomes the likelihood that those weapons would get into the hands of international terrorists. And that would represent a very direct and lethal threat to countries such as Australia.

In the process of course we have inevitably, and axiomatically, removed a loathsome regime. And I believe as a consequence the world is a little less likely to be subject to international terrorism in the future than might otherwise have been the case.

Then on 25 March the Prime Minister went on to say:

I believe, and the government believes, that the action we have taken will over the medium to longer term reduce the likelihood of a massive terrorist attack on Australia. That is our view.

Further in the same address to the parliament the Prime Minister said:

The government argues that in the medium to longer term, by disarming Iraq of its weapons of mass destruction and thereby not only denying Iraq the capacity to either deliberately or otherwise pass those weapons to terrorist groups, we do not give encouragement for other rogue states to acquire such weapons, thereby increasing the likelihood, as a matter of sheer logic, of terrorist groups getting hold of such weapons.

That is the formal argument presented by the Prime Minister of Australia to the Australian people and the justification of the war. In summary, it is that the military action would reduce the overall terrorist threat to Australia.

It is important in this debate, however, to reflect upon precisely what information was available privately to the Australian government at that time. What we now know from subsequent post-war investigations of the Australian and allied intelligence effort is that British intelligence had concluded before the war, in February 2003, that ‘the threat would be heightened by military action against Iraq’—referring to a terrorist threat. It also concluded that:

… any collapse of the Iraqi regime would increase the risk of chemical and biological warfare technology or agents finding their way into the hands of terrorists, not necessarily al-Qaida.

That was the warning by British intelligence on the eve of the war. Legitimately, we are presented with the question: did the Australian government have access to that? We know that in fact they did, because in a parliamentary inquiry by the Joint Committee on ASIO, ASIS and DSD we find that that committee, chaired by Liberal member of parliament David Jull, the member for Fadden, concluded as follows:

Other significant intelligence not covered in the government presentations—that is, their public presentations on the reason for going to war—included an assessment in October 2002—meaning an intelligence assessment—that Iraq was only likely to use its WMD if the regimes survival was at stake and the view of the Joint Intelligence Committee of the UK, available at the beginning of February 2003, that war would increase the risk of terrorism and the passing of Iraq’s WMD to terrorists.

So what we know from that—and this is a committee chaired by the Liberal Party with a Liberal Party majority on it—is that the Australian government had in its possession, prior to going to war, intelligence information from the British intelligence community which said, ‘If you go to war, you will in-
crease the overall terrorist threat.' That is the private information the government had at its disposal. Publicly, however, the case put by the Prime Minister was exactly the reverse, saying that it was necessary to invade Iraq in order to reduce the terrorist threat.

So what happened after that? Again, it is important to look at the documentary record as it unfolded. We turn to April 2004, when the Prime Minister was asked by Alan Jones: And the place— referring to Iraq— has now also become a breeding ground for terrorist organisations.

The Prime Minister said: There’s no doubt about that.

Hang on; I thought the purpose of going to war in Iraq was in fact to remove the terrorist threat or at least to reduce it, and the Prime Minister confirmed, as of April 2004— barely one year after the war—that Iraq had become a breeding ground for terrorist organisations. How could that be? Roll on to September 2004 and the Deputy Prime Minister was asked this question by Laurie Oakes:

Rumsfeld’s point, though, is that because we’re part of the Coalition then we’re— meaning Australia— more of a target.

Anderson says:

Well, it may be that, you know, those of us who have been particularly prepared to stand up will be identified …

Oakes goes on to say:

Sure, but it could be the case?

Anderson:

Well, you know, you can’t deny that it could be.

The Deputy Prime Minister put out a clarifying statement the day after, after some consultation with the Prime Minister’s office, saying of course that was not his intention. But the bottom line remains: here we have, barely a year after the war, the Deputy Prime Minister of Australia saying that, yes, as consequence of going to war, as one of that three- or four-member coalition of the willing, Australia had become a greater terrorist target.

Of course, it is not just to the Prime Minister and Deputy Prime Minister we should turn. Six months prior to that we had the Commissioner of Australian Federal Police, Mick Keelty, saying on 14 March 2004 in relation to the Madrid bombings:

The reality is, 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— wait for it— Iraq. And I don’t think anyone’s been hiding the fact that we do believe that ultimately one day, whether it be in one month’s time, one year’s time, or ten years’ time, something will happen.

In other words, the AFP Commissioner’s conclusion was in relation to Spain, together with Australia, the UK and the US—as one of only four countries involved in the invasion of Iraq—that Spain and its allies in that action had become a greater terrorist target. Of course, the Australian Federal Police Commissioner was effectively reprimanded after that and we have reportage of that in the Australian media on the following couple of days. Suddenly the Australian Federal Police Commissioner was reduced to silence.

We have the Director-General of ASIO at that time, Dennis Richardson, saying in a speech in March 2004 on Iraq:

Has it made Australia more of a target here at home? Certainly not in the short term, but it’s too early to tell what impact the war in Iraq will have, more broadly, on the threat of terrorism. We are only up to Chapter Six in a ten chapter book, with the last four chapters yet to be written.
Dennis was a most accomplished diplomat in the language he chose to use on that occasion, but even in his public remarks he is saying it is at least an open question as to whether Australia has become a greater terrorist target. He is certainly not embracing the completely counterfactual proposition that the Prime Minister’s original argument that going to war in Iraq had reduced the terrorist threat in Australia was in any way sustainable.

Then we had the public statement by the 43 former senior military officers and diplomats, including four former heads of the Department of Foreign Affairs and Trade, a former head of the Department of Defence, two former Defence chiefs and three former Ambassadors to Iraq. They concluded, in part: ‘Terrorist activity, instead of being contained, has increased. Australia has not become safer by invading and occupying Iraq and now has a greater profile as a terrorist target.’

If there is any doubt about this at all, let us go to the Director of the US Central Intelligence Agency, Porter Goss, who said in congressional testimony in February this year that Islamic extremists are exploiting the Iraqi conflict to create ‘new anti-US jihadists’ and that those jihadists who survive would ‘leave Iraq experienced in and focused on acts of urban terrorism’. He said:

They represent a potential pool of contacts to build transnational terrorist cells, groups and networks in Saudi Arabia, Jordan and other countries.

US Secretary of Defense, Donald Rumsfeld, said in September: ‘So they are going to be going after coalition countries. They are going to be looking for the weak spots.’ Most recently, Sir Christopher Meyer, former British Ambassador to the United States, said:

There is plenty of evidence around at the moment that home-grown terrorism was partly radicalised and fuelled by what is going on in Iraq. There is no way we can credibly get up and say it has nothing to do with it. Don’t tell me that being in Iraq has not got anything to do with it. Of course it does.

So let us be absolutely clear that we are debating this new anti-terrorism bill before the parliament because Australia is now a greater terrorist target than was the case prior to the Iraq war. Because of our involvement in the Iraq war we are a much greater terrorist target than would otherwise have been the case. Let us look back with the benefit of hindsight at the long-term implications which have flowed from the entire Iraq enterprise. First, we went to war in violation of international law; there was no mandated UN Security Council resolution. Second, in the absence of a mandate from the UN Security Council, we went to war on the basis of a lie that there were stockpiles of chemical and biological weapons which needed to be eliminated. The conclusion made by the Iraq Survey Group was that there were no such stockpiles of chemical and biological weapons in the first place. UN sanctions—minus the Australian Wheat Board’s contribution—had by and large prevented Saddam from acquiring that WMD capability.

Third, we went into Iraq with a war strategy and no peace strategy. The consequence 2½ years on is that Iraq is still in a dreadful internal security situation, with a growing risk of degenerating into complete civil war between Sunnis and Shias—and, ultimately, perhaps Kurds—and Australia still has no exit strategy. Not only is an exit strategy absent, but we also have a Prime Minister who simply mouths the mantra, ‘We will stay until the job is done.’ He never explains what job has to be done and, when challenged, he says we will stay until Iraq can look after its own security. When challenged further as to how many divisions should be trained for a new Iraqi army in order to meet that objective, he has no answer to give. The only an-
answers we have were given in the United States congress where US General Casey, who was responsible for central command in Iraq said that, as of this year, one Iraqi battalion has been fully trained for independent operations.

Fourth, Australia and others abandoned Afghanistan prior to the job being done. We let Osama bin Laden off the hook. We exited Afghanistan before the war against al-Qaeda had been concluded. The reason Australia did that was so that we could do a switcheroo of our military capabilities into the Iraq theatre. This is well documented. The consequence was that al-Qaeda and its leadership in Afghanistan were let go at the time. Fifth, there is the core of the argument we are dealing with here—namely, the terrorist threat to other countries, including Australia.

Porter Goss was right: we now have not just 30,000 insurgents in Iraq engaged in a bitter campaign against the new Iraqi government; their numbers have augmented by what is estimated to be some 3,000 jihadists. Iraq has become the new field of international jihad and, as a consequence, a training ground for the deployment of terrorist capabilities elsewhere in the world. I was recently in the Middle East and spoke to a number of think tanks. We now have evidence of al-Qaeda spreading from their new training ground in Iraq to Jordan, Syria, Gaza and Egypt—and later, perhaps, into South-East Asia and beyond. These are most disturbing developments.

So, as we debate this legislation, let us be very clear about the problem we are seeking to solve and the origins of that problem. As a consequence of this government’s foreign policy decision, consciously articulated at this dispatch box, we engaged in a war in Iraq which caused Australia to become a greater terrorist target than otherwise needed to be the case. So when John Howard fronts the parliament and says we need tougher anti-terrorism laws, he bears a direct personal, policy and political responsibility for providing greater protection to Australia because of the greater terrorist threat that his actions, through the Iraq war, have created for our country and its people. He has a responsibility to ensure that other practical measures beyond the scope of the legislation which is before the parliament are properly in place—proper protection for our ports, general infrastructure, railways, airports and other public places.

There must be a real commitment to practical measures of security—not the Amanda Vanstone doctrine, which is that the whole purpose of national security is to make you feel better. It strikes me that Amanda’s strategy for national security is a bit like this: a cup of tea, a Bex and a quick lie down—make everyone feel better about it but do not actually do anything about it. It is an entirely analgesic approach to what is a serious problem for the nation, caused as a consequence of this country becoming a greater terrorist target as a result of this government’s conscious decision to engage this country in the Iraq war despite the fact that we did not have the coverage of an authorising UN Security Council resolution.

The Labor Party’s position on this legislation has been made clear by the relevant shadow ministers. I would like to comment briefly on one of its components: sedition. When the Attorney-General introduced this bill into the House on 3 November, he announced that within a year he would instruct his department to conduct a review of the proposed schedule VII of the bill, which creates new sedition offences. The Attorney-General’s proposed review was an acknowledgment that the government does not have confidence in its own bill. This is an extraordinary admission by the chief law officer of the Commonwealth.
Despite admitting the possibility that the section of the bill dealing with sedition offences may well be bad law, the chief law officer of the Commonwealth, the Attorney-General, has asked the parliament to enact it. The Attorney-General is essentially asking parliament to pass a law that is not up to scratch and to trust him to fix it up after the event. What the government is proposing creates enormous problems for the parliament. It makes no sense at all to pass into law this element of the bill that does not have the unqualified support of the minister who is proposing it.

If you go to the content of the sedition provisions of the legislation you find that they present particular problems for key elements of our community and society. I turn specifically to section 80.2 of the proposed code which creates three new offences carrying seven-year sentences—for example, to urge a person to overthrow by force or by violence the Constitution or government of the Commonwealth or to interfere with lawful electoral processes. There is no definition of the concept ‘to urge’, no apparent requirement for intention and, most importantly, no general exemption for the media in any reporting of public acts or language that may be judged under the legislation to be seditious.

Key problems of this nature must be resolved to the satisfaction of the parliament before this law is enacted. Getting the balance right between tougher terrorism laws and maintenance of our proper civil liberties is the key challenge of this parliament. For that reason the government should readdress the legislation. *(Time expired)*

Mr Johnson (Ryan) (7.01 pm)—I rise in the parliament to speak on the very significant Anti-Terrorism Bill (No. 2) 2005 which the Howard government seeks to have passed in this House. Given the reputation of the shadow foreign minister, I would have thought that he would have given a far more substantial presentation instead of the claptrap that he just delivered to the parliament.

I support the passage of this bill and I wish to explain to the parliament and to the Ryan electorate why. This legislation has generated enormous public debate in our nation. It goes to the heart of our individual freedoms and rights—and there is nothing more precious than that in a democratic society such as ours. Being a free and democratic society, the people have every right to expect that the national government protects and secures their rights and freedoms. Indeed, we should expect protection from any potential abuse of and by the state, and from any potential intimidation or pressure by powerful state organs. However, it must equally be stated that it is also the fundamental duty of any democratic government to protect and guarantee the overall safety and security of the nation as a whole, in addition to its citizens’ personal rights and freedoms. At its heart, this is what this bill does, and that is why I fully support it.

These laws introduce a number of important measures to control and prevent the threat of terrorism on our shores. A solid regime of checks and balances will also be implemented to ensure these measures are used in a valid and legitimate manner. At all stages of the process, reasonable grounds must be established, and the regime will be overseen by important judicial elements, the Commonwealth Ombudsman and the Attorney-General.

Control orders of up to 12 months will be available to the Federal Police to restrict those who pose a terrorist threat to our community to prevent them from visiting specified areas within Australia or leaving Australia. The control orders would also prevent these people from communicating with spe-
specific individuals, accessing specific telecommunications, possessing specified articles or carrying out specific activities. Preventative detention will be permitted on a person under a control order for a period of up to 48 hours, and state legislation will permit detention of up to 14 days.

Stop, question and search powers for the Federal Police will be extended to allow police officers to stop a person who might be about to commit a terrorist act in a Commonwealth place. States and territories have agreed to extend these powers to police at transport hubs and mass gatherings. A notice to produce regime will allow Australian Federal Police investigating terrorism to request information about things such as bank accounts, travel and telephone usage.

Inciting a person to commit a criminal offence, financing terrorist activities, and membership of organisations that advocate terrorism will also be offences under the new legislation. If these measures do anything to prevent a terrorist attack upon these shores, why would we not support them? The results of an opinion poll published in the Sydney Morning Herald recently showed that an overwhelming majority of respondents supported the new legislation against terrorism.

We need these changes to ensure Australia’s security—not only our national security but the security of our communities and cities. We have seen it time and again in New York, Bali, Istanbul, Spain and London. Only recently, there were further attacks in Amman, Jordan—a Muslim country, of all places. The victims were children, and everyday people—people who have no political or high office.

The purpose of this bill, therefore, is to further boost this country’s counter-terrorism capabilities so our law enforcement agencies can deter, prevent, detect and prosecute acts of terrorism. There is no question that these laws are appropriate and essential. We all know that Australians died in the 11 September 2001 attacks, the two Bali bombings, the Jakarta bombing, and the London bombings. This country knows what it is like to have their citizens’ lives snuffed out for no other reason than they were in the wrong place at the wrong time, and were intended to die for that very reason.

Therefore, it is incumbent upon this government—and any Australian government—to take steps in this parliament to protect our people, and to pass laws essential to assisting our police and security forces to conduct their work. The choice really is quite straightforward. We can play catch-up—we can wait for something to go wrong on our shores and then try to fix the problem or, as the elected government of the day, we can act and show leadership beforehand.

We must summon the courage to act to protect our citizens, whether it be through appropriate funding increases or legislative reform. This government has consulted very closely with law enforcement agencies and our state and territory counterparts to ensure, as much as possible, that these laws are well-founded. Experts in law enforcement and counter-terrorism have been central to the government’s decision to draft these laws. It has been done on the advice and expertise of those far better placed to give advice than anyone sitting in the chamber.

I know that many opposite have called on former officials, diplomats and generals. Quite frankly, and with all due respect, they are people who formerly held official positions. We are talking about seeking the support and expertise of those currently serving in positions of importance.

Unfortunately, there are many who delude themselves that this legislation is not required to meet the reality of our changed world. There was naturally a chorus of
doubters when the Prime Minister recently announced necessary changes to legislation to prevent a possible act of terror in a major Australian city. Many people attacked the Prime Minister, claiming the legislation was all stunt and conspiracy. Naturally, many in the Democrats party were at the front of the queue—content to be critical not only of the amendments but also of the police raids that subsequently took place in Melbourne the week after the amendments were passed.

Some members of the Democrats—indeed, their leader, Senator Lyn Allison—made the preposterous allegation that the Prime Minister and the Howard government contrived the whole thing. Greg Cary, from Brisbane radio 4BC, said in response to Senator Allison’s comments:

Little wonder the Democrats have become irrelevant in Australian politics and are hanging on by a thread.

We are not talking about kindergarten bullying here. We are talking about brutal, organised murder and violence on a scale in this country that we might never have seen previously. It is vital that the government passes this legislation.

I want to refer briefly to what the Prime Minister of Britain said when he tried to introduce antiterror laws into the British parliament. Tony Blair remarked: ‘The rules of the game have changed.’ The terrorists that currently dominate internationally have no respect whatsoever for any rules or for human life. We cannot negotiate with terrorism. We cannot negotiate with the terrorist threat. Its only objective is to commit atrocious and repulsive destruction. Any hesitation by this government or by any other parliament in this country to do what is necessary is an abrogation of the commission of government and the people’s mandate. A failure to pass this legislation would be an unacceptable shirking of this House’s responsibility and duty to the people who place their faith in us.

Today, at the mid-point of the first decade of the 21st century, we sadly find ourselves living in an era of global terror. This is a form of global terror not of our construction, despite what some people on the left of the political spectrum so reprehensively allege. It is not because we are part of the coalition of the willing, with the United States and Britain, in the removal of Saddam Hussein. This state of terror is the product of evil men and women, with evil intent and evil motivation. It is the product of evil individuals who would destroy and murder with violence in furtherance of their own agenda, which our people and country cannot and must never accept.

Acts of terrorism must be rejected in their absolute totality. They must be rejected without a second thought. They must be rejected without blinking and without a twitch. This government must remain steadfast in its war on terror. More importantly, the people of Australia must be resolute in their defiance of these barbaric people who would seek to change the very fabric of our society and our nation. I think the overwhelming majority of Australians do understand and support the government’s policy position.

I am confident, as the member for Ryan, that I speak on behalf of the overwhelming majority of Ryan residents in fully supporting the Howard government in the passage of this bill. They understand that just like the era of the Cold War—which divided the world from 1945 to 1989 until the collapse of the Berlin Wall—free nations are now entering a new era of terror in global affairs. But this time it is not Communism, Soviet power or the threat of nuclear annihilation that terrifies the world. This time it is terrorists who are equally determined to conquer free societies and free peoples, like...
Australia and its people. Australia must stand firm. Australia must stand committed to the war on terrorism in all its forms. We must be resolute and steadfast in precisely the same way as Western governments stood firm in the second half of the 20th century against the threat of Soviet power and intimidation.

The bill is fundamental to the protection of the people of Australia. I encourage its passing by the parliament. The Australian community deserve to feel safe as they go about their daily business, secure in the knowledge that we have legislation in place that permits our security agencies to do what is necessary to stop terrorism and to bring to justice people who might wish to commit acts of terrorism against everyday Australians. I strongly commend the bill to the House.

Mr MELHAM (Banks) (7.11 pm)—When the Anti-Terrorism Bill (No. 2) 2005 was announced by the Prime Minister by way of press release, I spoke out against it and I wrote articles about it. The legislation was discussed in secret with the premiers and chief ministers. If it were not for the courageous actions of the ACT Chief Minister, Jon Stanhope, who posted draft 23 of the legislation on his web site, we would not have had an early opportunity to scrutinise the contents of that legislation. There is no doubt that vast improvements have been made to the legislation since Mr Stanhope posted it on his web site. Indeed, if the government picks up the commendable recommendations of the Senate Legal and Constitutional Legislation Committee report, which was unanimous, that will further improve the legislation.

However, my personal view remains opposed to the principles that underpin the key aspects of this legislation. If a division is held, I will vote for the legislation. I argued my case in the party room. I was in a minority. I take the view that the party makes a decision and then you are bound by that decision. So I will vote for the legislation, but I want to express my reservations on this legislation tonight, because I think there are grounds for grave reservations.

This legislation goes a bridge too far. For the first time we will be legislating to allow preventative detention and control orders against people when there is insufficient evidence to charge them. The control orders can go for up to 10 years. This legislation goes for 10 years and then a sunset clause comes in. The control orders can go for 12 months and be renewed. They are quite oppressive. The Public Interest Advocacy Centre raised some concerns about the constitutional validity of this legislation. On page 19 of their submission, they pointed out that preventative detention and control orders are constitutionally questionable, because they envisage the making of decisions by chapter III court judges to deprive persons of their liberty and freedom of movement that do not involve the exercise of judicial power.

So there are questions of constitutionality. The underlying principle is that we will allow control orders, but at issue is the length of the control orders. Preventative detention goes for two days at the Commonwealth level and 14 days at a state level. There is a question mark against proportionality and whether you can confine people to their homes and put all sorts of restrictions on them. We are talking about detention or house arrest without trial. Ian Barker QC and Robert Toner SC wrote a good article in the *Sydney Morning Herald* that condemned the proposed legislation. It is not as if I am someone who has always opposed antiterrorism measures. I was the justice spokesman for a number of years in the last parliament, and I was charged—with Senator John Faulkner, who was the homeland security spokesman—with negotiating terrorism laws.
with the government on behalf of the Labor Party. The then boss of ASIO, Dennis Richardson, even conceded to a Senate committee that ASIO had asked for too much and that the legislation we produced got the balance right. The Security Legislation Amendment (Terrorism) Act 2002 is littered with offences that carry sentences of penal servitude for life, 25 years or 15 years and 10 years for being a member of a terrorist organisation. Hence, I have not been backward in supporting what I regard as necessary laws for good government and for the prevention of terrorist acts in this country.

Without going into the details, I note that the recent arrests in Sydney and Melbourne were based on legislation that this parliament passed. However, the Attorney-General gave the game away on Lateline. The only justification that was put forward in support of control orders was that we need them as a matter of convenience—because it was labour intensive and expensive to monitor and to watch these people under existing provisions. That is the basis for the control orders. It is interesting that ASIO can question people taken into custody under preventative detention orders and that these people can then be released to ASIO for further questioning. It worries me that, even with the safeguards in place that the Senate committee recommended, we are passing flawed legislation.

