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SITTING DAYS—2005

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- **MELBOURNE** 1026 AM
- **ADELAIDE** 972 AM
- **PERTH** 585 AM
- **HOBART** 747 AM
- **NORTHERN TASMANIA** 92.5 FM
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FORTY-FIRST PARLIAMENT
FIRST SESSION—FOURTH PERIOD

Governor-General
His Excellency Major-General Michael Jeffery, Companion in the Order of Australia, Commander of the Royal Victorian Order, Military Cross

House of Representatives Officeholders

Speaker—The Hon. David Peter Maxwell Hawker MP

Deputy Speaker—The Hon. Ian Raymond Causley MP

Second Deputy Speaker—Mr Henry Alfred Jenkins MP

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

Leader of the House—The Hon. Anthony John Abbott MP

Deputy Leader of the House—The Hon. Peter John McGauran MP

Manager of Opposition Business—Ms Julia Eileen Gillard MP

Deputy Manager of Opposition Business—Mr Anthony Norman Albanese MP

Party Leaders and Whips

Liberal Party of Australia

Leader—The Hon. John Winston Howard MP

Deputy Leader—The Hon. Peter Howard Costello MP

Chief Government Whip—Mr Kerry Joseph Bartlett MP

Government Whips—Mrs Joanna Gash MP and Mr Fergus Stewart McArthur MP

The Nationals

Leader—The Hon. Mark Anthony James Vaile MP

Deputy Leader—The Hon. Warren Errol Truss MP

Chief Whip—Mr John Alexander Forrest MP

Whip—Mr Paul Christopher Neville MP

Australian Labor Party

Leader—The Hon. Kim Christian Beazley MP

Deputy Leader—Ms Jennifer Louise Macklin MP

Chief Opposition Whip—The Hon. Leo Roger Spurway Price MP

Opposition Whips—Mr Michael David Danby MP and Ms Jill Griffiths Hall MP

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<tr>
<td>Wakelin, Barry Hugh</td>
<td>Grey, SA</td>
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<td>Washer, Malcolm James</td>
<td>Moore, WA</td>
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<tr>
<td>Wilkie, Kim William</td>
<td>Swan, WA</td>
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<td>New England, NSW</td>
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<tr>
<td>Wood, Jason Peter</td>
<td>La Trobe, VIC</td>
<td>LP</td>
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PARTY ABBREVIATIONS
ALP—Australian Labor Party; LP—Liberal Party of Australia; Nats—The Nationals; Ind—Independent; CLP—Country Liberal Party; AG—Australian Greens

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

Prime Minister: The Hon. John Winston Howard MP
Minister for Trade and Deputy Prime Minister: The Hon. Mark Anthony James Vaile MP
Treasurer: The Hon. Peter Howard Costello MP
Minister for Transport and Regional Services: The Hon. Warren Errol Truss MP
Minister for Defence and Leader of the Government in the Senate: Senator the Hon. Robert Murray Hill
Minister for Foreign Affairs: The Hon. Alexander John Gosse Downer MP
Minister for Health and Ageing and Leader of the House: The Hon. Anthony John Abbott MP
Attorney-General: The Hon. Philip Maxwell Ruddock MP
Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council: Senator the Hon. Nicholas Hugh Minchin
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House: The Hon. Peter John McGauran MP
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs: Senator the Hon. Amanda Eloise Vanstone
Minister for Education, Science and Training: The Hon. Dr Brendan John Nelson MP
Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues: Senator the Hon. Kay Christine Lesley Patterson
Minister for Industry, Tourism and Resources: The Hon. Ian Elgin Macfarlane MP
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service: The Hon. Kevin James Andrews MP
Minister for Communications, Information Technology and the Arts: Senator the Hon. Helen Lloyd Coonan
Minister for the Environment and Heritage: Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)
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
The Hon. Malcolm Thomas Brough MP
Special Minister of State
Senator the Hon. Eric Abetz
Minister for Vocational and Technical Education and Minister Assisting the Prime Minister
The Hon. Gary Douglas Hardgrave MP
Minister for Ageing
The Hon. Julie Isabel Bishop MP
Minister for Small Business and Tourism
The Hon. Frances Esther Bailey MP
Minister for Local Government, Territories and Roads
The Hon. James Eric Lloyd MP

Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
The Hon. De-Anne Margaret Kelly MP
Minister for Workforce Participation
The Hon. Peter Craig Dutton MP
Parliamentary Secretary to the Minister for Finance and Administration
The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Warren George Entsch MP
Parliamentary Secretary to the Minister for Health and Ageing
The Hon. Christopher Maurice Pyne MP
Parliamentary Secretary to the Minister for Defence
The Hon. Teresa Gambaro MP
Parliamentary Secretary (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
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research
Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology
Shadow Minister for Health and Manager of Opposition Business in the House
Shadow Treasurer