The legislation basically takes us back to the McCarthyist era—that era of communism in the fifties, where people were smeared and dealt with very badly. They were not dealt with properly through proper processes. If someone is found to be a paedophile, it is all right to wind back the rights that might apply to them but, here, we have smear, allegation and assertion: ‘We are dealing with terrorists here, so it is all right to wind back the very liberties that differentiate us from barbarism and barbaric acts that are committed by terrorists.’ I assert that the control orders, as proposed by this government, are about the state sanctioning the terrorising of its citizens. A control order is issued on the balance of probabilities and places a prohibition or restriction on the person being at specified areas or places, a prohibition or restriction on the person leaving Australia, a requirement that the person remain at specified premises between specified times each day or on specified days, a requirement that the person wear a tracking device, and a prohibition or restriction on the person from communicating or associating with specified individuals. It goes on and on. There is also a prohibition or restriction on the person accessing or using specified forms of telecommunications or other technology, including the internet.

I have no problem if there is sufficient evidence to charge these individuals. My concern is that we are going after individuals on the whim of the authorities, when we have insufficient evidence to arrest them. We will give them fewer rights than we would others in the criminal justice system—for example, murderers, rapists, armed robbers; a whole series of other people—and it will all be done under this umbrella of terrorism: ‘We’ve got to defend our citizens. We’ve got to do this; we’ve got to do that.’ I can tell you the best way to defend citizens. Since September 11, 2001, the government, to its credit, has listed 31 pieces of counter-terrorism and security law on its national security web site. We have spent $5 billion on counter-terrorism and security since September 11. In this year alone, expenditure on security will exceed $1.1 billion. The states and territories have spent $300 million. The intelligence and security agencies have doubled in size, and ASIO is throwing money at a vastly expanded network of informants. We are properly resourcing the agencies. Telephone intercepts and proper policing powers are the way to get into these organisations.
The problem is that the government have alienated the Islamic community. They have turned the whole Islamic community against them instead of allowing them—if it were done properly—to be our eyes and ears within their community, looking out for those people who are breaking the law. The whole community has been smeared or feels smeared because of some of these laws. That is not appropriate. I addressed a function at the request of my colleague the member for Reid. Ordinary, decent, law-abiding Muslims were frightened that they might somehow be raided, arrested or charged just by going about their business. That is a bit of a problem.

The powers that exist are extensive. As I said, as a consequence of security legislation passed by the federal parliament, both prior to and after September 11, and supported by both sides of the parliament, the powers include the use of telephone interception and covert listening devices, covert access to computers, covert searches of premises, covert mail interception, the use of tracking devices, the power to access taxation and financial records and other personal information and the use of covert surveillance and informants. All of this is in addition to the normal investigatory powers available to the police. So the powers available now are certainly formidable. I ask: how much is enough?

I notice that ASIO is in the marketplace now saying that we can get terrorists who are juveniles, so it is putting in the ambit claim for us to revisit the juvenile question and impose these restrictions on juveniles. I have a real problem with ASIO’s performance in recent times because ASIO is starting to re-enter the political debate. I read the articles in relation to intelligence, to the arrests of people who have been raided in the last little while, and ASIO is starting to brief certain favourite journalists. I know who they are. I am not going to name them. That is not ASIO’s function. ASIO should not be seen in this debate. It is not going to do it any good over time trying to play favourites in the gallery and trying to do its little lobbying exercises for particular legislation.

The current legislation is modelled on the United Kingdom legislation. That is where the Attorney-General and his advisers got it from and it was as a result of the recent bombings in London but, again, it was legislation that was not able to assist the police in stopping those bombings or gathering intelligence on them. So to turn around and mislead the community by saying that somehow this legislation is going to make it a lot safer for them is not something I can agree with.

What I am worried about is that we have not been told why they the powers that are being debated here are necessary. I am also worried, particularly concerning preventative detention, about the provisions of some legislation that is already on the statute books. This is the national security information legislation—that is, the National Security Information (Criminal Proceedings) Act 2004, No. 150 of 2004, as amended by the National Security Information Legislation Amendment Act 2005, No. 89 of 2005. That was assented to on 6 July 2005. It is referred to in this legislation at subclause 105.32(2). This act allows the Commonwealth Attorney-General to certify that producing particular information or a particular witness in a civil or criminal proceeding is likely to prejudice Australia’s national security interests under section 26 and section 28. A certificate under section 26 is conclusive; that is what section 27 says. A court receiving such a certificate has to hold a closed hearing to determine whether the information will be permitted in the proceeding. The affected litigant and their lawyers can be excluded from that hearing under section 29. That is part of the problem—that what we have here in the summary

CHAMBER
of orders are summaries that are not compiled by the actual court itself. Bret Walker SC made a submission to the Senate Legal and Constitutional Legislation Committee. He said:

Without elaborating the theme, I therefore respectfully suggest that the Committee recommend amendments to the Senate, so as to require that the statement of grounds be a full statement, no mere summary, be produced by the issuing court itself, and that any redactions or omissions for national security reasons be the result of the independent and recorded decision of the issuing court.

What is happening is that we are shortening the process. We are not having the courts issuing some of the summaries, the way I read it, and it is obviously the way Bret Walker reads it.

I also object to some of the retrospective elements of this legislation to do with the Anti-Terrorism Act 2005, which was passed by agreement by both houses of parliament and by both sides of parliament. That legislation is now going to be made retrospective as a result of subclause 106.3. I think that the department was a bit disingenuous in its submissions to the Senate committee when it told the committee that this was just a general provision in anticipation of cases that might come up before the court. The truth is that that retrospective provision is going to have an impact on an existing case, which I will not name, in Sydney, where there is currently some legal argument before the court and there are some judgments yet to be delivered. So there is actually a specific case that this will have an impact on.

The other part of the legislation that I object to in terms of retrospectivity is related to the fact that one of the bases for control orders or preventative detention orders is that a person has provided training to or has received training from a listed terrorist organisation. The truth is that they might have been foolish enough to have done it at a time when those organisations were not outlawed, were not criminalised by our legislation. So the current legislation is potentially going to pick up some of their conduct which was engaged in when it was not criminal conduct. I think that is a problem for us.

I will conclude my remarks by referring to a paper delivered by Phillip Boulten SC called ‘Australia’s Terror Laws: The Second Wave’ in Australian Prospect on 11 September 2005. This is what he said:

What is clear from the pattern of interrogations, arrests and trials is that most of the existing powers have not yet been utilised at all and those that have, only infrequently. From my perspective as a defence lawyer, this suggests that the very basis for the existence of this power has been overstated. The questioning and detention regime seems, therefore, to be disproportionate to the threat that terrorism poses to Australia.

Further, based on my experience of the questioning powers in operation I am concerned that they are being used by ASIO for general intelligence gathering. The regime was never designed for this purpose. Rather, it was designed to deal with an imminent threat of a terrorist attack. It also seems that the questioning regime is being used to supplement and enhance general policing powers. It was never intended for police purposes. These extraordinary detention and questioning powers were implemented for intelligence purposes only.

These are serious charges by Mr Boulten, and they were put in the public domain—of all days—on 11 September 2005 and they have not been refuted. That is something that the authorities need to be careful of because it is a gross breach of the trust that this parliament has placed in those institutions, which have been given these powers for a particular purpose. To then go and use those powers for another purpose is not the way to do things. If the purpose is insufficient in other areas then the authorities should come forward and directly ask for those powers and let us have a debate in relation to that. I
do not want it to be argued that I am soft on terrorism—which is easy to do. I am not.

(Time expired)

CLIMATE CHANGE

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (7.31 pm)—Mr Deputy Speaker, I seek indulgence to correct a statement I made earlier today.

The DEPUTY SPEAKER (Mr Lindsay)—The member for Flinders may proceed.

Mr HUNT—I noted that the threshold for the low-emissions technology demonstration fund was three million tonnes of CO₂ abatement. The correct figure is in fact higher. I am delighted to say that it is approximately 9½ million tonnes of CO₂ equivalent abatement for the year 2030 and beyond.

ANTI-TERRORISM BILL (NO. 2) 2005

Second Reading

Debate resumed.

Mr KEENAN (Stirling) (7.32 pm)—I rise to support the Anti-Terrorism Bill (No. 2) 2005, but before I do I want to address some of the things that the member for Banks has just told the House. If I am to understand his position correctly, he listed a number of problems with this legislation that he sees as serious. He believes that we are giving the authorities powers that they need not have to fight terrorists, and he is so appalled by it that he is going to support it. That seems to me to be an extraordinary thing—to come into this House to say that he does not agree with this legislation, to list all the reasons why he does not agree with it and then to tell us that he is going to support it anyway. I find that a truly extraordinary position.

Mr Melham—If you are here long enough, you will know how it works.

Mr KEENAN—I hope I never find out how things work. I hope I will never do that to my constituents—come in here and tell them that I am voting for something that I do not agree with.

The DEPUTY SPEAKER (Mr Wilkie)—Order! It is unparliamentary to make interjections and also to respond to them.

Mr KEENAN—When the Council of Australian Governments met on 27 September to discuss these measures and Australia’s national counterterrorism arrangements there was much discussion about this. But, ultimately, unanimous agreements were reached in support of strengthening the provisions to provide the Australian Federal Police with the authority and the capability to arrest, detain and control potential terror threats.

It is an unfortunate reality that, since the September 11 attacks in New York and Washington and the terror atrocities committed in Bali, Jakarta, Madrid and London, we in the Western democracies face dangerous new threats. Everyone in this House would prefer that we had no need to discuss this legislation, that we had no need to take the measures contained in this bill to defend ourselves. We must recognise that, although these antiterror laws are unpalatable and inconvenient, they are a stark necessity and a reminder of the threat that we all face.

Before going on, I would like to pause to inform the House that I represent in this place an electorate—the electorate of Stirling—that contains two mosques and many Muslim believers. I have good relationships with and I am a regular visitor to both mosques. On every occasion that I have visited them, it has been made very clear to me that Muslims in Stirling completely reject terrorism perpetuated in the name of Islam. In these conversations, I have made it clear to them in return that the Australian government completely understands that the thugs and violent criminals who make up these
terrorist movements do not speak for the majority of the Islamic community. Furthermore, the measures that we take to fight terrorism—and I say this very forcefully—are not targeted at mainstream Australian Muslims. To many this would be self-evident, but I think it is a point that is worth repeating.

The measures outlined in this bill will boost our counter-terrorism laws and capabilities with a range of proposals to deter, prevent, detect and prosecute acts of terrorism. The first component of the legislation that I want to comment on is the control orders. These orders have been drafted to reflect the reality that, although certain members of the Australian community have not committed a specific offence, genuine intelligence suggests that the potential for them to do so exists. Under this legislation the AFP will be able to seek from a court a control order for people who pose a specific terror threat to the community. The types of controls that will be allowed under the new regime include a prohibition or restriction on that person being at a specified place or leaving Australia; communicating or associating with specific individuals; accessing or using specified forms of telecommunication or other technology, including the internet; possessing or using specified articles or substances; and carrying out specified activities, including in respect of their particular occupation. The control orders may also include a requirement that a person remain at a specified premise between specified times or wear a tracking device. In order for a control order to be granted by a court, the AFP, before applying for a control order, must provide reasonable grounds as to why it will substantially assist them in preventing a terrorist act or show that a person has trained with a listed terrorist organisation.

So it is not as if you can just be going about your lawful business and have a control order slapped on you; there have to be reasonable grounds for the authorities to think that you are a terror threat. Additionally, the court must be satisfied that on the balance of probabilities each individual control order is necessary, appropriate and adapted for the purpose of protecting the public from a terrorist act.

To ensure the transparency of the control orders, children under the age of 16 will not be subject to their issuance and children between the ages of 16 and 18 may have them applied in a modified manner. Furthermore, the Attorney-General will be required to report to parliament on the operation of these control orders on an annual basis. I consider myself to be somebody who is wary of granting authorities too much power. I do not like the idea of control orders and I am saddened that we live in a world where such orders are necessary. I have to say that I have also received feedback from my electorate, from people concerned about the granting of such orders and other measures contained within this bill. But I am convinced, on balance, of the need in this instance to extend the power of the authorities, and I would also draw the House’s attention to the safeguards contained within these control orders that I referred to previously.

In addition to the control orders, a major component of the antiterror legislation is the ability of the AFP to conduct preventative detention. Under the legislation the AFP will be able to hold individuals under an order for a period of 48 hours. State legislation will allow state police to hold individuals for a longer period. Although some well-known commentators have labelled this aspect of the legislation drastic, it is an important component in providing Australia’s security services with the ability to avert terror attacks on our own soil.

Prior to a preventative detention order being granted, the relevant authority must
prove grounds as to why the person in question being detained would substantially assist in preventing a terror attack or, where an attack has already occurred, in preserving evidence. Under the preventative detention provisions within the bill a person detained will not be able to be questioned except to confirm their identity. Furthermore, the detention order will be reviewable by the judiciary and subject to oversight by the Commonwealth Ombudsman. These safeguards, combined with the necessary powers of our police to detain individuals to protect Australia and its assets from a terrorist attack, strike a delicate accord between individual liberties and the overriding necessity for individual and community safety. Again, the Attorney-General will be required to submit to parliament an annual report on the operation of the preventative detention orders.

I am conscious of the time and that a number of my colleagues would like to comment on this bill and enlighten the people of Australia as to their position, so I will cut my comments short. I would like to finish by talking in general terms about the legislation, which I believe has been introduced to ensure that all Australians are protected from the scourge of terror. It is a well-balanced package and it is a proactive response to the challenges that we face both internationally and domestically. As the former Director-General of ASIO, Dennis Richardson, said in May this year:

Effective laws must be in place before terrorists strike, as it is virtually impossible to play legislative catch-up after an actual attack.

These laws are designed to be effective to do just that. They are necessary to ensure the ongoing protection of the Australian people and our national assets. I wholeheartedly support the bill and I commend it to the House.

Mr DANBY (Melbourne Ports) (7.41 pm)—I rise to support the Anti-Terrorism Bill (No. 2) 2005 and to support the second reading amendment moved by the Leader of the Opposition. I want to make it clear from the outset that I support the leader’s amendment and that I agree with the criticisms he has made of some of the deficiencies that exist in this bill as it has been presented to us. I also agree with the comments he made on the wider questions of security in Australia. I also want to make it clear that I believe this bill contains vitally important and necessary provisions and that I reject condemnations of it that have been made by some sections of the commentariat. The first duty of all Australian governments of any political stripe is to protect the physical security of citizens, and when this government acts in an appropriate way to take necessary measures to do so we on this side will support it. Just as the opposition suggested a Senate committee be given more time than the one day originally envisaged, this committee has come up with recommendations which refine this bill and to which the government would be very wise to pay heed.

In this current emergency of international terrorism, all Australian governments—state and federal, Liberal and Labor—have worked together to strengthen Australia’s security. While I and other members have specific criticisms of this bill, I think it is important to stress that we have common objectives and desires to see effective legislation passed. That is why, if our amendments are rejected, the opposition will still support the passage of this bill, while reserving the right to amend it after the next election. That is the opposition’s position, which has been set out by the leader and ably supported by the honourable member for Brisbane, the shadow minister for homeland security, and the honourable member for Gelli-
brand, the shadow Attorney-General. It is the position I support.

In October we mourned the deaths of four Australians killed in the second terrorist bombing in Bali. In July we mourned the death of an Australian in the London bombings. Two years ago, 89 Australians were killed in the first Bali bombing. Earlier this month we saw the arrest of a number of people in Sydney and Melbourne and their subsequent appearance before the courts charged with offences related to terrorism. Those people are of course entitled to the presumption of innocence, but it is clear that state and federal authorities have successfully detected and prevented a major terrorist threat aimed at targets in Australian cities. I am sure I speak for all members in saying that I appreciate the skill and professionalism of the Australian Federal Police, ASIO and the New South Wales and Victorian police in the way they responded to this threat.

The events of the past few months confirm my view that Australia is under attack from a new totalitarian ideology as evil as the fascist and communist forms which the democracies fought during the 20th century. It is not a war Australia sought, nor a war we can escape from by—in the words of Winston Churchill, commenting on the appeasers of the 1930s—feeding others to the crocodiles in the hope that they will eat us last. The enemy in this war adopts the rhetoric of Islam but is in fact quite alien to the traditions of Islam, particularly to the traditions of Islam in our region and particularly in Indonesia. It has been good to see several prominent Australian imams over the last few months condemning these terrorists.

Whatever we call this ideology, I think the term I prefer is ‘jihadism’. We know what it looks like and we know what it is capable of. It has claimed the lives of nearly 100 Australians in New York, Bali, London and Jerusalem. That it has not so far claimed Australian lives on our own soil is a combination of good luck and good intelligence work by ASIO and the AFP. We should understand, however, that attacking Australian and other Western targets is incidental to the real objectives of the people who mastermind and fund these attacks. Their objectives are not religious, and Islam should not be blamed; their objectives are political. Their objectives are to overthrow the governments of all Muslim countries from Morocco to Indonesia and replace them with a totalitarian state run by themselves, wrapped in the cloak of Islamic rhetoric but essentially the same kind of corrupt, despotic kleptocracy we see in Syria, Libya, Sudan and other parts of the Muslim world, where the winds of change currently sweeping the region have not yet reached. Attacks on Westerners are instrumental to their objective. They are a means of polarising and mobilising opinion in Muslim countries, of persuading Muslim masses that there is a jihad or holy war that they must join against the Christians, Jews and the godless infidels.

It is very sad that a small number of Australian Muslims have fallen victim to this delusion. This is a serious issue for the Australian Muslim community, and we have seen good statements from leading imams recently suggesting that the leadership of the community is taking this issue seriously. I am always careful in speeches I make on this topic, and I think all members should be, to distinguish Islam from the extremists who misuse it for political ends. I reject the view that all Australian Muslims are potential terrorists. I agree that we should prevent the victimisation of Australian Muslims. That is why I support the stand taken by the Leader of the Opposition that this legislation should be accompanied by legislation protecting religious minorities in Australia against vilification, incitement and abuse.
The fact remains, however, that a small number of Australians have been taken in by the purveyors of this evil ideology and that some of them have become active sympathisers with this jihadist death cult that has killed 100 Australians. A few have trained abroad with terrorist-affiliated groups. This is an urgent problem, as I have said, for the Australian Muslim community to confront. I think a majority of Australian Muslim leaders know that. Those imams—let me stress, the very few imams—who have incited young Australian Muslims to sign up with those groups bear a heavy responsibility for what has now happened to some of them.

The question facing us as a society and as a parliament is what we should do in response to this threat. Since I have been a member of this House, my party has taken a consistent position on national security issues. When the government has taken measures which are genuine and reasonable, and where those measures are taken on the recommendation of responsible security agencies such as ASIO or the AFP, we have supported them. During the nine years that this government was in office without a Senate majority, we supported its legitimate national security legislation, such as the bills banning 18 terrorist organisations in Australia. But we have also taken the view that it is the duty of the opposition to ensure that all government legislation, including national security legislation, is proportional to what it is designed to meet. We used our position in the Senate to propose sensible amendments to the government’s bills, many of which the government eventually accepted and which greatly improved the bills in question. Now that the government has control of the Senate, we are no longer able to play that role. But it is our right and our duty to subject this bill to the same level of scrutiny and to propose amendments which will improve the bill and safeguard the rights of Australians.

The most important provision of the bill provides for short-term preventative detention orders against a person suspected of planning a terrorist act and for longer term control orders to restrict the activities of persons who are felt to pose a long-term danger. It is a sad day when we have to see legislation of this kind brought before the Australian parliament but, in the wake of what has happened in Madrid and London, it would be irresponsible for Australia not to put in place laws which allow the police and security agencies to restrain people who are reasonably suspected of involvement in such an act but who cannot be charged with specific offences. That is why the Prime Minister and the six Labor premiers agreed to these proposals and why the opposition will support this part of the bill.

I might say it is a marked contrast to the absolutely irresponsible actions taken by the dreadful Tory party in London who, under their current disgraceful leadership, voted against Prime Minister Blair on exactly the same legislation. Imagine if the Australian Labor Party had taken the stance of the British Tory party on this legislation: we would have been murdered in the media. The reason we are doing this is not that we fear being wedged but that we are doing the right thing by all Australians.

I note, however, that the form of the bill now before us is very different to the form originally proposed by the Prime Minister. The premiers agreed with the principles of this measure, but they did not give the government carte blanche to bring in any bill it pleased. The premiers forced the government to make substantial changes to the provisions for control orders and preventative detention orders, and in doing so they greatly improved the bill. As a result of their stand, there is now a two-stage process for control orders involving interim control orders and confirmed control orders. Interim control
orders can only be granted by a court, and a court must be satisfied that the making of orders would substantially assist in preventing a terrorist act or that a person has provided training or received training from a listed terrorist organisation and that each of the restrictions is reasonably necessary, appropriate and adopted to protect the public from a terrorist act, taking into account the impact on the person’s circumstances.

Also as a result of the stand the premiers took, we now have the additional safeguard of a public interest monitor, who will be able to ensure that a court has before it a broader range of information than is simply provided by the police. We also have provisions for judicial review, including the provision for a person to apply to the Administrative Appeals Tribunal for a full review. The bill also specifies the ways in which a detained person can be treated and makes failure by the police to comply with these safeguards an offence. There are special provisions to protect detainees under the age of 18. The opposition believe, however, that additional safeguards are needed. These include the creation of a national public interest monitor and a police integrity commission to oversee the AFP, as a necessary safeguard to giving the AFP greater powers. We also propose that the Parliamentary Joint Committee on ASIO, ASIS and DSD have its role expanded to include the monitoring of AFP activities in their antiterrorism role. These provisions, contained in our amendment, would retain the essential functions of the bill, protecting Australians against the very small number of people who may be deluded enough to plan a terrorist attack on this country, while protecting the rights and freedoms that Australian citizens have a right to expect.

Despite our reservations about some aspects of sections of this bill relating to preventative detention and control orders as expressed in our amendments, we accept that they are necessary measures and that the government is acting to put into effect the agreement that it came to with the premiers and chief ministers. The same cannot be said of the sedition section of this bill and we are not persuaded that these provisions are necessary. We are certainly not prepared to support any sedition bill which necessarily involves restrictions on freedom of speech without very clear evidence that such a law is necessary and that it would not be open to abuse.

Of course we are not alone in our opposition to this section of the bill. Just today Liberal senator Brett Mason, one of the government members of the Senate inquiry into the bill, said, ‘The committee wasn’t convinced that the law enforcement made its case for those new powers.’ Senator George Brandis, another government senator and an experienced lawyer, asked why new sedition laws are needed at all when the best legal advice given to the committee was that incitement to violence and similar acts can already be prosecuted under Commonwealth law. Senator Marise Payne said that the committee’s recommendation to remove the sedition section completely was something that she and other coalition senators on the committee ‘felt strongly about’. It is good to know that there are still some liberals in the Liberal Party and I commend those senators, along with Senators Crossin, Kirk and Ludwig who took a unanimous position and such principled reaction to the sedition proposals of the government.

It is an extraordinary thing that the government is pushing this bill through the House when a number of its own members are unconvinced that an important section of the bill is not justified. There is no reason why, given the widespread disquiet about the sedition section of the bill—even in the government’s own ranks—that the bill cannot be divided in two and the sections on which the
parliament is in broad agreement passed at once and the sedition section held over until next year to allow time for a proper inquiry. Unlike the control order and other counter-terrorism measures, the sedition section is not a matter of urgency. If the government is genuine about its desire to protect Australia from terrorism, it must understand the need for counter-terrorism laws which have broad communal and community support. If Australians suspect the government is playing politics with this issue, it only undermines the effectiveness of the whole bill.

I represent an electorate which knows something about terrorism. The family of the first Australian to be killed by a suicide bomber, Malki Roth, lives in my electorate. Two of my constituents, Donna Croxford and Sue Maloney, were killed in Bali. My constituents will support tough antiterrorism legislation but only on two conditions: the first is that there are proper safeguards to prevent the abuse of the additional powers given to the police, ASIO and the government; the second is that there is no suggestion that the government is exploiting the issue for partisan advantage. Given this government’s record, my constituents and I will take some persuading on these points. No member of this House dislikes, indeed hates, terrorism more than I do. I want to see every necessary measure taken to protect Australia against it, but I will not support measures which restrict the freedom of Australian citizens without demonstrated good cause. If the government wants to demonstrate its sincerity in this area, it will accept the advice of its own senators and not try to force the sedition sections of this bill through the parliament this year.

I conclude by saying that I am very proud of the roles played by the member for Brisbane and the member for Gellibrand, together with the Leader of the Opposition. They have formulated a responsible, balanced position for the opposition. We have taken a stand which is in the interests of the Australian people in both protecting our freedoms and taking strong measures against terrorism. We are a marked contrast to the disgraceful position of the British Tory Party which has voted against Prime Minister Blair in London. We do this not because of our fear of being wedged by the federal Liberal government but because we take the national security of Australia and the protection and physical safety of all Australians from international terrorism very seriously. I commend this bill, with the amendments, to the House.

Ms PANOPoulos (Indi) (7.56 pm)—I am very pleased to be speaking on the Anti-Terrorism Bill (No. 2) 2005. I want to focus on the part of the bill that has caused the most debate within the community, and that is the inclusion of the so-called new sedition laws contained in this legislation. These proposals have without doubt been the most widely debated but least understood aspects of the bill. Sedition provisions have been part of the legislative landscape in Australia since the earliest days. Essentially, the government is updating the Crimes Act to modernise the offences of contemporary language. The late Sir Harry Gibbs actually recommended such changes back in 1991—one of the greatest legal minds and one of the most decent and intellectually honest men and icons this nation has ever seen.

I have never been an advocate of encroaching on an individual’s right to speak out and be heard, but this bill is not about trying to contain free speech. It is about holding accountable the fanatics who incite and promote violence against other Australians. We do need to arm ourselves against those who preach hatred and violence against our community, our government and our armed forces. That is what these provisions are intended to achieve. There is nothing to fear in these proposed laws, and freedom of
expression not only is a cornerstone that remains in our society but is specifically protected in the bill. When we talk of sedition we are dealing with the promotion of violence in overthrowing democratically elected governments, urging violence against particular groups in the community, urging violence in democratic elections—and what could be worse than that?—and assisting enemies in armed combat against Australian Defence Force personnel.

For those concerned with the so-called limits on free speech and political comment, the bill outlines a good faith defence which is contained, clearly and unambiguously, in proposed section 80.3. Importantly, this proposed section essentially complements the good faith defences contained currently in section 24F of the Crimes Act relating to treason and sedition. We need to have provisions in place to ensure that there is a disincentive and that we stamp out behaviour that is likely to prejudice the security of our nation. The recent arrests in Melbourne and Sydney clearly show the importance of seemingly minor changes to legislation and what benefits can actually accrue in making our society safer and stronger when our legislation is toughened up on the advice of competent authorities and gives them the power to deal with terrorist activities more adequately.

The DEPUTY SPEAKER (Mr Wilkie)—Order! It being 8 pm, in accordance with the resolution agreed to earlier today I call the honourable Attorney-General to sum up the second reading debate.

Mr RUDDOCK (Berowra—Attorney-General) (8.00 pm)—I take this opportunity to thank all members for their contribution to the debate on the Anti-Terrorism Bill (No. 2) 2005. The contributions have been extensive, although not as extensive as some would have liked, but I acknowledge the many contributions. Members opposite have taken the opportunity to discuss a range of issues associated with counter-terrorism more broadly. Some of these issues are relevant to the bill that we have at hand but others not so relevant. The points made by members opposite build on themes identified by the Leader of the Opposition in his amendment to the motion for the second reading of this bill. I will not speak to it again, but let me just say that the government does not support the amendment of the Leader of the Opposition.

The bill before us focuses on a number of very specific matters, namely, law enforcement powers. In countering the domestic terrorism threat, the ability of our agencies to perform that task is affected by not only whether they have the necessary legislative powers but also whether the counter-terrorism framework is wide ranging and robust enough to support and complement their activities. Since September 11, 2001 the government has invested more than $5.6 billion in well over 100 measures designed to protect Australians at home and our interests abroad. The government’s record touches on all of those areas identified by the Leader of the Opposition and more.

Means of transport have been a popular target for terrorists, as we have witnessed in New York, Madrid and London, so the government welcomes the opposition leader’s view that transport security is important. The aviation security regime has been further strengthened with the commencement of the new Aviation Transport Security Act in March 2005. Since March this year, over 250 regional airports and airlines have come under the security regime for the first time. They now have detailed security programs and are required to follow stringent security procedures. The Prime Minister announced the government’s comprehensive response to the Wheeler review of airport security and policing on 21 September. This was followed
by the agreement of the Council of Australian Governments on 27 September to new policing arrangements for our major airports as recommended by Wheeler. This bill further strengthens our aviation security regime by increasing Australian Federal Police and Australian Security Intelligence Organisation access to airline passenger information. In addition, it extends stop, question and search powers for police at transport hubs and other places of mass gathering.

The Australian government backs its commitment to a strong aviation security system with significant funding to assist industry. Since September 11 the Australian government has committed almost $500 million to aviation security initiatives, including more than $195 million to be spent in response to the Wheeler report and $35 million to regional airports to fund the upgrading of basic security infrastructure such as fencing, lighting and surveillance technology. The government’s air security officers now protect both domestic and international routes. We maintain a secure aviation transport system because we work with international aviation experts and in accordance with standards. We are active members of the International Civil Aviation Organisation, which establishes and monitors international aviation security standards. The United States Transport Security Administration has an officer permanently based here to liaise with Australian authorities on transport security arrangements. In addition, the Department of Transport and Regional Services works with our regional neighbours on capacity-building initiatives.

Australia has an internationally respected maritime security regime. The Maritime Transport Security Act 2003 implemented the International Ship and Port Facilities Security Code, which requires all ships, ports and port facilities involved in international trade to have developed risk assessments and security plans. Maritime transport security inspectors audited over 60 marine security plans between May and November 2005 covering ports, port facilities, port service providers and Australian flagged ships. In addition, some 110 inspections of Australian maritime industry participants and over 350 inspections of foreign flagged ships took place. We are progressively issuing maritime security identification cards to about 130,000 persons involved in the maritime industry. Australia is on the council of the International Maritime Organisation. Australia’s maritime security regime has been benchmarked by the United States Coast Guard this year, and the Japanese have been invited to examine Australian arrangements in 2006.

I have only touched on the government’s many practical measures in the area of transport security, and this is only a small part of the government’s counter-terrorism strategy, but this is where I take issue with the Leader of the Opposition’s approach to counter-terrorism. In the opposition leader’s speech in the second reading debate we saw the re-emergence of a few big-ticket items designed to create the illusion of a counter-terrorism strategy. These policies have not been thought through or developed. Take, for instance, the proposal for a department of homeland security. The Labor Party seeks to change Australia’s counter-terrorism arrangements for the sake of change. At a time when our agencies are busy actually combating terrorism, Labor wants to restructure them, re-establish their relationships and re-organise their resources to accommodate a bureaucratic change that is simply not justified. Australia has a well-practised national counter-terrorism set of arrangements which have been developed over many years on a whole-of-government basis. They have worked well in the aftermath of the September 11, Bali, Jakarta, Madrid and London bombings. The United Kingdom looked at

CHAMBER
the same issue and determined that it was not appropriate to start a department of homeland security in the United Kingdom context.

The opposition also seeks further distractions by creating additional levels of oversight for agencies that are already the subject of extensive and appropriate oversight. ASIO’s activities are scrutinised by the Inspector-General of Intelligence and Security and parliament, through ASIO’s annual reporting process and the parliamentary joint committee, and even the Leader of the Opposition himself is entitled under statute to regular classified briefings. Similarly, the Commonwealth Ombudsman, as well as the parliament and the judiciary, has oversight of Australian Federal Police activities. Further, the government is currently in the process of establishing a new independent statutory oversight agency for the AFP equipped with royal commission powers. In view of these substantial oversight arrangements, the government does not believe that oversight of aspects of the AFP by the Joint Committee on ASIO, ASIS and DSD is appropriate. The mandate of the committee was recently extended as a result of the Flood committee inquiry of 2004. That committee has a very substantial workload and the government is not inclined to expand it further at this stage.

Is the Leader of the Opposition genuinely concerned that existing oversight arrangements are not up to the task? Does he believe that extending investigatory powers, as we do in this bill, will tempt our professional law enforcement and intelligence agencies to run amok? If so, I do not share those concerns. I am impressed on a daily basis with the professionalism and integrity of our officials, but I am also conscious of the community’s expectation that powers be appropriately balanced with safeguards—not necessarily a new level of bureaucratic oversight such as a public interest monitor but genuine, robust safeguards that protect the community while ensuring that our officials are free to get on with the job at hand.

This brings me to the Anti-Terrorism Bill (No. 2) 2005. The government’s view remains that the proposed measures relating to preventive detention, control orders and sedition are consistent with our obligations under international law, including international human rights law. The legislation also contains, in our view, safeguards to ensure that its implementation in individual cases will also be consistent. For example, the bill provides that only appropriately qualified and experienced individuals, judges, federal magistrates and senior members of the AAT may make continued preventive detention orders to prevent an imminent attack or to preserve evidence of a recent attack. Each instance of preventive detention requires a case-by-case assessment of whether the detention is reasonably necessary to assist in the preventing of a terrorist attack or to preserve evidence after an attack.

A person who has been detained under a preventive detention order has the right to contact their lawyer, who may bring an action for judicial review in the High Court or the Federal Court for the purposes of challenging the lawfulness of the detention. Similarly, the bill provides that an interim control order can be requested by a senior member of the AFP, having obtained the Attorney-General’s consent. The court may make the order for a period of not more than 12 months if it is satisfied that, on the balance of probabilities, the making of an order would substantially assist in preventing the commission of a terrorist act.

A control order may not be made in respect of a person under 16 years of age and may only be made for a maximum period of three months for persons aged between 16 and 18 years. The subject of a control order may communicate with a lawyer, who may
obtain a copy of the order. Once the order has been served on the person, the bill provides for a hearing so that the court can consider whether or not to confirm the order. The subject of an order and one or more representatives of the subject are entitled to adduce evidence, call witnesses, produce material and make submissions. Furthermore, all provisions in this bill will themselves be the subject of review by COAG after five years and there is the sunset of certain provisions after 10 years.

A lot has been said about the sedition provisions. Members opposite have made sweeping statements about the way these provisions will operate—statements designed not to inform the public debate but rather to promote unsubstantiated and unwarranted anxiety. Members of my own party have discussed the sedition provisions with me at length. Their comments are based on the genuine question of whether sedition provisions remain appropriate. That is why I have given an undertaking to my colleagues and to the parliament to have a look next year and to review the sedition provisions to further update, if necessary, the language used to describe them. That does not suggest that the measures themselves are inappropriate, and that is why I argue very strongly that they ought to continue in their present form in the bill, which is far preferable to the form in which they are in the present law.

I have noticed that the opposition have followed a familiar two-step process in critiquing the sedition provisions. Step 1 involves suggesting that the offence has broader coverage than it actually has. When the government argues convincingly that this is not the case, then it is suggested that the offence makes so little change that it is not necessary. That is step 2. Members opposite who have suggested that the sedition offences will limit fair commentary, artistic expression and critical and peaceful industrial and political and artistic process—

Ms Roxon—It’s not just members opposite.

Mr Ruddock—Yes, members opposite. They either have not read the bill or have elected to perpetuate a myth that is not founded on fact. Firstly, sedition requires the urging of force or violence or assisting an enemy engaged in armed hostilities with the Australian Defence Force. The urging must be intentional under the existing and proposed law. There is a good faith defence available where the communication is simply criticising government policy. The defences will cover all the things that are currently covered by the Crimes Act—for example, pointing out mistakes in policy or urging lawful changes to the law. The purpose of these provisions is to modernise the existing provisions designed to criminalise the making of comments where they consist of urging the use of force or violence against our democratic and generally tolerant society here in Australia.

Sedition has become a more relevant offence. As there have not been prosecutions for a long time, people have argued that in the present environment, where at times people are on the internet and elsewhere urging the use of force or violence to overthrow democratic institutions, these new factors might not warrant law dealing with them. The internet and computer technology have made it much easier to disseminate material that urges violence in much the same way that technology has made child pornography easier to disseminate.

I am pleased to be presenting this bill to the parliament. It represents a great deal of hard work by my department and portfolio agencies and extensive consultation between the Commonwealth and the states and territories. I believe this bill meets COAG’s
stated objective of giving our security and law enforcement agencies the tools that they need to combat the domestic terrorist threat in the light of the lessons we learned in London. A report has been presented in another place. I am examining that report. I believe that, in it, there are some matters that I can further address. I will do so. The process in which we are engaged is to discuss with the states and territories those elements that were relevant to their referral of power. It seems to us appropriate that, if there are to be any further changes, they be consulted. Of course, that process also involves discussion with the government members committee and, ultimately, the government parties. When we have had that opportunity, we will quite probably bring forward some further amendments. I do not believe that they will be amendments of a substantial character but, in the main, I think they will reflect the desire to finetune some of the measures that were raised in the Senate committee report.

Finally, I suggest that the Leader of the Opposition, no doubt after having considered my comments, may even agree with the assessment and not press his amendment, given that the focus of his objections and those of his colleagues appear to be unrelated to the actual text of the bill. I commend the bill to the House and I look forward to further discussion before we conclude the passage of the bill.

Question put:

That the words proposed to be omitted (Mr Beazley’s amendment) stand part of the question.

The House divided. [8.19 pm]

(The Deputy Speaker—Mr Wilkie)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>78</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>55</td>
</tr>
<tr>
<td>Majority</td>
<td>23</td>
</tr>
</tbody>
</table>

AYES


NOES

Griffin, A.P.
Hatton, M.J.
Hoare, K.J.
Jenkins, H.A.
King, C.F.
Macklin, J.L.
McMullan, R.F.
Murphy, J.P.
O'Connor, G.M.
Plibersek, T.
Quick, H.V.
Roxon, N.L.
Sawford, R.W.
Snowdon, W.E.
Tanner, L.
Vamvakionou, M.

* denotes teller

The DEPUTY SPEAKER (Mr Wilkie)—The House will now consider the bill in detail and take the bill as a whole. The question is that the bill be agreed to. I understand it is the wish of the House that the opposition amendments be moved separately but that the question on each amendment be deferred. After the House has completed its consideration of the amendments, individual questions will be put on each amendment.

Mr BEVIS (Brisbane) (8.25 pm)—I move amendment (1):

(1) Schedule 7, page 109 (line 2) to page 115 (line 14), omit the Schedule.

The DEPUTY SPEAKER—in accordance with the wish of the House, the question that amendment (1) be agreed to is deferred until after debate has concluded on all the opposition amendments.

Mr BEVIS (Brisbane) (8.26 pm)—I move amendment (2):

(2) Schedule 7, item 4, page 109 (lines 21-23), omit proposed paragraph (3)(c), substitute:

“(c) to urge another person to attempt by force or violence, to procure a change, otherwise than by lawful means, to any matter established by law of the Commonwealth;”.

The DEPUTY SPEAKER—in accordance with the wish of the House, the question that amendment (2) be agreed to is deferred until after debate has concluded on all the opposition amendments.

Mr BEVIS (Brisbane) (8.26 pm)—I move amendment (3):

(3) Schedule 7, item 12, page 112 (line 29), after proposed section 80.2 insert:

80.2A Exemption

Sections 80.1 and 80.2 do not apply to anything said or done reasonably:

(a) in the creation, performance, exhibition or distribution of an artistic work; or

(b) in the course of any statement, publication, discussion or debate made or held for any genuine academic, artistic or scientific purpose or any other genuine purpose in the public interest; or

(c) in making or publishing:

(i) a fair and accurate report of any event or matter of public interest; or

(ii) a fair comment on any event or matter of public interest if the comment is an expression of a genuine belief held by the person making the comment.”.

The DEPUTY SPEAKER—in accordance with the wish of the House, the question that amendment (3) be agreed to is deferred until after debate has concluded on all the opposition amendments.

Mr BEVIS (Brisbane) (8.26 pm)—There is very limited time available for the parliament to consider the Anti-Terrorism Bill (No. 2) 2005 in detail, so I will be very brief to enable a number of other members to make a
contribution, particularly those who have been unable to speak during the second reading debate due to the gag being applied. These amendments deal with the schedule on sedition which has been included in this bill and which should be removed. The first of these amendments is to remove the schedule altogether. Failing that, the second and third amendments make improvements to the sedition laws in a couple of respects that are of concern to the Labor Party and I know to many people in the Australian community.

These are concerns that the Labor Party set out some weeks ago. They are concerns that have now been validated, endorsed and supported by an all-party Senate committee hearing over the last three weeks. Whilst the total process took three weeks, there was one week of hearings. The committee has done a remarkably good job in the short time available to it, and I commend the members of that committee for their diligent work under tight time constraints. It is a pity that the parliament is confined in this way in dealing with such an important bill. It was not that long ago that similar bills were before the parliament and the Senate and the parliament were given not a few days and weeks but a few months to properly go through what were important and sensitive laws. On that occasion in 2002, the Prime Minister commented:

We have, of necessity, tightened our security laws. I believe through the great parliamentary processes that this country has I believe that we have got the balance right.

Even the Attorney-General was moved to comment on the anti-terrorism bills of 2002. He described the outcome of the detailed analysis by the Senate committee as:

... a result appropriate for a democracy at work ... an example of how the law and our parliamentary and other democratic institutions can combine to ensure good government ...

Attorney, unfortunately the same cannot be said about the process that you and this government have followed in pushing through this bill without the appropriate scrutiny. The sedition laws are wrong. The Attorney-General acknowledged that the sedition laws are flawed in the very speech in which he presented them to this parliament. In putting the original bill before this parliament, including the sedition laws, the Attorney-General pointed out that he had established a review of the laws that we have before us now. That is, before the laws are even passed by this parliament, the Attorney has agreed that there should be a review of them because of their inadequacy. This is a classic case of putting the cart before the horse. It is absurd to ask the parliament to endorse laws which are known to be faulty and which, the Attorney has already conceded, require review before they are enacted. That is the position the parliament is in now. We have the benefit of the Senate committee report to which I have just referred. I want to quote from that report. Speaking about sedition, it says:

... the committee received an overwhelming amount of evidence in relation to the sedition provisions ... with the exception of the evidence from the department and the AFP this evidence indicated strong opposition to the sedition offences from all sectors of the community.

That is, from the overwhelming weight of submissions, only two groups of people fronted up to the Senate inquiry to say that they thought the sedition provisions were right, and they were from the Attorney-General’s Department and from an agency within the Attorney-General’s Department—in other words, people who are responsible to the Attorney, who has responsibility for this bill and who carries it here in the House today. The simple fact is that everybody else who fronted up said the sedition provisions were wrong.
Even the churches have said the sedition provisions are wrong. The report noted that the Uniting Church of Australia said ‘non-violent civil disobedience as exemplified by religious and political leaders such as Mohandas Gandhi, Rev. Dr Martin Luther King Jr, Archbishop Desmond Tutu, and a great many other prophets of history’ would be caught by this bill.

It is folly to pursue the bill with the sedition clauses in it. The sedition schedule should be removed, as the amendment I have moved provides. Failing that there should at least be some sensible amendments to try and bring it into line with what is acceptable in a free society. We should not be reducing civil liberties and human rights in the cavalier way that this government proposes to with respect to the sedition laws. I regret that time does not allow me on this occasion to go into greater detail on this matter, but I am concerned to ensure that as many members of parliament as possible have a chance to make a contribution.

Mr Ruddock (Berowra—Attorney-General) (8.31 pm)—I will speak in relation to the comments and I will do it very briefly. In relation to the sedition matter, the government will not accept the amendment. I will just pick up on the words that the member used. He said that failing the adoption of his amendment, sensible amendments should be considered. I am prepared to consider amendments.

Ms Roxon—Well, vote for (2) and (3)!

Mr Ruddock—I am prepared to consider sensible amendments whether they come from the Senate committee report—I am not dismissing them—or from my further consideration of some of those issues. I am turning my mind to some questions that have been raised with me and we will deal with those matters in the Senate after I have gone through the procedures that I follow.

I make the point—which I have made today in a number of places—that when you are dealing with sedition you are dealing very simply with a form of offence. The word ‘sedition’ often suggests something that people do not well understand, but people do understand a person urging another to overthrow, by force or violence, democratic institutions. They understand that. That is principally what sedition is about. If you dropped the word ‘sedition’ and went out to the Australian public and said, ‘Do you or agree or disagree that it should be an offence for a person to urge another to overthrow our democratic institutions by force or violence?’—I could go through the other matters—they would say, ‘That should certainly be an offence.’

I never hear the opposition saying that it should not be an offence. The opposition suggest that that form of offence, which is very specific, may constrain people’s ability to offer fair comment. So to put it beyond doubt there was a defence built into this provision, a defence for acts done in good faith—and the bill sets out the procedures that should be followed in relation to establishing that. It seems to me that a lot of the comments are from people who have suggested that this might constrain the freedom of the press to report on somebody’s comments—it clearly does not do that—or that it may restrict people from being creative or artistic. It certainly does not do that, unless somebody says, ‘My urging of another person “to overthrow a democratic institution by force or violence” was expressed artistically.’ I have seen some suggestions that if you express it artistically it is all right.

If you have people who have diminished capacity or who are impressionable and young, who you know may be influenced by those sorts of urgings, it seems to me that it is a matter of some moment. Certainly today, with some of the comments we have seen on
the internet and some of the reporting of the comments that have been made, the law has to be equal to the task of dealing with them.

So I do not think there is a basis upon which you can say, ‘We will put this off and come back to it.’ If there are issues of fine-tuning that we can address now I will do that but if there are other issues in relation to the drafting—and some of my colleagues have said, ‘Look, it could be drafted and expressed somewhat differently’—a review which enables those issues to be addressed in the longer term does not seem inappropriate, as long as we have a capacity to deal now.

Mr Bevis—Let’s have the review first.

Mr Ruddock—No, in my view it is important to have in place now provisions that make it clear that it is an offence if a person urges another person to overthrow, by force or violence, our democratic institutions—and each of the other elements of the offence.

Ms Roxon (Gellibrand) (8.35 pm)—I am pleased to second the three amendments that have been moved by the member for Brisbane. The Attorney has said he is happy to look at sensible amendments. Each of these three amendments is sensible. The most sensible course of action for this House to take tonight is, by voting for our first amendment, to remove the sedition provisions from the bill.

Labor opposes the Howard government’s attempt to use old-fashioned sedition laws to meet the modern challenge of combating terrorism. The sedition provisions, as the Attorney himself has acknowledged, are ill-considered, poorly drafted and could threaten some of the things that Australians cherish—the rights to comment, to criticise and to peacefully protest against government action.

Labor opposes the sedition provisions and three Liberal government senators who have closely examined this bill, in the short time provided to the Senate committee, agree that sedition should not be part of this package. Even the Attorney acknowledged this in his second reading speech. Again, with a nod and a wink, he said that he is prepared today to look at some sorts of sensible amendments. Attorney, there are three options: remove the provisions from the bill or, if you insist on proceeding tonight, vote for either our second or third amendments, which are sensible redraftings and will tighten the provisions.

Why force this House to vote on these laws when we already know that they are going to be subject to an immediate review and that we are going to be back here on another occasion? It is a silly way to make laws. It is incompetent, and it is a waste of parliament’s time. There is no point putting half-baked laws on our statute books. We were here only a number of weeks ago debating a bill to change ‘the’ to ‘a’. This shows how important drafting is in this area. It is a nonsense for the Attorney to say that these provisions could be improved but that he will do it at some later time when the House will have to deal with these issues again.

If Labor’s amendments are not accepted, we are going to be in the shameful position of joining a small list of countries with active sedition laws. If the Howard government presses ahead with its sedition laws, we will join a small and exclusive club of countries that have active sedition laws—China, Cuba, Hong Kong, Malaysia, North Korea, Singapore, Syria and Zimbabwe. What a list to join, Attorney? These are the countries you are going to model yourself on in promoting freedom of speech and robust democracies. It is not quite the list that I would have put up as our top 10 to try to emulate. The government should reassess its position. It should not ignore the community’s view, Labor’s
view and the Attorney’s own colleagues’ views.

The Senate committee has made a very sensible suggestion that the Law Reform Commission could take a fresh look at this issue and see which laws should be used when we are dealing with incitement to terrorism and violence. In dealing with 20th century problems like terrorism, racism and violent material on the internet, we should not limit ourselves to reforming ancient dead letter laws. We should be identifying the problems that need action and targeting laws that catch violent hate mongers. The current bill is simply too unfocused. The sedition provisions create a real risk that people could face prosecution simply for criticising the government or reporting the words or actions of others. This is the nub of the problem with the current bill that the Attorney has failed to address.

Everyone agrees—certainly Labor does—that there is a clear line between criticism of government, which is a democratic right, and promoting violence, which of course should be able to be caught by our laws. Labor has long held this view. For 10 years we have been advocating criminal laws to deal with those who advocate violence on racial or cultural grounds, only to be constantly blocked by the coalition. For many years, we have been calling for laws to protect against those who incite violence on religious grounds as well. These proposals have always been dismissed out of hand by the government, but they could well be far better tools than trying to force sedition laws into a mould to fit something for which they were not designed.

I take this opportunity to advise the House that I am introducing a private member’s bill along these lines next week. That proposal is a much better option than these sedition laws. It is carefully targeted so that it only catches intentionally violent incitement, not mere criticism.

Attorney, I invite you to take the opportunity to support the amendments that we have put before the House and to come back to the parliament when we can consider incitement to violence on racial or religious grounds or other tools for tackling the sorts of threats that you have raised rather than trying to turn sedition—an outdated antiquated law—into something relevant to the 21st century. It will not work. We will be back here again if you insist on pursuing these provisions through the House. We will be back here again in a number of months, fixing up the work that you should have fixed before you demanded that the House vote on these provisions today.

Mr SNOWDON (Lingiari) (8.40 pm)—I note that we are considering the Anti-Terrorism Bill (No. 2) 2005 in detail and taking the bill as a whole. An aspect of the bill that I want to address—and one which I would like the minister to respond to—is how does the legislation address this issue? On Thursday of last week, a 50-foot illegal fishing vessel was spotted near Maningrida off the coast of Arnhem Land. In fact, it was spotted 1.3 kilometres up an inland river, off Junction Bay, up Arlu Creek. When the boat was spotted by Djelk rangers from the Bawinanga Association at Maningrida, there was no sign of the crew. It was expected that there would be a five-person crew on a 50-foot vessel of this type.

The Bawinanga Association contacted Customs. They got the hotline and no response. They got onto the quarantine service, and it rung out. Eventually, they got onto Quarantine and Customs and offered them access to a number of vessels which they had at Maningrida and an aeroplane. The plane stayed on the ground all day, and the vessels were not used because they did not get an
appropriate response. When Customs eventually bothered to fly out there, they could not find any sign of the vessel. It seems likely that it shot off. Now let us bear in mind here that this vessel was 1.3 kilometres up a creek and no crew in sight.

Mr Truss—What has it got to do with the bill?

Mr Snowdon—What does this mean for bio-terrorism, Comrade? What does this legislation do to address these things? I ask the minister: how is the protection of Australian borders being improved by this legislation? What is being done to incorporate the persons who live on the coast of Arnhem Land, the sea rangers who work right across Arnhem Land, in the border protection regime of the government?

I note that the Quarantine Inspection Service were going to fly out at the time even though the boat had scooted off, because they believed that they ‘may investigate a potential biosecurity threat brought by the crew coming on shore.’ We still do not know—

The Deputy Speaker (Hon. IR Causley)—Member for Lingiari, this legislation is not about biosecurity; it is about anti-terrorism, and you would like to link it.

Mr Snowdon—We still do not know whether or not people—whatever they might have been; they could well have been terrorists; they might have been fishermen; they could have been anyone—got off that vessel and wandered off into Arnhem Land and are perhaps still in Australia. We do not know because Customs does not know, AQIS certainly does not know and the Defence Force do not know. But what we do know is that they could have found out, had they bothered to use the Djelk rangers from the Bawinanga Association. This is not the first time that has happened. Illegal fishing boats have been spotted time and time again by these people.

The illegal fishing boat that was spotted last Thursday—

The Deputy Speaker—The member for Lingiari is going to link this to terrorism, is he?

Mr Snowdon—Absolutely. I have asked the minister how this terrorism legislation will affect the protection of Australian borders against the possibility that terrorists may have come onshore as a result of this vessel landing 1.3 kilometres up a creek off Arnhem Land. I would have thought that was very appropriate to this terrorism debate. We know that Australia’s northern borders are porous, but this is not the first time that this issue has been raised. On 7 November, the Bawinanga Association wrote to Senators Ian Macdonald and Ellison and invited them to talk to the Bawinanga Association to see how they might utilise the skills of these rangers. I seek leave to table the correspondence to Senator Ian Macdonald and Senator Ellison.

Leave granted.

Mr Snowdon—It is very important that when we contemplate this legislation we know the relevance of the sedition clauses as they are currently constructed. What we do not know is how this legislation will affect the way in which we protect Australian borders from the potential threat of terrorists and other people coming onto Australian soil without detection.

Mr Cadman (Mitchell) (8.45 pm)—It seems that the Australian Labor Party are only opposed to one section of this Anti-Terrorism Bill (No. 2) 2005—that is, the sedition section. When one examines the wording of their amendments, they commence with words that have a familiar ring:

... to urge another person to attempt by force or violence,

I will read the sedition section of the legislation that the government wants to pass:
A person commits an offence if the person urges another person to overthrow by force or violence. It is almost identical wording—a similarity that betrays the sophistry of claiming it is an outmoded piece of legislation. As outlined by the comments of senior lawyers, the legislation can be improved but, on the factual reading, an offence is committed:

... if the person urges another to overthrow by violence:

(a) the Constitution; or
(b) the Government of the Commonwealth, a State or a Territory; or
(c) the lawful authority of the Government of the Commonwealth.

Urging interference in Parliamentary elections

Urging violence within the community

These factors are surely issues which no thinking person would deny being appropriate in legislation such as this. The Australian Labor Party say: 'Let's not pass any of this. Let's not have these provisions within the antiterrorist legislation. We'll wait a while and we'll just see whether we need them or not. Perhaps we'll have a committee inquiry and perhaps, sometime towards the latter part of 2006, we'll put something that resembles this legislation within the antiterrorism provisions.' We need to put them in now. I cannot understand why Labor do not want them in, because their first amendment proposes to omit the whole section. An offence is also committed for urging a person to assist the enemy or urging a person to assist those engaged in armed hostilities.

The shadow Attorney-General talks about vilification. I remember very clearly in this place quoting the words of one of the sheiks in Sydney, which were a vile vilification of another race. When the Labor Party were in government, they did nothing. They gave that person citizenship. That is what Labor did, so that he could continue to stack branches in south-western Sydney. That is what the Australian Labor Party feel about these issues when they are in government. Labor are very pious in opposition—they either want to obstruct or want to change everything—but, in government, they are prepared to play 'mates' with any of their friends for a political advantage.

The third amendment proposed by the Australian Labor Party seeks to impose exemptions for people who do something in good faith. I will turn to the legislation before the House, so this is clearly expressed. Sections 80.1 and 80.2 do not apply to a person who:

(a) tries in good faith to show that any of the following persons are mistaken in any of his or her counsels, policies or actions:

(b) points out in good faith errors or defects in the following, with a view to reforming those errors or defects:

That is another reasonable part of political debate in a lively community. It goes on to say that it is not a matter of problem or antiterrorist activity or sedition if a person:

... urges in good faith another person to attempt to lawfully procure a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country

I think those are plain words. I would like to know how they can be made clearer. I would like to know why they should be omitted. I would like to know why those words are not relevant today and why they or words similar to that will be relevant in six months time. A person does not commit sedition if the person:

... points out in good faith any matters that are producing, or have a tendency to produce, feelings of ill-will or hostility between different groups, in order to bring about the removal of those matters
So hot debate, hot contest and ideas of difference are covered by this legislation. I cannot see a simpler approach than the one we have here. No doubt there are those that would like to refine the words, but they seem to stand as simple principles that ought to be adopted by this House as part of antiterrorist legislation. I can understand why they should have our attention. *(Time expired)*

**Mr WINDSOR** (New England) *(8.50 pm)*—I was one of those who has been unable to participate in this very important debate. I think the Anti-Terrorism Bill (No. 2) 2005 is one of the most important pieces of legislation that this parliament will deal with, and I would like to take a couple of minutes to give an indication of where I am coming from. I cannot believe that we are in here tonight considering this legislation in its current form. I have a great deal of respect for the Attorney-General and I understand the situation that he is in but, like us, he is a member of parliament, and a committee of this parliament has made recommendations. I listened to the member for Mitchell a moment ago. A committee of this parliament has made bipartisan recommendations, which I would suggest tell this parliament that we should slow down, look at the recommendations and seriously consider the ramifications of those recommendations.

If this were solely the opposition having a go at the government over some minor amendments to the legislation to score a few political points—as has been mentioned by the member for Mitchell—I would consider supporting the Attorney-General’s view. But there is no way that I am going to support this legislation in its current form tonight. We have this amazing set of circumstances where a bipartisan committee—the Senate Legal and Constitutional Legislation Committee—has made 52 recommendations. I have not even had a chance to speak on this legislation. Many other members of parliament have not had a chance to speak on it either. We are here tonight because the Attorney-General or the Prime Minister—I do not know who—suggested that we should be here. The opposition agreed to terminate debate at 8 o’clock tonight and I cannot believe that.

**Ms Roxon**—No, we didn’t.

**Mr Bevis**—No, we didn’t.

**Mr WINDSOR**—Where was the division on the gag? We are here tonight to debate an issue. The Attorney-General, in his concluding speech, made reference to the fact that we may well have to return to look at the provisions of sedition. There were 52 recommendations from the Senate committee and then the Attorney-General, in his concluding remarks, says: ‘We might have to be back here later. I’ll take on board these various recommendations. I’ll consider them seriously. I think they are something that we should look at in the future and I intend to do that next year.’

Why are we not doing that now, Minister? Why are we not slowing this process down? Why do we have to get to a set of circumstances, which the shadow minister referred to a moment ago, where we may well have to come back to consider the words ‘the’ and ‘a’? This is very important legislation. There would be no-one in this parliament who would be more resentful of terrorist activities than I. There would probably be no-one in this parliament, other than maybe Mr Deputy Speaker Causley, who would be more severe in terms of the penalties that would be imposed upon terrorists in this country.

But we have a parliament that is divided on this issue. We have a Senate inquiry making a whole range of recommendations and we are not even going to consider them here. Apparently they may well be considered in the Senate—they may not—and the minister may return at some future date to take on
board these considerations and perhaps propose some amendments. What is the parliament about? Why are we not deliberating on the particular amendments tonight? Why is the minister not looking at the sedition provisions as he says he will? He says he will review them. I find it quite distasteful to have a piece of legislation that is immediately under review before we have even passed it. I have no difficulty in saying to the parliament or to my electorate that I will not support this legislation. (Time expired)

Mr SLIPPER (Fisher) (8.55 pm)—I was somewhat amazed to hear the honourable member for New England say that, just because a Senate committee has brought down a report which appears to be a bipartisan report, the government should automatically accept that report. It is almost as though the member for New England is suggesting that Senate committees speak ex cathedra, as if they speak infallibly, whereas of course we all know that that is not the case.

The honourable member for Gellibrand, the shadow Attorney-General, asked the House why it was that we were proceeding with the sedition legislation at this time, when the government has already mentioned that there would be a review in the not too distant future. The member for New England also posed the question as to why the government was rushing the Anti-Terrorism Bill (No. 2) 2005 through. The events of September 11 and October 12, and other information which we have heard about, indicate that the world is not the way it was and the Attorney-General and the government have a responsibility to make Australia as safe a country as we can.

Returning to the point made by the member for Gellibrand, I would point out to her that the sedition offence is focused on those who urge, through the internet or otherwise, others to do harm to their fellow Australians. The urging of the activities described in the sedition offence is dangerous when seen or heard by those in our society who are naive, impressionable or potentially suicidal. Most people in Australia would agree that the modernisation of sedition offences is overdue. In fact, as long ago as 1991, the then Chief Justice of the High Court, Sir Harry Gibbs, said that. However, while the government is satisfied with these changes, as the Attorney has pointed out, being a very reasonable Attorney—this is a very reasonable government—we are always open to discussion and to receiving argument as to why these offences should be further improved. But the fact that we are going to have a review of this legislation is no reason not to proceed with it at this time. The dangers posed to Australia and other parts of the globe are so serious that this government would be seriously remiss in its responsibilities to the Australian people if it did not proceed at this time.

Mr Cadman—Hear, hear!

Mr SLIPPER—I am pleased to have the vocal support of my colleague the honourable member for Mitchell. The proposed sedition offence will make it an offence to urge the use of force or violence where the use of force or violence would threaten the peace, order and good government of the Commonwealth. The differences between the repeal of Crimes Act provisions and the new Criminal Code provisions include replacing the expression ‘classes’ with ‘groups’ consistent with the recommendations of the Gibbs report. This offence would address problems with those urging violence in the community where the use of force or violence would threaten the peace, order and good government of the Commonwealth. There is a new offence of interference with elections consistent with recommendations of the Gibbs report. There is an offence for assisting enemies or those engaged in combat against the
Defence Force. This previously formed an exception to the good faith defence in section 24F of the Crimes Act. Therefore, these matters are intended to come within the Crimes Act sedition offences. Rather than leaving the complicated drafting as it was, these matters were removed from the exception to the defence and made separate offences. These offences could occur in situations where Australia is at war or engaged in armed hostilities jointly with another country. The defences have also been modernised. They cover all the things that were covered by the old defences—for example, pointing out mistakes in policies and urging lawful changes to the law. The penalty for sedition is increased from three to seven years imprisonment.

The member for Gellibrand has been in the media recently claiming that the sedition offences are old-fashioned and outdated. Some would say that theft is, but it is also relevant. With the advent of the internet the relevant communications—and the potency of them—that urge violence make this an offence that is more relevant to the 21st century than previous centuries. They are far from being outdated, and it is eminently reasonable that we should have sedition offences. The government wants to enact this legislation at the moment. There will be a review, and so the opposition ought not to try to score cheap political points by opposing the government’s very firm mind against terrorism. The legislation in its entirety is important. The Attorney-General should be commended. The government will not move away from doing what it needs to do to make sure that Australia is a safer place, and to do what the ALP suggests would in fact be counterproductive.

Mr KERR (Denison) (9.00 pm)—I make these very quick points and ask the Attorney to respond at the conclusion. The first point is that it is not true that anybody in this House would not wish to criminalise the urging of another ‘by force or violence’. Many people see it as an appropriate thing to protect the freedom of ideas and to criminalise actions. Of course, there are boundaries. If you are in a position where you incite somebody to commit violence, that is a very different circumstance, but ‘force’ has a very wide connotation. Gandhi, for example, in promoting civil disobedience in India promoted the use of passive force to prevent the civil administration of that country carrying out its civil functions. If advocacy of that form of civil disobedience is caught, it would not be covered by the defence that is provided—that is, lawfully procuring a change. We are very much straying towards the danger of criminalising the act of thinking about, rather than the conduct of, criminal action.

The second point I would like the Attorney to respond to is: how will we deal with the application of control orders? I imagine that these will not be that frequent in their application, but currently there are only two statuses of civil society. There are those who have been the subject of criminal conviction. That carries a consequence, perhaps imprisonment. The consequence of a conviction is known and certain civil liabilities flow from it. Those who have not been the subject of a conviction are presumed innocent, but now a person will have a judgment of a court that they are suspected of a crime. What are the consequences for a person who is formally adjudged to be a suspect, but not adjudicated guilty by his or her peers by trial? What are the implications for antidiscrimination law? Can a person be excluded from employment if they are adjudicated to be a ‘suspect’ in criminal conduct? Will a person be capable of being excluded from civil organisations, churches, clubs and the like? What is the consequence for defamation—where normally a person is presumed to have a good reputation—when such a judgment is made?
All these consequential matters have not been addressed at all in the debate, to the best of my knowledge. I would appreciate it if, in the concluding stages of this debate, those matters could be addressed by the Attorney. I think they potentially open up a very large category in opening up this question that has never hitherto been part of the Australian legal system: what it means to be a person adjudicated a suspect in these offences. I will keep my remarks very brief because I know other members have not had the opportunity to speak in the debate.

Mr Ruddock (Berowra—Attorney-General) (9.04 pm)—I will briefly deal first with the matter raised by the member for New England. I simply note that the Senate committee certainly made a recommendation, recommendation 27, that schedule 7 be removed from the bill. But it went on in recommendation 29 to say:

If the above recommendation to remove Schedule 7 from the Bill is not accepted, the committee recommends—

and it listed certain changes. I think that is a clear indication from the Senate that it recognises, at least, that the government would be arguing very strongly that this is a measure that is needed now, but that we are prepared to perhaps look at some amendments. I have indicated that I will, and I do not think that is an unreasonable course to follow. I think there is some urgency in relation to these measures. I do not think it is a matter that we can leave unaddressed until we come back next year, particularly in the context of the wide range of issues that are involved.

Can I say to the member for Denison that I was fascinated with his argument because I must say I did not think anybody would argue. I do not know whether or not he is doing so on behalf of the opposition. I think the opposition needs to make it very clear whether or not it takes the view that it should not be an offence for a person to urge another person to overthrow, by force or violence, democratic institutions. We have just heard from the member for Denison that he sees no evil at all in urging another person to overthrow, by force or violence, our democratic institutions.

Mr Kerr interjecting—

Mr Ruddock—No, that is what you have said. What you have gone to is that offence. Force may have some other characteristic; it may be some peaceful force of some type that is being argued. What the legislation talks about very clearly is force or violence, and the member for Denison knows that, if you look at the drafting, which uses the words together—‘force or violence’—you will see it is quite clear what is meant. Can I just go further and say in relation to his understanding of these measures that we are in a new environment. We have not had terrorist events with the sort of characteristic that we have seen in recent times, with a very significant number of deaths of innocent people, including women and children, because some people are intent on pursuing their political objectives by using those sorts of methods.

Our common-law system is predicated—and I understand the basis from which the member for Denison, with his own eminent experience in the law, sees these matters. He sees them in terms of the sorts of propositions that we all understand: that it is better that 10 guilty men go free than one innocent person be convicted. If you are going to extrapolate that to say that it is better that large numbers of civilians be killed by terrorist acts because we are unwilling to put in place measures that might reasonably constrain—

Mr Bevis—And the sedition laws will do this?

Mr Ruddock—We are talking about control orders. That was the context in which
the matter was raised. The point I make is: yes, control orders are very new; they are very different. The burden of proof is different. It is certainly not within the criminal code as we would normally understand it, with the normal burdens of proof that follow, because what we are seeking to do is to protect people’s lives from possible terrorist acts. It is a question of whether or not the measures are reasonably likely to achieve that outcome—that relates to whether these measures can be imposed. Yes, we are dealing with something that is very different and that is not understood in the context of criminal law as we know it. But in our view the circumstances warrant it. That is the justification.

Mr Kerr—It may, but I want to know the consequences.

Mr Ruddock—It is quite clear that the consequence is that a person may be made the subject of certain limitations which could well ensure that relevant agencies are more able to undertake their task of protecting the Australian community.

Consideration interrupted; adjournment proposed and negatived.

Ms GRIERSON (Newcastle) (9.09 pm)—I think it is terribly important today that people like myself and many of my colleagues who did not get a chance to speak earlier do so, because the Anti-Terrorism Bill (No. 2) 2005 is both unjustified and unjust. The sedition provisions, in particular, are the widest in definition that I think I have ever seen. That is very concerning. One of the members opposite suggested that sedition laws are outmoded and need revision. Certainly they are outmoded. We live in an ‘in your face’ world where dissent strengthens our democracy and is not to be discouraged. Sedition laws have no place in a civilised society and, fortunately, in Australia we still live in a civilised society.

I am of an age where my experience is such that I was a teenager in the sixties and a young woman in the seventies—the age of protest. I remember that force and violence did occur at many peaceful protests. Often it seemed to us who were involved in those protests that perhaps the police themselves provoked that through their actions. I recall the conscription demonstrations and the anti-Vietnam War demonstrations and I recall sending Joh Bjelke-Petersen, the then Premier of Queensland, a map of Australia with Queensland cut off. This was at the time of the Springbok tour, when police turned on crowds protesting against apartheid in a vicious way. That is the sort of thing that we would hate to see again in this country. Joh might not have come to Canberra—thank goodness—but his spirit seems to live on on the coalition benches. I think it is very important that we do not forget that in those times at any rock concert, folk festival or protest action you were accompanied by ASIO people openly taking photographs of everyone. I used to think that was an amazingly ineffective intrusion. As people will say to you today, we were not causing harm; we were just protesting. It is not the time, in this new century, to wind back the laws and introduce these draconian and sedition repressive provisions.

In sedition the Attorney-General would be the final arbiter. I think Laurie Oakes in a recent interview with the Attorney reminded us of the fact that the Attorney-General is human and can become vengeful. I think a power that is unfettered is a very dangerous thing. I do not have confidence in the power of sedition being exercised by the present Attorney-General—nor do I think that power should rest with any one person. There is a provision in the sedition legislation about one group acting against another group. I draw the House’s attention to an incident in Newcastle early this year, where one group
acted against African people in a most vile way that could have been dangerous. It could have been an incident where force was used. It was handled by the community much better than anyone else could have handled it. Where six people came to join the protest against African people, 600 people demonstrated in the city together in a celebration of cultural diversity.

The minister’s legislation also covers control orders. The laws provide for education programs and counselling programs for those under control orders. Those services should be there all the time. If they were there for the guidance of troubled young people in their daily lives, perhaps we would not be talking about some of these provisions today. I support Labor’s amendment to delete the sedition provisions and feel very strongly that control orders on children aged 16 to 18 are a terrible measure. There are other ways to make this country safe.

Mr RUDDOCK (Berowra—Attorney-General) (9.13 pm)—I will not speak for very long. I just want to deal with the one issue concerning the Attorney-General’s consent. It is an additional safeguard. In relation to sedition you first have to have a police investigation, in which the police come to a view. It then goes to the DPP. The DPP comes to an independent view as to whether or not the grounds have been satisfied. Then there is a political judgment, and it is a political judgment as to whether or not, where the DPP says the grounds have been satisfied, somebody brings a commonsense judgment and says, ‘Hey, this is going to look silly if it is prosecuted.’ I do not think you would ever get to that point, quite frankly. But it needs to be understood that it is not just the Attorney-General; there is a three-stage process.

Mr HAYES (Werriwa) (9.14 pm)—I also refer to the Senate Legal and Constitutional Legislation Committee, which has agreed that the sedition provisions contained in the bill need to be removed or redrafted. I think it is pretty clear that they need to be dealt with separately. A good point was made by my colleague the member for Kingsford Smith earlier today when he indicated that the ability of the media and artists to feel free to express themselves is, quite frankly, a cornerstone of our democracy and a cornerstone of society. It is not only the Labor Party who is saying that these provisions need to be removed and redrafted; the Liberal senators who have examined this bill in detail—in as much detail as a truncated Senate inquiry will allow—are also saying this.

It is staggering that the government’s approach to the sedition provisions is to accept that they are virtually unworkable while asking the parliament to pass them nonetheless, with the promise that they will review them after they are law and adjust them as necessary. I have to say I find that a very interesting approach to law-making. I do not know about you, Mr Speaker, but this has to be the most confused and strange approach to making law that I have ever witnessed. The very same government who brought us the ‘children overboard’ scandal and the government who sent our troops into Iraq to find weapons of mass destruction that never actually existed is now expecting us to pass this bill with a promise to review the sections afterward. I am sorry, but the choices here should be pretty simple. It has been conceded that the sedition provisions are unworkable, so remove them now and treat them separately, as they should have been treated in the first place. The Liberal senators who sat on the inquiry agreed that they should be removed, so let us remove them—get rid of them right here, right now. Do not ask us to pass them now and fix them later; either fix them now or remove them altogether.
The most disappointing thing about this debate is the fact that the detailed comments that I would have liked to have made have been silenced because of the government’s gag. The government is so desperate to get this bill through the House that it has again silenced opposition members. Had I had the opportunity of a full 20 minutes to contribute to this debate, I would have been able to detail for the parliament what it is like to be in a community in which the antiterrorism raids took place only a couple of weeks ago. Of course, the government does not really want to hear about how people living in and around Green Valley, Ingleburn, Kemps Creek, Casula or Hoxton Park have reacted to the terrorism raids in their streets. A full opportunity to contribute to this debate would have allowed me to at least address a number of the other issues that the government has failed to address when it comes to national security. The government has failed to address the important practical measures of national security, such as X-ray examination of all international checked baggage and upgrading of security at regional airports—and providing effective and coordinated security for all Australian airports, for that matter.

As members would no doubt appreciate, any law—as a matter of fact, every law—is only as good as its enforcement. I have represented police officers from all parts of the country over many years and, let me assure you, Mr Speaker, they share the same desire as everybody else to have a safe and secure community for them to raise their own families. When it comes to terrorism and combating terrorism, front-line police officers want more than a piece of legislation that can sit on the shelf. They want real and appropriate resources that will enable them to enforce antiterrorism laws and to stop terrorists before they have a chance to strike, but getting the balance right when it comes to counter-terrorism is central to the ongoing health of our democracy and the health of our society.

Any law aimed at strengthening our security must be bolstered by adequate practical measures. Effective security laws, effective security measures and effective safeguards are not mutually exclusive concepts and should never be considered so. It is essential that the introduction of counter-terrorism laws should focus on getting the balance right the first time, and subsequent increment adjustments should only be there and occur to ensure that these laws remain relevant for a changing situation and the changing world.

Mr BALDWIN (Paterson) (9.19 pm)—In this consideration in detail I would like to ask the Attorney a couple of questions. Attorney, without the sedition part of schedule 7, what actions can be taken to deter, arrest and take action against those who incite others to acts of violence, those who would urge others to acts of violence, those who would urge others in dissatisfaction against our Constitution and those that would indeed plan somewhat of a uprising? These are the questions. As I look through the amendments that have been put forward by the opposition, I see nothing in there—nothing at all—that provides for these steps or measures that go towards the protection of Australians. I look at this bill—and I have had some time to read through it in some detail—and I consider that these parts relating to seditious intention, as I said earlier today, will give us the ability to stop those that would seek to incite others, much as we have seen in relation to the Islamic clerics who preach extremism and who preach the parts of the Koran that ask that you go out and kill others in the name of Allah.

Also, Attorney, for the people involved in this debate, perhaps you could detail a little bit more in relation to people who take arms up against Australians even if they are on foreign shores. I have heard from speakers
on the other side who claim in statements made in this House the defence for acts done in good faith, clause 80.3 of this legislation. I have read through those. Quite often the argument put forward by the other side is that cartoonists, writers, songwriters or any who are in the arts could not rely on good faith. They seem to think that a cartoon might incite people to terrorism acts, violent acts or uprisings against the broader nation—or, indeed, that songs that are written would encourage people to go down this track. Attorney, I would like to get your views on that—

Mr Kerr—No more blood on the wattle.

Mr BALDWIN—The member interjects from the other side, but I did not hear him, I’m sorry.

Mr Kerr—No more blood on the wattle.

The SPEAKER—The member for Paterson need not respond to interjections.

Mr BALDWIN—Blood on the wattles. Maybe you know about that as the Labor Party, with the blood you spill on the floor during your preselction—I do not know. And I am not really interested in that, because I am not interested in protecting the Labor Party; I am interested in protecting my fellow Australians from those that would seek to do damage in this country.

Attorney, there are statements in here relating to the penalties and, after discussions with people in my electorate after I received this bill, a lot of people consider that imprisonment for seven years is not a significant enough penalty to be applied to some of these acts.

Opposition members interjecting—

Mr BALDWIN—Members opposite interject, but they always have been the apologists. When one of these acts is carried out they, as the alternative government, almost apologise to those people because we have taken proactive and solid steps to protect other Australians. As I have said, having read through all of the amendments they have put forward, there is not one single statement in them—other than referring it to the Senate for further consideration—that allows for positive action to be taken on the act of sedition. Attorney, I hope that you have taken on board those points that I have raised and I would like to hear your response.

Mr KATTER (Kennedy) (9.23 pm)—It is very seldom in this place that I rise to endorse the statements made by the member for Lingiari, but we who represent Northern Australia know that our coastline is being breached regularly and continuously. I cannot go to Karumba or Normanton without people giving me examples of where they have seen boats landing. The extent of the hypocrisy of the government to be restricting our freedoms through the sedition laws—and I am not sure whether it is a bad thing or not—

Government members interjecting—

Mr KATTER—I hear what you are saying. The sedition laws deal with an internal threat. But the internal threat can be coming externally through boats landing on our shores. We are dealing with a very ephemeral possibility that we will restrict Australians' freedoms to meet instead of dealing with a reality that we know is occurring in our waters. The Minister for Transport and Regional Services, at the dispatch box, yelled out that we did not turn up in the House. Some of the legislation that he has moved in this House has made me physically unwell, which is why I have not turned up. Thousands of farmers have lost their jobs, their livelihoods and their lives through suicide as a result of legislation that has been passed in this place by people such as the honourable minister. He is personally responsible for the removal of thousands of Australian fishing vessels.
The SPEAKER—In accordance with the resolution agreed to earlier this day, the time for consideration of the bill has expired. I therefore put the question that amendment (1), moved by the member for Brisbane, be agreed to.

The House divided. [9.29 pm]

(The Speaker—Hon. David Hawker)

Ayes............ 58
Noes............ 79
Majority......... 21

AYES
Adams, D.G.H. Andren, P.J.
Beazley, K.C. Bevis, A.R.
Bird, S. Bowen, C.
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.
Georganas, S. George, J.
Gibbons, S.W. Gillard, J.E.
Grierson, S.J. Griffin, A.P.
Hall, J.G. * Hoare, K.J.
Hayes, C.P. Jenkins, H.A.
Irwin, J. King, C.F.
Kerr, D.J.C. Macklin, J.L.
Livermore, K.F. McMullan, R.F.
McClendon, R.B. Melham, D.
O’Connor, B.P. O’Connor, G.M.
Owens, J. Plibersek, T.
Price, L.R.S. Quick, H.V.
Ripoll, B.F. Roxon, N.L.
Rudd, K.M. Sawford, R.W.
Smith, S.F. Snowden, W.E.
Swan, W.M. Tanner, L.
Thomson, K.J. Vamvakakos, M.
Wilkie, K. Windsor, A.H.C.

Bishop, B.K. Bishop, J.I.
Broadbent, R. Brough, M.T.
Cadman, A.G. Causley, J.R.
Cobby, S.M. Cobb, J.K.
Elson, K.S. Entschev, W.G.
Farmer, P.F. Fawcett, D.
Ferguson, M.D. Forrest, J.A.
Gambardella, T. Gash, J.
Georgiou, P. Haase, B.W.
Hardgrave, G.D. Hartsuyker, L.
Henry, S. Hockey, J.B.
Hull, K.E. Hunt, G.A.
Jensen, D. Johnson, M.A.
Jull, D.F. Katter, R.C.
Keenan, M. Kelly, D.M.
Kelly, J.M. Laming, A.
Ley, S.P. Lindsay, P.J.
Lloyd, J.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.
Sliper, P.N. Smith, A.D.H.
Somlyay, A.M. Stone, S.N.
Thompson, C.P. Ticehurst, K.V.
Tollner, D.W. Truss, W.E.
Tuckey, C.W. Turnbull, M.
Vale, D.S. Vasta, R.
Wakefield, B.H. Washer, M.J.
Wood, J.

* denotes teller

Question negatived.

The SPEAKER—The question now is that amendment (2), moved by the member for Brisbane, be agreed to.

The House divided. [9.35 pm]

(The Speaker—Hon. David Hawker)

Ayes............ 57
Noes............ 79
Majority......... 22

AYES
Adams, D.G.H. Andren, P.J.
The Speaker—The question now is that amendment (3), moved by the member for Brisbane, be agreed to.

The House divided. [9.39 pm]

(The Speaker—Hon. David Hawker)

**AYES**

<table>
<thead>
<tr>
<th>Ayes</th>
<th>57</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Noes</th>
<th>79</th>
</tr>
</thead>
</table>

**NOES**

<table>
<thead>
<tr>
<th>Majority</th>
<th>22</th>
</tr>
</thead>
</table>

**AYES**

- Adams, D.G.H.
- Beazley, K.C.
- Bird, S.
- Burke, A.S.
- Corcoran, A.K.
- Danby, M. *
- Elliot, J.
- Ellis, K.
- Ferguson, L.D.T.
- Fitzgibbon, J.A.
- Georginas, S.
- Gibbons, S.W.
- Grier, S.J.
- Hall, J.G. *
- Hayes, C.P.
- Irwin, J.
- Kerr, D.J.C.
- Livermore, K.F.
- McClelland, R.B.
- Melham, D.
- O’Connor, B.P.
- Owens, J.
- Price, L.R.S.
- Ripoll, B.F.
- Rudd, K.M.
- Smith, S.F.
- Swan, W.M.
- Thomson, K.J.
- Wilkie, K.

**NOES**

- Abbott, A.J.
- Andrews, K.J.
- Baird, B.G.
- Baldwin, R.C.
- Bartlett, K.J.
- Bishop, B.K.
- Broadbent, R.
- Cadman, A.G.
- Cribbo, S.M.
- Elston, K.S.
- Farmer, P.F.
- Ferguson, M.D.
- Gambato, T.
- Georgiou, P.
- Hardgrave, G.D.
- Henry, S.
- Hull, K.E.
- Jensen, D.
- Jull, D.F.
- Keenan, M.
- Kelly, J.M.
- Ley, S.P.
- Beazley, K.C.
- Bowen, C.
- Byrne, A.M.
- Crean, S.F.
- Edwards, G.J.
- Ellis, A.L.
- Emerson, C.A.
- Ferguson, M.J.
- Garrett, P.
- George, J.
- Gillard, J.E.
- Griffin, A.P.
- Hatton, M.J.
- Hoare, K.J.
- Jenkins, H.A.
- King, C.F.
- Macklin, J.L.
- O’Connor, G.M.
- Plibersek, T.
- Quick, H.V.
- Roxon, N.L.
- Sawford, R.W.
- Snowdon, W.E.
- Tanner, L.
- Vanvakinou, M.

<table>
<thead>
<tr>
<th>Ayes</th>
<th>57</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Noes</th>
<th>79</th>
</tr>
</thead>
</table>

**Majority**

- Adams, D.G.H.
- Beazley, K.C.
- Bird, S.
- Burke, A.S.
- Corcoran, A.K.
- Danby, M. *
- Elliot, J.
- Ellis, K.
- Ferguson, L.D.T.
- Fitzgibbon, J.A.
- Georginas, S.
- Gibbons, S.W.
- Grier, S.J.
- Hall, J.G. *
- Hayes, C.P.
- Irwin, J.
- Kerr, D.J.C.
- Livermore, K.F.

<table>
<thead>
<tr>
<th>Ayes</th>
<th>57</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Noes</th>
<th>79</th>
</tr>
</thead>
</table>

**Majority**

- Adams, D.G.H.
- Beazley, K.C.
- Bird, S.
- Burke, A.S.
- Corcoran, A.K.
- Danby, M. *
- Elliot, J.
- Ellis, K.
- Ferguson, L.D.T.
- Fitzgibbon, J.A.
- Georginas, S.
- Gibbons, S.W.
- Grier, S.J.
- Hall, J.G. *
- Hayes, C.P.
- Irwin, J.
- Kerr, D.J.C.
- Livermore, K.F.
- Abbott, A.J.
- Andrews, K.J.
- Baird, B.G.
- Baldwin, R.C.
- Bartlett, K.J.
- Bishop, B.K.
- Broadbent, R.
- Cadman, A.G.
- Cribbo, S.M.
- Elston, K.S.
- Farmer, P.F.
- Ferguson, M.D.
- Gambato, T.
- Georgiou, P.
- Hardgrave, G.D.
- Henry, S.
- Hull, K.E.
- Jensen, D.
- Jull, D.F.
- Keenan, M.
- Kelly, J.M.
- Ley, S.P.
- Beazley, K.C.
- Bowen, C.
- Byrne, A.M.
- Crean, S.F.
- Edwards, G.J.
- Ellis, A.L.
- Emerson, C.A.
- Ferguson, M.J.
- Garrett, P.
- George, J.
- Gillard, J.E.
- Griffin, A.P.
- Hatton, M.J.
- Hoare, K.J.
- Jenkins, H.A.
- King, C.F.
- Macklin, J.L.

**AYES**

- Adams, D.G.H.
- Beazley, K.C.
- Bird, S.
- Burke, A.S.
- Corcoran, A.K.
- Danby, M. *
- Elliot, J.
- Ellis, K.
- Ferguson, L.D.T.
- Fitzgibbon, J.A.
- Georginas, S.
- Gibbons, S.W.
- Grier, S.J.
- Hall, J.G. *
- Hayes, C.P.
- Irwin, J.
- Kerr, D.J.C.
- Livermore, K.F.
Tuesday, 29 November 2005

HOUSE OF REPRESENTATIVES

McClelland, R.B.    McMullan, R.F.
Melham, D.    Murphy, J.P.
O’Connor, B.P.    O’Connor, G.M.
Owens, J.    Plibersek, T.
Price, L.R.S.    Quick, H.V.
Ripoll, B.F.    Roxon, N.L.
Rudd, K.M.    Sawford, R.W.
Smith, S.F.    Snowden, W.E.
Swan, W.M.    Tanner, L.
Thomson, K.J.    Vamvakou, M.
Wilkie, K.

NOES

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.    Cobb, J.K.
Ciobo, S.M.    Entsch, W.G.
Elson, K.S.    Fawcett, D.
Farmer, P.F.    Forrest, J.A.
Ferguson, M.D.    Gash, J.
Gambino, T.    Haase, B.W.
Georgiou, P.    Hardgrave, G.D.
Henry, S.    Hartseyker, L.
Hull, K.E.    Hockey, J.B.
Jensen, D.    Hunt, G.A.
Jull, D.F.    Johnson, M.A.
Keenan, M.    Katter, R.C.
Kelly, J.M.    Kelly, D.M.
Ley, S.P.    Laming, A.
Lloyd, J.E.    Lindsay, P.J.
May, M.A.    Markus, L.
McGauran, P.J.    McArthur, S.
Nairn, G.R.    Moynan, J.E.
Neville, P.C.    Nelson, B.J.
Pearce, C.J.    Panopoulos, S.
Pyne, C.    Prosser, G.D.
Richardson, K.    Randall, D.J.
Rudder, P.M.    Robb, A.
Scott, B.C.    Schultz, A.
Slipper, P.N.    Secker, P.D.
Somlyay, A.M.    Smith, A.D.H.
Thompson, C.P.    Stone, S.N.
Tollner, D.W.    Ticehurst, K.V.
Tuckey, C.W.    Truss, W.E.
Vale, D.S.    Turnbull, M.
Wakin, B.H.    Vasta, R.
Wood, J.

* denotes teller

Question negatived.

Third Reading

The SPEAKER—in accordance with the resolution agreed to earlier this day, the question now is that the bill be agreed to and be now read a third time.

Question agreed to.

Mr Andren—Mr Speaker, in the absence of any amendments or proper debate on this bill, I want my name to be recorded as opposing.

Mr Quick—Mr Speaker, I would like my name recorded in Hansard as having voted against the bill.

Bill read a third time.

House adjourned at 9.42 pm

NOTICES

The following notices were given:

Mr Lloyd to move:

That, in accordance with section 5 of the Parliament Act 1974, the House approves the following proposal for works in the Parliamentary Zone which was presented to the House on 28 November 2005 namely: Reconciliation Place Stage 3—Reconciliation Artworks.

Mr Lloyd to move:

That, in accordance with section 5 of the Parliament Act 1974, the House approves the following proposal for works in the Parliamentary Zone which was presented to the House on 28 November 2005 namely: Construction of kiosk concession buildings on the southern foreshore of Lake Burley Griffin.

Mr Burke to move:

That item 2 of Schedule 7 of Select Legislative Instrument 2005 No. 240, Migration Amendment Regulations 2005 (No. 9), Division 1.4E—Sponsorship: trade skills training (incorporating Subdivisions 1.4E1 to 1.4E4) and made under the Migration Act 1958—be disallowed.
Ms Hoare to move:
That this House:

(1) expresses its concern that since 1979 the Government of the Islamic Republic of Iran has denied the Bahá’í community access to higher education as a means of wider persecution, which is based entirely on religious discrimination;

(2) calls upon the Government of the Islamic Republic of Iran to recognise its legal obligations to provide access to education to all of its citizens, irrespective of religion, under the Universal Declaration of Human Rights, to which it is a signatory; and

(3) calls upon the Government of the Islamic Republic of Iran to immediately cease the persecution of the Bahá’í community.
QUESTIONS IN WRITING

Opinion Polls
(Question No. 1080)

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

(1) Did the department or any agency under the Minister’s portfolio conduct or commission an opinion poll, focus group or market research in 2004; if so, what was the (a) purpose and (b) cost of each opinion poll, focus group or market research survey conducted.

(2) What was the name and postal address of each company engaged to conduct the poll, focus group or research.

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

(1) and (2) Yes, the following table details the purpose and cost of each opinion poll, focus group or market research survey conducted by a company and the name and address of each company. Tourism Australia figures are provided for the period spanning 2003-04 and 2004-05 as information is not readily available on a calendar year basis.

<table>
<thead>
<tr>
<th>(1) Purpose</th>
<th>(1) (b) Cost (ex GST)</th>
<th>(2) Name and address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demand for Nature-based and Indigenous Tourism Product research</td>
<td>$51,200 contribution to $96,490 project jointly funded with industry and State Governments</td>
<td>Colmar Brunton Social Research PO Box 2212 Canberra ACT 2601</td>
</tr>
<tr>
<td>Market research on the Australian dining market</td>
<td>$60,000</td>
<td>Roy Morgan Research PO Box A2180 Sydney South NSW 2000</td>
</tr>
<tr>
<td>GM Canola report 2003</td>
<td>$7,500</td>
<td>Kleffman Australia Pty Ltd Level 2, 36-38 Albert Road, South Melbourne VIC 3205</td>
</tr>
<tr>
<td>Market research on attitudes to stem cell research</td>
<td>$13,710</td>
<td>Market Attitude Research Services PO Box 214, Miranda NSW 2228</td>
</tr>
<tr>
<td>Survey of community attitudes on nanotechnology</td>
<td>$10,200</td>
<td>Market Attitude Research Services PO Box 214, Miranda NSW 2228</td>
</tr>
<tr>
<td>Australian public attitudes to Biotechnology</td>
<td>$128,747</td>
<td>Millward Brown Australia 245 St Kilda Road, St Kilda VIC 3182</td>
</tr>
<tr>
<td>Focus groups and evaluation of the small business website</td>
<td>$108,545</td>
<td>Inside Story Knowledge Management Level 5/2 Barrack Street SYDNEY NSW 2000</td>
</tr>
<tr>
<td>Evaluation of the Business Entry Point initiative</td>
<td>$9,680</td>
<td>Mack Management Consulting PO Box 806 Crows Nest NSW 1585</td>
</tr>
<tr>
<td>(1) (a) Purpose</td>
<td>(1) (b) Cost (ex GST)</td>
<td>(2) Name and address</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Survey on growth intentions and use of technology by small business</td>
<td>$30,000</td>
<td>Sensis Pty Ltd 181-189 Victoria Pde, Collingwood VIC 3066</td>
</tr>
<tr>
<td>Small Business index research</td>
<td>$20,000</td>
<td>Sensis Pty Ltd 181-189 Victoria Pde, Collingwood VIC 3066</td>
</tr>
<tr>
<td>Identification of regulation compliance burden for home-based businesses at local government level</td>
<td>$41,801</td>
<td>Fianian Pty Ltd PO Box 292 Milton NSW 2538</td>
</tr>
<tr>
<td>Stakeholder survey for DITR</td>
<td>$79,615</td>
<td>Orima PO Box 67, Lyneham, ACT 2602</td>
</tr>
<tr>
<td>Customer satisfaction survey for AusIndustry</td>
<td>$135,838</td>
<td>Orima PO Box 67, Lyneham, ACT 2602</td>
</tr>
<tr>
<td>Internal survey of DITR Corporate Division clients</td>
<td>$5,000</td>
<td>ClientWise PO Box 458, Belconnen, ACT 2616</td>
</tr>
<tr>
<td>Geoscience Australia (2004 calendar year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internal survey of Geoscience Australia’s Corporate Branch clients</td>
<td>$6,075</td>
<td>ClientWise PO Box 458 Belconnen ACT 2616</td>
</tr>
<tr>
<td>Effectiveness survey of AusGeo News</td>
<td>$40,936</td>
<td>d-Sipher Pty Ltd PO Box 168 Noosa Heads Qld 4567</td>
</tr>
<tr>
<td>Staff survey at Geoscience Australia</td>
<td>$36,588</td>
<td>The Empower Group Level 6, 607 Bourke Street Melbourne Vic 3000</td>
</tr>
<tr>
<td>IP Australia (2004 calendar year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Customer satisfaction benchmarking study for IP Australia</td>
<td>$85,230</td>
<td>Eureka Strategic Research Pty Ltd PO Box 767 Newtown NSW 2042</td>
</tr>
<tr>
<td>Review study of IP Australia tertiary public awareness and education program</td>
<td>$17,200</td>
<td>Le Grice Research 9 Waterfall Avenue Forestville NSW 2087</td>
</tr>
<tr>
<td>Tourism Australia (2003-04 and 2004-05 financial years)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tourism Australia Brand positioning/ advertising/segmentation research – UK</td>
<td>03/04</td>
<td>$1,757,338 Acacia Avenue 8 Wellgarth Road London NW11 7HS United Kingdom</td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
<table>
<thead>
<tr>
<th>(1) (a) Purpose</th>
<th>Period</th>
<th>(1) (b) Cost (ex GST)</th>
<th>(2) Name and address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Global segmentation research</td>
<td>04/05</td>
<td>$540,174</td>
<td>Acacia Avenue 8 Wellgarth Road London NW11 7HS United Kingdom</td>
</tr>
<tr>
<td>Tourism Australia Brand positioning / advertising research - Singapore</td>
<td>03/04</td>
<td>$37,782</td>
<td>Acorn Marketing &amp; Research Consultants Room 1501, 15/F MingShen Center No. 3131 KaiXuan Rd Shanghai, 200031 P.R. China</td>
</tr>
<tr>
<td>Advertising testing research –China &amp; Korea</td>
<td>04/05</td>
<td>$168,500</td>
<td>Advertising Developments Solutions Level 4 606 St Kilda Road, Melbourne 3004</td>
</tr>
<tr>
<td>New Zealand and US consumer tracking studies</td>
<td>03/04</td>
<td>$75,050</td>
<td>BDA Marketing Planning PO Box 7436, Melbourne, VIC 3004</td>
</tr>
<tr>
<td>International Visitor Survey (UK Supplementary)</td>
<td>03/04</td>
<td>$10,000</td>
<td>Bureau of Tourism Research GPO Box 1545, Canberra, ACT, 2601</td>
</tr>
<tr>
<td>Corporate Incentive &amp; Meeting-Travel research - Taiwan &amp; Thailand Australian Brand tracking</td>
<td>03/04</td>
<td>$50,150</td>
<td>Colmar Brunton PO Box 1384 Macquarie Centre North Ryde NSW 2113</td>
</tr>
<tr>
<td>Dreamtime trade show interviews</td>
<td>04/05</td>
<td>$9,200</td>
<td>Colmar Brunton PO Box 1384 Macquarie Centre North Ryde NSW 2113</td>
</tr>
<tr>
<td>Business tourism corporate end user research</td>
<td>04/05</td>
<td>$55,950</td>
<td>Colmar Brunton PO Box 1384 Macquarie Centre North Ryde NSW 2113</td>
</tr>
<tr>
<td>Employer program research</td>
<td>04/05</td>
<td>$16,450</td>
<td>Colmar Brunton PO Box 1384 Macquarie Centre North Ryde NSW 2113</td>
</tr>
<tr>
<td>Tourism Australia research – US market</td>
<td>03/04</td>
<td>$19,706</td>
<td>Canvas Research 1967 North Van Ness Ave, Los Angeles CA 90068 USA</td>
</tr>
<tr>
<td>Tourism Australia research –Italy</td>
<td>03/04</td>
<td>$30,200</td>
<td>Libra Psicologia &amp; Marketing Piazzale Cadorna 9 Milan 20123 Italy</td>
</tr>
</tbody>
</table>
(1) (a) Purpose | Period | (1) (b) Cost (ex GST) | (2) Name and address
--- | --- | --- | ---
Global Brand Health & Communications Tracking (BH&CT) 2004 Fieldwork - Malaysia | 03/04 - 04/05 | $22,202 | Central Force C3-8, Block C Level 5, Ue3 Menara Uncang Emas, Jalan Loke Yew, 55200 Kuala Lumpur Malaysia
B&CT 2004 Fieldwork - Beijing & Shanghai | 03/04 | $23,700 | East Marketing Information Institute 5/F Golden Lake Building No 2 Dong Hu Rd West Guangzhou 510100 P.R. China
B&CT 2004 Fieldwork - China | 04/05 | $29,629 | TNS NFO Worldgroup – China Rm 2101, China Life Tower, No 16 Chao Yang Men Wai Street, Beijing 100020 PR China
B&CT 2004 Fieldwork - Singapore | 03/04 - 04/05 | $13,984 - $14,772 | Joshua Research Consultants 190 Middle Road Fortune Centre #20-02 Singapore 188979 Singapore
B&CT Fieldwork – Singapore | 04/05 | $62,917 | TNS Singapore 512A Thomson Road, #0201 SLF Podium Singapore 298137
B&CT 2004 Fieldwork - Japan | 03/04 | $74,167 | Lyncs Incorporated Sun Towers B Building 7F, 2-11-23 Sangenjaya Setagaya-ku Tokyo 154-0024 Japan
B&CT 2004 Fieldwork - Japan | 04/05 | $115,772 | TNS – NRC Hatchobori SF Building 3-12-8 Hatchobori, Chuo-ku Tokyo 104-0032 Japan
B&CT 2004 Fieldwork - England | 03/04 - 04/05 | $93,045 - $74,535 | Millward Brown UK Olympus Avenue Tachbrook Park Warwick CV34 6RJ United Kingdom
B&CT 2004 Fieldwork - England | 04/05 | $47,215 | TNS UK Westgate, London W51UA, United Kingdom
B&CT 2004 Fieldwork - Hong Kong | 03/04 | $24,600 | Oracle Market Research Unit 703-711 MLC Millennia Plaza 663 Kings Road North Point Hong Kong
<table>
<thead>
<tr>
<th>(1) (a) Purpose</th>
<th>Period</th>
<th>(1) (b) Cost (ex GST)</th>
<th>(2) Name and address</th>
</tr>
</thead>
</table>
| BH&CT 2004 Fieldwork - New Zealand       | 03/04 04/05  | $10,796 $9,926        | Reid Research  
PO Box 91155  
Auckland Mail Centre Auckland New Zealand                                                 |
| BH&CT 2004 Fieldwork - Korea             | 03/04        | $21,315               | Research International Korea  
736-17 Seoul B/D Yeoksam-dog Kangnam-gu, Seoul Korea                                      |
| BH&CT Fieldwork – Korea                  | 04/05        | $36,683               | TNS Korea  
5th floor Anwon Building, 14-15 Yoido-Dong, Youngdeungpo-ku, Seoul, 150-010 Korea          |
| BH&CT 2004 Fieldwork - Italy             | 04/05        | $37,444               | TNS Infratest S.p.A  
Via Bolama, 11,3013  
20126 Milan Italy                                                                         |
| BH&CT Fieldwork – Germany                | 04/05        | $63,400               | TNS Infratest GmbH  
Landsberger Strasse 338  
80686 Munchen , Germany                                                                 |
| BH&CT Fieldwork – USA                    | 04/05        | $21,135               | TNS NFO USA  
2700 Oregon Road, Northwood  
OH 43697-0315 USA                                                                         |
| BH&CT Study 2003 (Finalisation of Reporting) | 03/04        | $79,735               | Millward Brown Australia  
Level 11 181 Miller Street North Sydney  
NSW 2060                                                                                |
| BH&CT 03-04 - various markets            | 04/05        | $155,822              | Millward Brown Australia  
Level 11 181 Miller Street North Sydney  
NSW 2060                                                                                |
| BH&CT 04-05 – various markets            | 04/05        | $289,644              | Taylor Nelson Sofres  
48 Pyrmont Bridge Road, Pyrmont  
NSW 2009                                                                                 |
| Advertising testing research USA & New Zealand | 04/05        | $193,790              | Diagnostic Research  
Citibank, 11 Wall Street, New York  
NY 10042, USA                                                                             |
| Visual identity research for Tourism Australia | 03/04        | $117,384              | Future Brand  
7th Floor 300 Park Avenue South New York, New York 10010 USA                            |
| Online survey research – Australia .com  | 04/05        | $25,450               | Nielsen Netratings  
59 Wentworth Avenue, Surry Hills  
NSW 2010                                                                                 |
| Chinese Consumer Omnibus                 | 03/04        | $11,592               | IPSOS UK  
Kings House Kymberley Road Harrow HA1 1PT United Kingdom                                |
| US Consumer Omnibus                      | 03/04        | $20,095               | IPSOS UK  
Kings House Kymberley Road Harrow HA1 1PT United Kingdom                                |

**QUESTIONS IN WRITING**
<table>
<thead>
<tr>
<th>(1) (a) Purpose</th>
<th>Period</th>
<th>(1) (b) Cost (ex GST)</th>
<th>(2) Name and address</th>
</tr>
</thead>
<tbody>
<tr>
<td>German Consumer Omnibus</td>
<td>03/04</td>
<td>$13,396</td>
<td>IPSOS UK</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kings House Kymberley Road Harrow HA1 1PT United Kingdom</td>
</tr>
<tr>
<td>UK segment matching</td>
<td>04/05</td>
<td>$76,847</td>
<td>IPSOS UK</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kings House Kymberley Road Harrow HA1 1PT United Kingdom</td>
</tr>
<tr>
<td>Satisfaction research</td>
<td>04/05</td>
<td>$9,000</td>
<td>Jigsaw Strategic Research</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Level 4&amp;5 21 Berry Street, North Sydney 2060</td>
</tr>
<tr>
<td>Corporate Incentive Travel Study - USA</td>
<td>03/04</td>
<td>$33,834</td>
<td>Menlo Consulting Group</td>
</tr>
<tr>
<td></td>
<td>04/05</td>
<td>$22,214</td>
<td>PO Box 51958</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Palo Alto California 94303 USA</td>
</tr>
<tr>
<td>Tourism Australia branding research</td>
<td>03/04</td>
<td>$1,500</td>
<td>Stancombe Research</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18 Glenmore Road Paddington, NSW 2021 Australia</td>
</tr>
<tr>
<td>Australian Tourist Commission Online &amp;</td>
<td>03/04</td>
<td>$38,700</td>
<td>Redsheriff</td>
</tr>
<tr>
<td>Essentials Research and Australia.com</td>
<td></td>
<td></td>
<td>C/O Nielsen Netratings</td>
</tr>
<tr>
<td>Website Survey</td>
<td></td>
<td></td>
<td>59 Wentworth Avenue Surry Hills, NSW 2010</td>
</tr>
<tr>
<td>Korea Strategic Research</td>
<td>03/04</td>
<td>$198,895</td>
<td>Market Equity</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1 Eden Street North Sydney NSW 2060</td>
</tr>
<tr>
<td>Tourism Australia Branding and commu-</td>
<td>03/04</td>
<td>$420,205</td>
<td>Millward Brown Australia</td>
</tr>
<tr>
<td>nications study</td>
<td></td>
<td></td>
<td>Level 11 181 Miller Street North Sydney NSW 2060</td>
</tr>
<tr>
<td>Brand Australia Domestic Research</td>
<td>03/04</td>
<td>$36,700</td>
<td>Millward Brown Australia</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Level 11 181 Miller Street North Sydney NSW 2060</td>
</tr>
<tr>
<td>Advertising testing research – Japan</td>
<td>04/05</td>
<td>$68,548</td>
<td>Millward Brown Japan KK</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Yebisu Garden Place Tower 30th floor</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4-20-3 Ebisu Shibuyak-ke, Tokyo 150-6030</td>
</tr>
<tr>
<td>Business Travel Incentive Project - UK</td>
<td>03/04</td>
<td>$60,664</td>
<td>Mori (Market &amp; Opinion)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Mori House 79-81 Borough Road London SE1 1FY United Kingdom</td>
</tr>
<tr>
<td>Business Tourism Corporate End user</td>
<td>04/05</td>
<td>$31,095</td>
<td>Mori (Market &amp; Opinion)</td>
</tr>
<tr>
<td>research - UK</td>
<td></td>
<td></td>
<td>Mori House 79-81 Borough Road London SE1 1FY United Kingdom</td>
</tr>
<tr>
<td>Trade Event Evaluation Research - Various</td>
<td>03/04</td>
<td>$62,248</td>
<td>Urbis JHD</td>
</tr>
<tr>
<td>Projects</td>
<td></td>
<td></td>
<td>Level 12, 120 Collins Street Melbourne VIC 3000</td>
</tr>
<tr>
<td>(1) (a) Purpose</td>
<td>Period</td>
<td>(1) (b) Cost (ex GST)</td>
<td>(2) Name and address</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------</td>
<td>-----------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>New Zealand Holiday Tracking Survey</td>
<td>03/04</td>
<td>$114,200</td>
<td>Roy Morgan Research GPO Box 2282 U Melbourne Victoria 3001</td>
</tr>
<tr>
<td>Australia Holiday Tracking Survey</td>
<td>04/05</td>
<td>$40,000</td>
<td>Roy Morgan Research GPO Box 2282 U Melbourne Victoria 3001</td>
</tr>
<tr>
<td>Passenger Study</td>
<td>03/04</td>
<td>$29,302</td>
<td>TNS Plog Research PO Box 8500-1621, Philadelphia, PA 19178-1621 USA</td>
</tr>
<tr>
<td>USA Conversion Study</td>
<td>04/05</td>
<td>$33,490</td>
<td>University of South Australia Finance Unit GPO Box 2471 Adelaide SA 5001</td>
</tr>
<tr>
<td>Annual leave omnibus 2005</td>
<td>03/04</td>
<td>$90,565</td>
<td>Woolcott Research 40 Gloucester Street, The Rocks NSW 2000</td>
</tr>
<tr>
<td>Quarterly national visitor survey (Tourism Research Australia)</td>
<td>03/04</td>
<td>$1,178,890</td>
<td>AC Nielsen Research Pty Ltd 11 Talavera Rd, Macquarie Park NSW 2113</td>
</tr>
<tr>
<td>Quarterly international visitor survey – English language data collection (Tourism Research Australia)</td>
<td>03/04</td>
<td>$948,325</td>
<td>AC Nielsen Research Pty Ltd 11 Talavera Rd, Macquarie Park NSW 2113</td>
</tr>
<tr>
<td>Quarterly international visitor survey - foreign language data collection (Tourism Research Australia)</td>
<td>03/04</td>
<td>$349,314</td>
<td>Newton Wayman Chong &amp; Associates Pty Ltd Skipping Girl Place, 651 Victoria Street, Abbotsford, Victoria</td>
</tr>
</tbody>
</table>

Consultancy Services
(Question No. 1089)

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

(1) Did the department or any agency under the Minister’s portfolio engage the services of a public relations, public affairs or media management consultancy in 2004; if so, what was the (a) purpose and (b) cost of each engagement.

(2) What was the name and postal address of each company engaged for these purposes.

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

This information is published in Defence’s annual report. The first half of 2004 is published in the annual report for 2003-04 and the second half is published in the annual report for 2004-05.
National Security
(Question No. 2190)

Mr Georganas asked the Minister for Transport and Regional Services, in writing, on 18 August 2005:

(1) Is he aware of an incident at Adelaide Airport on 16 July 2005 in which passengers arriving from Singapore identified a suspicious suitcase left on the baggage turnstile and making an unusual noise.

(2) Can he explain why it took security at Adelaide Airport more than half an hour to determine who was responsible for the suspicious suitcase and what should be done with it.

(3) Are there security procedures in place for dealing with suspicious packages at Australian airports; if so, were they followed for this incident.

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

(1) Yes.

(2) I understand that correct procedures were followed, and that the response times were appropriate to the nature of this event.

(3) Yes.

Consultancy Services
(Question No. 2214)

Mr Bowen asked the Minister for Health and Ageing, in writing, on 5 September 2005:

(1) Did the Department of Health and Ageing engage PSI Consulting to prepare and manage an open tender process to select a supplier of media monitoring and release distribution at a cost of $25,000; if so, why was it considered necessary to engage this consultant.

(2) Why have departmental staff not received adequate training on preparing open tenders.

(3) What services are being provided by PSI Consulting under the terms of this contract.

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

(1) Yes. The purchasing of media monitoring and release distribution services is a high value and complex procurement. PSI Consulting is a specialist procurement and tender management consultancy. In the new procurement environment following the implementation of the revised Commonwealth Procurement Guidelines (CPGs) the department engaged specialist services because the evaluation of the tenders was potentially a complex process.

(2) The department provides a range of internal and external (including formally accredited) procurement training opportunities for staff. However, in cases where the procurement is high value (and therefore potentially high risk), the department can seek outside professional advice and assistance.

(3) PSI Consulting is providing the following services under the terms of this contract:

- preparation and distribution of request for tender documentation to attract an eligible field of tenderers;
- assistance with initial review and shortlisting of responses;
- assistance with evaluation of shortlisted tenders;
- preparation of the final evaluation report, including recommendation of a preferred tenderer;
- preparation and distribution of correspondence to notify tenderers of the outcome; and
- maintenance of all correspondence related to the process, including notes and minutes of meetings and deliberations.
Offshore Agents
(Question No. 2229)

Mr Murphy asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, in writing, on 5 September 2005:

(1) Which Acts and Regulations apply to Offshore Agents issued with an Offshore Agent ID Number referred to in question 9 of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) Form 956, Appointment of a migration agent, and the information that accompanied this form.

(2) Are Offshore Agents required to undertake at least 10 Continuing Professional Development (CPD) points per year in order to hold an Offshore Agent ID Number.

(3) Are offshore Agents required to register with the Migration Agents Registration Authority (MARA) as Offshore Agents.

(4) What educational and other requirements must applicants meet in order to be granted an Offshore Agent ID Number, are these requirements the same as those prescribed for onshore registered migration agents and, if the requirements for onshore and offshore agents are not the same, what are the differences.

(5) Are Offshore Migration Agents who hold an Offshore Agent ID Number required to warn prospective clients that the requirements that they must meet and the regulation of their services are different from those applying to registered migration agents in Australia; if not, why not.

(6) Can a person who is the holder of an Offshore Agent ID Number give migration assistance and represent applicants for migration; if so, what powers does DIMIA have to regulate the quality of the work they undertake.

(7) Are persons holding Offshore Agent ID’s subject to the MARA Code of Conduct; if so, how can the Minister be sure that Offshore Agents abide by the code.

(8) Is the regulatory regime governing the conduct of Offshore Agents holding Offshore Agent ID’s the same as that for registered migration agents in Australia; if so, how is it enforced; if not, why not.

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

(1) Agents operating offshore, who are not also registered by the Migration Agents Registration Authority (MARA), are not currently subject to legislation-based regulatory arrangements. Offshore agents issued with offshore Agent ID numbers are mainly education agents whom DIMIA and Department of Education, Science and Training (DEST) have been dealing with for many years. Providing these agents with an Agent ID number, logon and password enables them to more readily lodge Student visa applications over the Internet and for DIMIA to better monitor their activities. This initiative is strongly supported by Australia’s international education export industry, as it gives us a significant competitive edge.

(2) Agents operating offshore who are not Australian citizens or holders of an Australian permanent visa are barred, at this stage, from being registered by the MARA, and consequently are not required to undertake Continuing Professional Development (CPD) activities. They are, however, required to attend training run by DIMIA on a range of issues associated with Student visas.

(3) No. Offshore agents are generally not eligible, at this stage, to register with the MARA as outlined above.

(4) The requirements for registration with the MARA are different to the Department’s arrangements for allocating offshore agents an ID number to access eVisa facilities.
Offshore agents given access to the Department’s online lodgement trial for AL2-4 Student visas are allocated a 7-digit Agent ID Number, as well as a Logon ID and password, to link the agent to the electronic applications which he or she lodges on behalf of a client. This helps to better identify, monitor and ensure the integrity of visa processing of applications from such agents. These agents are vetted by the Department when they seek eVisa access. They must also:

- comply with government regulations and registration requirements in the country of lodgement (for example, the Peoples’ Republic of China has its own agent registration requirements);
- have a sufficient volume of applications and a good record of lodging complete applications;
- sign access agreements that define acceptable standards of performance and conduct and sanctions for not abiding by these; and
- receive training prior to having their access granted.

The Department is working closely with DEST to develop a training course for offshore agents specialising in Student visas. It is anticipated that the course will be piloted in both late 2005 and early 2006 and become available online around mid-2006. Access to the online course would be free, however, a fee would be charged for assessing whether the agent had met the requirements to pass the two modules. The course has been developed to meet the Australian Qualifications Framework standards.

(5) Education agents overseas have been assisting potential overseas students to lodge Student visa applications since the late 1980s. While these agents may be subject to registration arrangements in their own countries, they are not subject to Australian legislation. Overseas agents given an ID number and access to the AL2-4 eVisa trial are, under the Code in their Agreement, required to act professionally, maintain a sound knowledge of Student visa eligibility and inform their clients of the eVisa application charge and the agent’s fee for services. They must also ensure that the fee for services is reasonable. Requiring these overseas agents to explain that they are not subject to regulation by the MARA, but are subject to an administrative agreement with DIMIA, would serve no useful purpose given that, at this stage, these agents cannot be compelled to be subject to MARA regulation.

(6) Agents who give immigration assistance or advice offshore are generally not subject, at this stage, to regulation by the MARA. The only exceptions are MARA-registered agents who work overseas.

(7) Only MARA-registered agents are subject to the MARA’s Code of Conduct. As very few MARA-registered agents work overseas, most offshore agents are not subject to the MARA Code. As a first step towards improving consumer protection from unscrupulous overseas agents, agents participating in the AL2-4 Student eVisa trial are required to abide by an administrative Code of Conduct in order to retain access to online lodgement. Governments in some countries also regulate agents.

(8) See answer to part (7).

Mr Irfan Yusuf

(Answer No. 2279)

Mr Danby asked the Attorney-General, in writing, on 6 September 2005:

(1) Has he seen allegations by Mr Irfan Yusuf, a former Liberal Party federal election candidate, that Islamic organisations are distributing the notorious anti-Semitic forgery, *The Protocols of the learned Elders of Zion*, to Islamic youth in Sydney.

(2) Has he seen further allegations by Mr Yusuf that copies of the Protocols are being supplied to Islamic organisations by the Embassy of Saudi Arabia.
(3) What steps is he taking to ascertain the truth of these allegations and what steps will he take to prevent the importation or circulation of material such as the Protocols which is fraudulent, defamatory, inflammatory and designed to foment racial and religious hatred.

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

(1) Yes. I am aware of Mr Yusuf’s statements to media outlets. Although I note the allegations by Mr Yusuf relate to an incident in 1985 in which he claims that he and other attendees at an Islamic camp organised by the Australian Federation of Islamic Councils were provided with copies of ‘The Protocols of the Learned Elders of Zion.’

(2) Yes. I have seen a statement made by Mr Yusuf to Radio National on 28 August 2005 that he received a copy of the book ‘The Protocols of the Learned Elders of Zion’. I am aware Mr Yusuf further alleged the book had a stamp of the Australian Federation of Islamic Councils on the inside cover and that the book was a gift from the Saudi Embassy. I note this allegation also relates to activities in 1985.

(3) The Australian Federal Police has not received any complaints or allegations regarding ‘The Protocols of the Learned Elders of Zion’ since 1997. A strong criminal legislative framework already exists at a federal level. Mr Danby would be aware that the Australian Government is introducing a range of measures to improve the national security framework, including a new offence against inciting violence. Inciting a person to commit any criminal offence is an offence in its own right under section 11.4 of the Criminal Code Act 1995. In order to address situation in which statements aimed at the naïve and impressionable may incite criminal activity or terrorist acts, the Government has modernised the offence of sedition in sections 24A to 24F of the Crimes Act. These offences cover a person who engages in a ‘seditious enterprise’ with the intention of causing violence or creating public disorder or a public disturbance, or who writes, prints, utter or publishes any seditious words with the intention of causing violence or creating public disorder or a public disturbance. The new offence will address problems with those who incite directly or incite against other groups within our community, including against Australia’s forces overseas and in support of Australia’s enemies. There is a good faith defence where the communication is merely about criticising government policy.

In addition, ASIO has said publicly that it works closely with police services in relation to threats to Israeli and Jewish interest and maintains regular contact with representatives of the Jewish community. ASIO also maintains regular contact with the Muslim community leaders and works closely with police services in connection with threats to the Muslim community. Mr Danby would also be aware that the Australian Government is introducing a range of measures to improve the national security framework, including a new offence against inciting violence.

Possible alternative measures available to deal with this material include prohibition as racial vilification under the Racial Discrimination Act 1975, or the involvement of the Australian Federal Police where criminal conduct is alleged.

An application for classification of a publication may be made for law enforcement purposes, under section 22A of the Classification (Publications, Films and Computer Games) Act 1995. I am advised that no application for classification has been made for this publication. Accordingly, no comment can be made on the appropriate classification of this book. If it were to be submitted, its classification would be a matter for the Classification Board.

The Commonwealth Racial Discrimination Act 1975 prohibits racial vilification on the basis of race, colour, or national or ethnic origin (‘offensive behaviour based on racial hatred’). Racial vilification covers acts that offend, insult, humiliate or intimidate a person or group of people. The prohibition is subject to a number of exemptions which are intended to ensure that debate can occur freely in respect of matters of legitimate public interest. Complaints of racial vilification may be made to the Human Rights and Equal Opportunity Commission. The Racial Discrimination Act
1975 does not cover criminal conduct. Any allegations of criminal conduct should be referred to
the Australian Federal Police.

Most importantly, it must be remembered that the rights to freedom of expression, association and
assembly are fundamental human rights that are enjoyed by all Australians. These rights are subject
to limitations that are reasonable and necessary in a free and democratic society to achieve an ap-
propriate balance between freedom of expression and the protection of groups and individuals from
offensive behaviour.

**Medicare Safety Net Threshold**

(Question No. 2321)

Ms George asked the Minister for Health and Ageing, in writing, on 6 September 2005:

(1) How many (a) individuals and (b) families in the electoral division of Throsby registered for the
Medicare Safety Net in (i) 2003 and (ii) 2004.

(2) How many (a) individuals and (b) families in the electoral division of Throsby reached the Medi-

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

The most recently published statistics on families registered for the Extended Medicare Safety Net, by
electoral division are as at 29 August 2004. The most recently published statistics on individuals and
families who have reached Extended Medicare Safety Net thresholds, by electoral division have regard
to claims processed by Medicare Australia up to and including 31 July 2004.

(1) (a) Individuals do not register for Medicare Safety Net purposes. If an individual is not part of a
registered family for Safety Net purposes, Medicare Australia determines that person’s eligi-
bility for Safety Net benefits on an on-going claim basis, having regard to the relevant thresh-
hold for a ‘single’.

(b) The number of families that were registered for the Medicare Safety Net at 29 August 2004, in
the electoral division of Throsby, was 21,856.

(2) (a) The number of individuals who appear to have reached the Medicare Safety Net threshold
(based on substantiated and unsubstantiated claims) up to 31 July 2004 in the electoral divi-
sion of Throsby was 179.

(b) The number of families who appear to have reached the Medicare Safety Net threshold (based
on substantiated and unsubstantiated claims) up to 31 July 2004 in the electoral division of
Throsby was 797. These families comprised 2,637 persons.

Notes to the Data:
The statistics were compiled from postcode level data (postcode of the head of the household, otherwise
postcode of the oldest member of the family) and are based on 2001 electorate boundaries.

Where a postcode overlapped electorate boundaries, statistics were allocated to electorate using a con-
cordance file derived from population census data. This can result in some data being erroneously allo-
cated to an adjoining electorate. Data for people using post office boxes or private mail bags is excluded
from electorate reporting as this cannot be appropriately allocated. Data have also been excluded if
postcodes were not present on the concordance files.

Where families and individuals do not pay the total fee charged by the doctor prior to submitting their
account to Medicare for reimbursement through a pay doctor cheque, Medicare Australia is unable to
verify that the total charge has been paid for safety net purposes. This is regarded as an unsubstantiated
claim. Proof of payment of the full amount charged results in a substantiated claim. The statistics on
families and individuals who appear to have reached the Safety Net thresholds, include families and individuals who have had substantiated and unsubstantiated claims.

Northern Tasmanian Australian Technical College
(Question No. 2345)

Ms Macklin asked the Minister for Vocational and Technical Education, in writing, on 14 September 2005:

(1) Who are the members of the Tasmanian consortium chosen to operate the Northern Tasmanian Australian Technical College.
(2) What are the registered schools in the Tasmanian consortium which will have responsibility for delivering the relevant year 11 and 12 school curriculum.
(3) What fees, if any, will be payable by students at the college to the schools identified in part (2).
(4) What are the registered training organisations (RTOs) in the Tasmanian consortium which will have responsibility for delivering the relevant accredited training.
(5) What fees, if any, will be payable by students at the college to the RTOs identified in part (4).
(6) How many campuses/locations does the Tasmanian consortium propose to establish and where will they be located.
(7) How many students does the college expect to enrol (a) in total and (b) at each location identified in part 6, (i) in 2006 and (ii) when operating at full capacity.
(8) What programs does the college expect to offer (a) in 2006 and (b) when operating at full capacity.
(9) When does the college expect to be operating at full capacity.

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

(1) The successful consortium to establish the Australian Technical College in Northern Tasmania is the Tasmanian Consortium which includes St Patrick’s College, Learning Partners Pty Ltd and Northern Group Training. The Tasmanian Chamber of Commerce and Industry is also participating in the establishment of the College.
(2) Negotiations are still underway and a funding agreement has not been signed. The information requested can be made available once the agreement is finalised.

Perth South Australian Technical College
(Question No. 2346)

Ms Macklin asked the Minister for Vocational and Technical Education, in writing, on 14 September 2005:

(1) Who are the members of the consortium chosen to operate the Perth South Australian Technical College?
(2) What are the registered schools in the consortium which will have responsibility for delivering the relevant year 11 and 12 school curriculum?
(3) What fees, if any, will be payable by students at the college to schools identified in part (2)?
(4) What are the registered training organisations (RTOs) in the consortium which will have responsibility for delivering the relevant accredited training?
(5) What fees, if any, will be payable by students at the college to the RTOs identified in part (4)?
(6) How many campuses/locations does the consortium propose to establish and where will they be located?
(7) How many students does the college expect to enrol (a) in total and (b) at each location identified in part (6), (i) in 2006 and (ii) when operating at full capacity?

(8) What programs does the college expect to offer in (a) in 2006 and (b) when operating at full capacity?

(9) When does the college expect to be operating at full capacity?

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

(1) The successful consortium to establish the Perth South College comprises Stirling Skills Incorporated (trading as Jobs West), the Cities of Gosnells and Armadale, and the Armadale Redevelopment Authority.

(2) to (9) Negotiations are still underway and a funding agreement has not been signed. The information requested can be made available once the agreement is finalised.

**Commonwealth Property**

(Question No. 2385)

**Mr Bowen** asked the Minister representing the Minister for Finance and Administration, 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 Costello**—The Minister for Finance and Administration has provided the following answer to the honourable member’s question:

(1) The ANZAC Park East and West buildings in Canberra are the only Commonwealth owned office buildings in the possession of the Department of Finance and Administration that are not currently utilised by the Department and are not let out.

(2) These buildings were vacated in 1998/99 because they no longer met contemporary standards for office accommodation. (The Government subsequently decided to refurbish the buildings, and the Australian Federal Police has agreed to lease one of them as its new headquarters.)

**Sea Bottom Trawling**

(Question No. 2406)

**Mr Kelvin Thomson** asked the Minister representing the Minister for the Environment and Heritage, in writing, on 10 October 2005:

(1) Is he aware of the damage being done by sea bottom trawling to deep sea marine life, including marine life as yet undiscovered.

(2) Is he aware that more than 1000 eminent marine scientists from 60 countries have signed a public statement calling for a moratorium on sea bottom trawling in international waters.

(3) Does the Government support a United Nations moratorium on high-sea bottom trawling; if so, what action has it taken to advance this position; if not, what action has the Government taken to protect deep sea marine life from indiscriminate deep sea bottom trawling.

**Mr Truss**—The Minister for the Environment and Heritage has provided the following answer to the honourable member’s question:

(1) Yes.

(2) Yes.
(3) The Government does not support a blanket moratorium on high seas bottom trawling. Australia is concerned about proposals for the premature implementation of a moratorium on bottom trawling without a robust legal framework, supporting science and compliance mechanisms; and without the commitment by all nations to its implementation.

Australia co-sponsored in November 2004 the United Nations General Assembly (UNGA) Resolution on Fisheries calling for urgent action on a case by case and scientific basis, by States and responsible organisations to address impacts on vulnerable high seas ecosystems such as sea mounts from destructive practices like bottom trawling.

Australia also co-sponsored the UNGA Resolution on Oceans and Law of the Sea in 2004, in which the UNGA resolved to set up an “UN Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction” with a major intergovernmental meeting planned for 2006. Australia intends to play an active role in this important working group and intergovernmental meeting.

Commonwealth Scientific and Industrial Research Organisation

Mr Kelvin Thomson asked the Minister for Education, Science and Training, in writing, on 10 October 2005:

(1) Does the CSIRO let space at any of its facilities in Australia; if so, is the leasing of space at CSIRO facilities managed centrally or on a site-by-site basis and, if it is not managed centrally, can he explain how the leases are monitored and managed.

(2) Does the CSIRO let space to (a) other public agencies and tertiary institutions, (b) private companies, and (c) any subsidiary companies, joint ventures or other companies in which the CSIRO has a commercial interest; if so, what are the organisations and what space at which sites is leased to them.

(3) Does the CSIRO obtain an assessment of comparable commercial rents, including the specialist equipment, before it lets space.

(4) How does the CSIRO determine ongoing commercial rentals and will he provide relevant documents held by the CSIRO or his department dated prior to 30 June 2005 that state the method and personnel involved in establishing fair commercial rental rates.

(5) Will he provide details for leased space at all CSIRO locations in Australia including (a) the location, (b) the nature of the facilities leased (e.g. office space, 'clean' rooms, laboratory), (c) the company or organisation to whom the space is leased, (d) the area leased, (e) rent per square metre, (f) the length of lease, and (g) whether the rental can be renegotiated throughout the duration of the lease.

(6) What commercial benchmarks in terms of rental costs does the CSIRO apply.

(7) Is there a single model for rental calculations or are these adopted on a case-by-case basis and will he provide evidence of the application of this process in respect of all current leases.

(8) Are all leases monitored for 'value for money' and benchmarked against relevant commercial rates and will he provide documentary evidence of this process in respect of all current leases.

Dr Nelson—The Minister for Education, Science and Training has provided the following answer to the honourable member’s question:

(1) CSIRO does let space within some of its facilities across Australia. The management of CSIRO’s property is performed through its Corporate Property group based in Canberra. Management of and information on occupancy agreements is administered and monitored by Corporate Property. Assis-
tance with day to day facilities management is provided by Regional Facility Managers and Site Managers.

(2) CSIRO does let space to other public agencies, tertiary institutions, private companies, subsidiary companies and joint ventures. CSIRO currently has 139 occupancy agreements across Australia. A Schedule of Lettings including the organisations, accommodation categories and site locations is attached.

(3) CSIRO’s facilities in many instances are specialised and comparable commercial rentals often do not exist. CSIRO Corporate Property negotiates rentals with proposed tenants and such rentals are based on comparable commercial rentals (where they exist); rental assessments by valuers and / or consultation with the property industry; return on value of facility; and awareness/evaluation of other lettings by other institutions.

(4) CSIRO Corporate Property negotiates rentals with proposed tenants and such rentals are based on comparable commercial rentals (where they exist); rental assessments by valuers and / or consultation with the property industry; return on value of facility; and awareness/evaluation of other lettings by other institutions. The ongoing rentals are periodically reviewed. Short term agreements, (e.g. up to five years) will often contain a CPI or fixed percentage rental increase component. Longer term arrangements will have a market / negotiated rental review with the process involving a reassessment of the rental undertaken, consistent with the process of assessing the rental at the commencement of the agreement.

(5) See answer to question (2). CSIRO Corporate Property has an agreement with each tenant and these agreements are under separate confidential contracts.

(6) No commercial benchmarks apply to the letting of research facilities. The Australian Government has a property framework that sets various benchmarks by which CSIRO abides.

(7) Rentals are calculated on a case-by-case basis, given the requirements will always vary, the type of premises let will vary, and the level of support/servicing will also vary.

(8) All lease agreements aim to achieve value for money to CSIRO. Where possible commercial rental rates are used as a base. These lease agreements are under separate confidential contracts.

### Attachment 1

#### Schedule of Lettings

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Accommodation category</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUSLIG</td>
<td>Telecommunications</td>
<td>Alice Springs</td>
</tr>
<tr>
<td>Ecological Society of Australia</td>
<td>Office</td>
<td>Alice Springs</td>
</tr>
<tr>
<td>Ninti One Ltd</td>
<td>Research &amp; Admin.</td>
<td>Alice Springs</td>
</tr>
<tr>
<td>AllStock Technology P/L</td>
<td>Land &amp; Production</td>
<td>Armidale</td>
</tr>
<tr>
<td>Chemicon Australia P/L</td>
<td>Research &amp; Production</td>
<td>Armidale</td>
</tr>
<tr>
<td>Cicerone Project Incorporated</td>
<td>Research</td>
<td>Armidale</td>
</tr>
<tr>
<td>Lockheed Martin P/L</td>
<td>Satellite Tracking</td>
<td>Armidale</td>
</tr>
<tr>
<td>New England Artificial Breeders</td>
<td>Land &amp; Production</td>
<td>Armidale</td>
</tr>
<tr>
<td>Southern New England Rural Counselling Services</td>
<td>Offices</td>
<td>Armidale</td>
</tr>
<tr>
<td>University of New England</td>
<td>Storage</td>
<td>Armidale</td>
</tr>
<tr>
<td>Atherton Tablelands Sustainable Region Adv. Comm.</td>
<td>Offices</td>
<td>Atherton</td>
</tr>
<tr>
<td>Earthwatch Institute</td>
<td>Research</td>
<td>Atherton</td>
</tr>
<tr>
<td>CAMBIA</td>
<td>Research &amp; Administration</td>
<td>Black Mountain</td>
</tr>
<tr>
<td>CSIROCare</td>
<td>Childcare</td>
<td>Black Mountain</td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
<table>
<thead>
<tr>
<th>Organisation</th>
<th>Accommodation category</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Epicorp Limited</td>
<td>Incubator Facility</td>
<td>Black Mountain</td>
</tr>
<tr>
<td>Australian War Memorial</td>
<td>Telecommunications</td>
<td>Campbell</td>
</tr>
<tr>
<td>3GIS P/L</td>
<td>Telecommunications</td>
<td>Cannon Hill</td>
</tr>
<tr>
<td>AorTech Biomaterials P/L</td>
<td>Research</td>
<td>Clayton</td>
</tr>
<tr>
<td>Aurora Vehicle Association Inc</td>
<td>Research</td>
<td>Clayton</td>
</tr>
<tr>
<td>Biobar P/L</td>
<td>Storage</td>
<td>Clayton</td>
</tr>
<tr>
<td>CSIROCare</td>
<td>Childcare</td>
<td>Clayton</td>
</tr>
<tr>
<td>Members Education Credit Union</td>
<td>Retail (ATM)</td>
<td>Clayton</td>
</tr>
<tr>
<td>Optical Engineering Associates P/L</td>
<td>Research</td>
<td>Clayton</td>
</tr>
<tr>
<td>Optus Mobile P/L</td>
<td>Telecommunications</td>
<td>Clayton</td>
</tr>
<tr>
<td>State Electricity Commission of Victoria</td>
<td>Electricity Sub-station</td>
<td>Clayton</td>
</tr>
<tr>
<td>QLD Department of Environment &amp; Heritage (QPWS)</td>
<td>Storage</td>
<td>Cleveland</td>
</tr>
<tr>
<td>* Land – Grazing</td>
<td></td>
<td>Culgoora</td>
</tr>
<tr>
<td>Ionespheric Prediction Service</td>
<td>Telescope</td>
<td>Culgoora</td>
</tr>
<tr>
<td>University of Sydney</td>
<td>Land</td>
<td>Culgoora</td>
</tr>
<tr>
<td>CCNT – NT Property Management</td>
<td>Offices</td>
<td>Darwin</td>
</tr>
<tr>
<td>Fugro Holdings (Aust) P/L</td>
<td>Research &amp; Administration</td>
<td>Floreat</td>
</tr>
<tr>
<td>Optus Mobile P/L</td>
<td>Telecommunications</td>
<td>Floreat</td>
</tr>
<tr>
<td>Telstra Corporation Limited</td>
<td>Telecommunications</td>
<td>Floreat</td>
</tr>
<tr>
<td>WA Department of Land Administration</td>
<td>Offices</td>
<td>Floreat</td>
</tr>
<tr>
<td>Australian Plague Locusts Commission</td>
<td>Telecommunications</td>
<td>Ginninderra</td>
</tr>
<tr>
<td>Broadcast Australia</td>
<td>Telecommunications</td>
<td>Ginninderra</td>
</tr>
<tr>
<td>Optus Mobile P/L</td>
<td>Telecommunications</td>
<td>Ginninderra</td>
</tr>
<tr>
<td>Telstra Corporation Limited</td>
<td>Telecommunications</td>
<td>Ginninderra</td>
</tr>
<tr>
<td>SA Primary Industries &amp; Resources</td>
<td>Offices</td>
<td>Glen Osmond</td>
</tr>
<tr>
<td>Provisor P/L</td>
<td>Research &amp; Admin</td>
<td>Glen Osmond</td>
</tr>
<tr>
<td>Irrigation Research &amp; Ext. Commission</td>
<td>Offices</td>
<td>Griffith</td>
</tr>
<tr>
<td>* Production</td>
<td></td>
<td>Griffith</td>
</tr>
<tr>
<td>Environment ACT</td>
<td>Research &amp; Admin</td>
<td>Gungahlin</td>
</tr>
<tr>
<td>Pest Animal CRC</td>
<td>Research</td>
<td>Gungahlin</td>
</tr>
<tr>
<td>Pestat Ltd</td>
<td>Research &amp; Admin</td>
<td>Gungahlin</td>
</tr>
<tr>
<td>Hyssil P/L</td>
<td>Research</td>
<td>Highton</td>
</tr>
<tr>
<td>Members Education Credit Union</td>
<td>Retail (ATM)</td>
<td>Highton</td>
</tr>
<tr>
<td>Hydro-Electric Commission</td>
<td>Electricity Sub-station</td>
<td>Hobart</td>
</tr>
<tr>
<td>QLD Department of Natural Resources &amp; Mines</td>
<td>Research &amp; Administration</td>
<td>Indooroopilly</td>
</tr>
<tr>
<td>Xenome Limited</td>
<td>Research &amp; Administration</td>
<td>Indooroopilly</td>
</tr>
<tr>
<td>AARNET Pty Ltd</td>
<td>Administration</td>
<td>Kensington</td>
</tr>
<tr>
<td>CO2 CRC</td>
<td>Research</td>
<td>Kensington</td>
</tr>
<tr>
<td>Curtin University</td>
<td>Research</td>
<td>Kensington</td>
</tr>
<tr>
<td>Curtin University</td>
<td>Research</td>
<td>Kensington</td>
</tr>
<tr>
<td>LEME CRC</td>
<td>Research</td>
<td>Kensington</td>
</tr>
<tr>
<td>PMD CRC</td>
<td>Research</td>
<td>Kensington</td>
</tr>
<tr>
<td>R2D3</td>
<td>Research</td>
<td>Kensington</td>
</tr>
<tr>
<td>SRP Management Ltd</td>
<td>Research</td>
<td>Kensington</td>
</tr>
<tr>
<td>WA Department of Conservation &amp; Land Management</td>
<td>Office</td>
<td>Kensington</td>
</tr>
<tr>
<td>Organisation</td>
<td>Accommodation category</td>
<td>Location</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Energy Australia</td>
<td>Electricity Sub-station</td>
<td>Lindfield</td>
</tr>
<tr>
<td>Ku-ring-gai Council</td>
<td>Child care centre</td>
<td>Lindfield</td>
</tr>
<tr>
<td>NSW Department of Fair Trading</td>
<td>Research &amp; Administration</td>
<td>Lindfield</td>
</tr>
<tr>
<td>Anglo Aust. Telescope Board</td>
<td>Research</td>
<td>Marsfield</td>
</tr>
<tr>
<td>Epitactix P/L</td>
<td>Research</td>
<td>Marsfield</td>
</tr>
<tr>
<td>Sydney County Council</td>
<td>Utility</td>
<td>Marsfield</td>
</tr>
<tr>
<td>CIRAD</td>
<td>Research</td>
<td>Montpellier</td>
</tr>
<tr>
<td>Riding for the Disabled</td>
<td>Community</td>
<td>Mt Gambier</td>
</tr>
<tr>
<td>Rammore P/L</td>
<td>Retail</td>
<td>Parkes</td>
</tr>
<tr>
<td>*</td>
<td>Grazing</td>
<td>Parkes</td>
</tr>
<tr>
<td>EvoGenix</td>
<td>Research</td>
<td>Parkville</td>
</tr>
<tr>
<td>CRC for Intell Manuf Systems</td>
<td>Research</td>
<td>Preston</td>
</tr>
<tr>
<td>Advanced Mining Technologies</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Alcan Engineering P/L</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Applied Mining Technologies P/L</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Australian Black Coal Utilisation Research</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Australian Centre for Mining Environmental Research</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>*</td>
<td>Sewerage Facility</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Centre for Low Emission Technologies</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Cheron Infrastructure P/L</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>ComEnergy</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Crown Castle Australia P/L</td>
<td>Telecommunications</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Cutting Edge Technology P/L</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>GeoTek Solutions P/L</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Hutchison 3G Australia P/L</td>
<td>Telecommunications</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Instinct TV P/L</td>
<td>Offices</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Jenkins-Kwan Technology P/L</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Optus Mobile P/L</td>
<td>Telecommunications</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Rod Herbert Services P/L</td>
<td>Research</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Sandhurst Trustees Limited</td>
<td>Sewerage Facility</td>
<td>Pullenvale</td>
</tr>
<tr>
<td>Advanced Analytical Australia</td>
<td>Research &amp; Administration</td>
<td>Riverside</td>
</tr>
<tr>
<td>AgriFor Scientific P/L</td>
<td>Research &amp; Administration</td>
<td>Riverside</td>
</tr>
<tr>
<td>Avastra Limited</td>
<td>Research &amp; Administration</td>
<td>Riverside</td>
</tr>
<tr>
<td>B &amp; J Kesby P/L</td>
<td>Office</td>
<td>Riverside</td>
</tr>
<tr>
<td>BioSceptre International Ltd</td>
<td>Office</td>
<td>Riverside</td>
</tr>
<tr>
<td>Bluestream Enterprises P/L</td>
<td>Retail/Commercial</td>
<td>Riverside</td>
</tr>
<tr>
<td>Complete Health Chiropractic</td>
<td>Offices</td>
<td>Riverside</td>
</tr>
<tr>
<td>CSIROCare</td>
<td>Childcare</td>
<td>Riverside</td>
</tr>
<tr>
<td>Elizabeth Arden</td>
<td>Retail/Commercial</td>
<td>Riverside</td>
</tr>
<tr>
<td>Energy Australia Limited</td>
<td>Electricity Sub-station</td>
<td>Riverside</td>
</tr>
<tr>
<td>Foodbank Australia Limited</td>
<td>Offices</td>
<td>Riverside</td>
</tr>
<tr>
<td>Good Health Solutions P/L</td>
<td>Retail/Commercial</td>
<td>Riverside</td>
</tr>
<tr>
<td>Industry Cuts</td>
<td>Retail/Commercial</td>
<td>Riverside</td>
</tr>
<tr>
<td>Instant Colour Design &amp; Copy</td>
<td>Retail/Commercial</td>
<td>Riverside</td>
</tr>
<tr>
<td>Laboratories Credit Union</td>
<td>Retail/Commercial</td>
<td>Riverside</td>
</tr>
<tr>
<td>Macant P/L</td>
<td>Retail/Commercial</td>
<td>Riverside</td>
</tr>
<tr>
<td>Members Education Credit Union</td>
<td>Retail/Commercial</td>
<td>Riverside</td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
Corporate Planning Advice

(Question No. 2417)

Mr Bowen asked the Minister for Revenue and Assistant Treasurer, in writing, on 10 October 2005:

Did the Australian Taxation Office engage Freebody Cogent Pty Ltd to provide corporate planning advice at a cost of $16,950: if so, what corporate planning advice was provided under the terms of this contract.

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

Yes. The Australian Taxation Office engaged Freebody Cogent P/L at a cost of $16,950 to develop a series of corporate planning and budgeting templates to support the smooth running of the initial stages of the 2006-07 ATO planning process.

Australian National Training Authority

(Question No. 2418)

Mr Bowen asked the Minister for Education, Science and Training, in writing, on 10 October 2005:

(1) Did the Australian National Training Authority engage Writebusiness to edit the Authority’s annual report at a cost of $22,951; if so, how many hours were required to edit the annual report and why was it considered necessary to engage an outside firm to edit it.

(2) How many copies of the annual report will be printed.
Dr Nelson—The answer to the honourable member’s question is as follows:

(1) The Australian National Training Authority did not engage Writebusiness to edit the Authority’s annual report. However, the Department of Education Science and Training engaged the firm Writebusiness to work on the Australian National Training Authority’s Report on Operations 2004-05 and the Annual National Report 2004 at a total cost of $22,951. This work included 150 hours of editing and proofreading (three revisions of 233 pages), as well as the development of the Table of Contents and Indices for both reports, liaison with the designer, the printer, the auditors and the National Centre for Vocational Education Research.

The Department engaged an outside firm to undertake the work as this was the most cost-effective option. The principal of Writebusiness who undertook the project had extensive experience with this type of work and also had a thorough knowledge of the work of the Australian National Training Authority.

(2) Two thousand copies have been printed of both the Australian National Training Authority’s Report on Operations 2004-05 and the Annual National Report 2004.

Consultancy Services
(Question No. 2419)

Mr Bowen asked the Minister for Education, Science and Training, in writing, on 10 October 2005:

(1) Did the department engage Mindpath Pty Ltd to provide a ‘Midrange Empowerment Strategy’ at a cost of $25,000; if so, what is the ‘Midrange empowerment strategy’.

(2) Why was it considered necessary to engage an outside provider for this project.

Dr Nelson—The answer to the honourable member’s question is as follows:

(1) The Midrange section provides technical support to the server infrastructure of the Department. Mindpath Pty Ltd was engaged to provide specialised team development services for the section. These services were provided at a cost of $7,150 which was below the estimated contract cost of $24,750.

(2) The department did not have the expertise internally to provide the services and has found it more cost-effective for such specialised personnel development services to be provided externally as they are required.

Consultancy Services
(Question No. 2427)

Ms Macklin asked the Minister for Education, Science and Training, in writing, on 10 October 2005:

Since the beginning of 1996, what are the details of the employment contracts and consultancy arrangements between his department and (a) Dr Kevin Donnelly, (b) Impetus Consultants Pty. Ltd, and (c) Education Strategies including, (i) the funding provided and sums paid for each period of employment and each consultancy contract, (ii) the tendering arrangements for each consultancy contract, (iii) the advertising arrangements for each period of employment, (iv) the commencement dates for each period of employment and for each consultancy, (v) the duties, tasks, responsibilities, outputs and deliverables for each period of employment and for each consultancy, (vi) the employment level or classification for each period of employment, (vii) the date of termination or completion in relation to each period of employment and each consultancy contract, (viii) the name and position title of the person or
persons who supervised each period of employment and each consultancy contract, and (ix) any and all
other matters pertinent to each period of employment and each consultancy contract.

Dr Nelson—The answer to the honourable member’s question is as follows:

(1) (a) No funding has been provided to Mr Donnelly or Education strategies. Details of funding to
Impetus Consultants Pty Ltd are in Attachment A.

(2) Can details be provided of all employment contracts and consulting arrangements entered into
since 1996 between the department and (a) Mr Kevin Donnelly; (b) Impetus Consultants Pty Ltd; and
(c) Education Strategies.

(a) Mr Kevin Donnelly, as an individual has had no employment of consulting arrangements with
the department since 1996;

(b) Since 1996, Impetus Consultants Pty Ltd (as trustees for the K Donnelly Family Trust) has
been engaged to provide advice and services to the department. Details of these contracts are
in Attachment A.

(c) Education Strategies is the trading name of Impetus Consultants Pty Ltd.
Details of funding to Impetus Consultants Pty Ltd (trading as Education Strategies) are attached.

<table>
<thead>
<tr>
<th>Title</th>
<th>(i) Funding for each contract (GST incl.)</th>
<th>(ii) Tender arrangements</th>
<th>(iii) Advertising Arrangements</th>
<th>(iv) Commencement Dates</th>
<th>(v) Duties, responsibilities, outputs and deliverables</th>
<th>(vi) Employment level or classification</th>
<th>(vii) Termination date/completion</th>
<th>(viii) Name and position title of person who supervised</th>
<th>(ix) Any and all other pertinent matters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent advice on the Discovering Democracy education materials</td>
<td>$29,090</td>
<td>1 written Quote</td>
<td>Pre-eminent Expertise</td>
<td>n/a</td>
<td>19-Jun-97</td>
<td>Written comments to Department on all draft Discovering Democracy civics and citizenship education materials and advice to the Civics Education Group</td>
<td>n/a</td>
<td>12-Jun-98</td>
<td>Ms Mary Johnston, Assistant Secretary, Quality Schooling Branch</td>
</tr>
<tr>
<td>Independent advice on the Discovering Democracy education materials (1998-99)</td>
<td>$23,115</td>
<td>1 written Quote</td>
<td>Pre-eminent Expertise</td>
<td>n/a</td>
<td>22-Sep-98</td>
<td>Written comments to Department on all draft Discovering Democracy civics and citizenship education materials and advice to the Civics Education Group</td>
<td>n/a</td>
<td>14-Jun-99</td>
<td>Ms Mary Johnston, Assistant Secretary, Quality Schooling Branch</td>
</tr>
<tr>
<td>Independent advice on the Discovering Democracy education materials (1999-2000)</td>
<td>$17,170</td>
<td>1 written Quote</td>
<td>Pre-eminent Expertise</td>
<td>n/a</td>
<td>20-Jul-99</td>
<td>Written comments to Department on all draft Discovering Democracy civics and citizenship education materials and advice to the Civics Education Group</td>
<td>n/a</td>
<td>16-Jun-00</td>
<td>Ms Mary Johnston, Assistant Secretary, Quality Schooling Branch</td>
</tr>
<tr>
<td>Independent advice on the Discovering Democracy education materials (2000-2001)</td>
<td>$16,102</td>
<td>1 written Quote</td>
<td>Pre-eminent Expertise</td>
<td>n/a</td>
<td>27-Jul-00</td>
<td>Written comments to Department on all draft Discovering Democracy civics and citizenship education materials and advice to the Civics Education Group</td>
<td>n/a</td>
<td>26-Jun-01</td>
<td>Ms Mary Johnston, Assistant Secretary, Quality Schooling Branch</td>
</tr>
<tr>
<td>Independent advice on the Discovering Democracy education materials (2001-2002)</td>
<td>$16,211</td>
<td>1 written Quote</td>
<td>Pre-eminent Expertise</td>
<td>n/a</td>
<td>6-Sep-01</td>
<td>Written comments to Department on all draft Discovering Democracy civics and citizenship education materials and advice to the Civics Education Group</td>
<td>n/a</td>
<td>21-Jun-02</td>
<td>Mr Arthur Townsend, Assistant Secretary, Quality Schooling Branch</td>
</tr>
</tbody>
</table>
Details of funding to Impetus Consultants Pty Ltd (trading as Education Strategies) are attached.

<table>
<thead>
<tr>
<th>Description</th>
<th>Funding</th>
<th>Tender arrangements</th>
<th>Advertising Arrangements</th>
<th>Commencement Dates</th>
<th>Duties, responsibilities, outputs and deliverables</th>
<th>Employment level or classification</th>
<th>Termination date/completion</th>
<th>Name and position title of person who supervised</th>
<th>Any and all other pertinent matters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent advice on the Discovering Democracy education materials (2002-2003)</td>
<td>$17,356</td>
<td>1 written Quote</td>
<td>Pre-eminent Expertise</td>
<td>8-Oct-02</td>
<td>Written comments to Department on all draft Discovering Democracy civics and citizenship education materials and advice to the Civics Education Group</td>
<td>n/a</td>
<td>26-Jun-03</td>
<td>Mr Arthur Townsend, Assistant Secretary, Quality Schooling Branch</td>
<td>n/a</td>
</tr>
<tr>
<td>National mapping of gender specific and gender related curricula</td>
<td>$56,100</td>
<td>1 written Quote</td>
<td>Pre-eminent Expertise</td>
<td>12-Jun-03</td>
<td>To collect information about curricula and associated materials from Australian schools that have been designed with a specific gender focus or are gender related and to summarise this information in a way which would enable other schools to understand the purpose of individual initiatives, how they work and their intended outcomes.</td>
<td>n/a</td>
<td>3-May-04</td>
<td>Ms Mylinh Hardham, Assistant Secretary, Participation and Outcomes Branch</td>
<td>n/a</td>
</tr>
<tr>
<td>Benchmarking Australian Primary School Curricula</td>
<td>$79,900</td>
<td>1 written Quote</td>
<td>Innovative proposal submitted by and exclusive to Education Strategies</td>
<td>4-May-05</td>
<td>To complete a comparative analysis of primary school curricula in mathematics, science and English across all Australian education systems and a number of overseas countries.</td>
<td>n/a</td>
<td>23-Sep-05</td>
<td>Dr Trish Mercer, Assistant Secretary, Quality Schooling Branch and Noel Simpson Acting Assistant Secretary, Quality Schooling Branch</td>
<td>n/a</td>
</tr>
</tbody>
</table>
Avian Influenza  
(Question No. 2428)

Mr Murphy asked the Minister for Health and Ageing, in writing, on 10 October 2005:

(1) Has the Government organised a team of Australian medical workers that are ready to travel to at-risk countries in the event of an outbreak of bird flu; if so, what are the details; if not, why not.

(2) How many courses of antiviral drugs will the Government be providing to the World Health Organization (WHO).

(3) What is the rate of production of antiviral drugs in Australia.

(4) What measures has the Government taken to increase the number of antiviral drug doses in the stockpile.

(5) When will the Government distribute warnings to the Australian population about the risks of bird flu similar to those already sent out about drugs and terrorism.

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

(1) The Australian Agency for International Development (AusAID) is currently preparing a list of Australian technical experts who could be called upon to assist with communicable disease outbreaks such as avian influenza in the Asia-Pacific region.

In addition, Australia has proposed the establishment of an Asia Pacific Economic Cooperation (APEC) regional register of technical experts and other health care workers who could be called upon to respond to avian influenza outbreaks and other health crises. This register would complement the existing register maintained by the World Health Organization as part of their Global Outbreak Alert and Response Network, which already includes a number of Australian experts in outbreak control. The register proposal was generally supported at the APEC Avian and Pandemic Influenza meeting recently held in Brisbane, and will be raised as an issue at the APEC Leaders meeting in Korea later this month.

(2) The Australian Government has provided funding for a total of 50,000 courses of the antiviral medication, Tamiflu, in response to a recent WHO request for Indonesia to help combat avian influenza. The Government has not received any other formal requests from WHO for further antivirals.

(3) The Australian Government is not aware of any production of antivirals currently occurring in Australia. However, GlaxoSmithKline Ltd. (GSK) has indicated they intend to resume production of Relenza at their Boronia factory in the near future.

(4) The Australian Government has purchased 3.8 million courses of Tamiflu and some stocks of Relenza. Positive discussions are underway with GlaxoSmithKline to boost the stockpile supplies of Relenza (Zanamivir).

(5) The Australian Government has developed a range of education materials that have been distributed widely to GPs and other health professionals. These items can be viewed at http://www.health.gov.au/internet/wcms/publishing.nsf/Content/phd-pandemic-influenza.htm A broader based community wide communication strategy is being developed and will be implemented when the Government considers it is needed. Currently there is no direct threat to Australians at home. The Department of Foreign Affairs and Trade (DFAT) issues travel advisories for Australians travelling overseas.

QUESTIONS IN WRITING
**Australian Quarantine and Inspection Service**  
*(Question No. 2466)*

**Mr Murphy** asked the Minister for Agriculture, Fisheries and Forestry, in writing, on 11 October 2005:

1. On what basis does the Australian Quarantine and Inspection Service (AQIS) calculate charges for the cleaning and releasing or destruction of small personal items such as shoes or clothing.

2. What measures are in place to prevent Australians from being forced to pay unfair and excessive charges when engaging international removal companies, and their agents in Australia, to freight small personal items such as shoes and clothing to Australia.

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

1. AQIS calculates charges for services delivered with reference to the fees & charges prescribed in the legislation. All AQIS quarantine fees are legislated in the Quarantine Service Fees Determination 2005 made under section 86E of the Quarantine Act 1908. AQIS fees and charges are available to the public on the Department’s website.

2. Charges for freighting of goods to Australia are a matter for the owner of the goods and the transport company.

**Taxation**  
*(Question No. 2467)*

**Mr Murphy** asked the Treasurer, in writing, on 11 October 2005:

Further to the answer to question No. 1487, can he explain why 17.9% of solicitors and 18.8% of barristers still have an outstanding tax return.

**Mr Brough**—The Treasurer has referred this question to me as it falls within my ministerial responsibilities:

The lodgment position has moved significantly from that reported previously and the proportion that still have an outstanding income tax return up to and including 2004, as at 7 October 2005 are:

- (a) 2.4% of barristers
- (b) 13.1% of solicitors

Those members of the legal profession that the Australian Taxation Office have contacted about overdue returns, cite the following as the main reasons for failure to lodge:

- business pressures
- disorganisation
- marital/family problems
- ill health
- tardiness/inertia
- assumed no requirement to lodge
- tax agent failure to assist with lodging on time
Legal Services
(Question No. 2544)

Mr Brendan O’Connor asked the Minister for Industry, Tourism and Resources, in writing, on 31 October 2005:

(1) Did his department engage (a) Clayton Utz, (b) Mallesons Stephen Jaques, (c) Phillips Fox, (d) Minter Ellison, (e) the Australian Government Solicitor, and (f) Corrs Chambers Westgarth, at a cost of $3,000,000 for legal services for the period 25 July 2005 to 25 July 2008.

(2) What is the nature of the legal services sought from (a) Clayton Utz, (b) Mallesons Stephen Jaques, (c) Phillips Fox, (d) Minter Ellison, (e) the Australian Government Solicitor, and (f) Corrs Chambers Westgarth.

(3) Are any of the services provided by the firms concerned with the same or similar issues.

(4) Will the firms be working collaboratively or separately.

(5) Why was it considered necessary to engage six different firms.

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

(1) The Department, following an open tender process established a panel of external legal service providers comprising (a) Clayton Utz, (b) Mallesons Stephen Jaques, (c) Phillips Fox, (d) Minter Ellison, (e) the Australian Government Solicitor, and (f) Corrs Chambers Westgarth. Each firm has entered into a Deed of Standing Offer, which commenced on 25 July 2005 and continues in force for three years. The Department has the option of extending this Deed for an additional year. The new panel has no fixed value and the Department has made no commitment as to the amount of work (if any) that any panel firm will receive.

(2) The nature of the Legal Services required by the entire Department covers the full range and areas of Departmental responsibility.

(3) The services provided do not deal with the same or similar issues. The strong reporting requirements in the Deed of Standing Offer ensure that the Chief Legal Counsel (as manager of the Panel) is informed of all legal work undertaken by panel members.

(4) Generally the Panel firms will work separately; however, they are required to work collaboratively with the Departments Legal Services Branch to ensure the service is delivered in a timely fashion, is customer focused, is of the highest quality and represents value for money.

(5) The outcome of the tender process indicated 3 firms ranked highest with the 4th, 5th and 6th firms ranked equal. A panel of 3 Firms would not effectively deal with possible conflict of interest situations where a number of panel firms cannot act for the Department on a particular matter.

Consultancy Services
(Question No. 2566)

Mr Bowen asked the Minister representing the Minister for the Environment and Heritage, in writing, on 3 November 2005:

Did the Minister’s department engage Chris Farrell Consulting at a cost of $13,314; if so, what services were provided under the terms of this contract.

Mr Truss—The Minister for the Environment and Heritage has provided the following answer to the honourable member’s question:

Yes.

To undertake a Planning Day Workshop and prepare a branch plan for the Environment Standards Branch of the Department.
Consultancy Services
(Question No. 2567)

Mr Bowen asked the Minister representing the Minister for the Environment and Heritage, in writing, on 3 November 2005: Did the Minister’s department engage Chris Farrell Consulting at a cost of $10,642; if so what services were provided under the terms of the contract.

Mr Truss—The Minister for the Environment and Heritage has provided the following answer to the honourable member’s question:
Yes.
To design and deliver to staff three separate performance management workshops: “How to Develop a Good Performance Agreement”; “How to Develop Good Performance Expectations”; and “Giving and Receiving Feedback”.

QUESTIONS IN WRITING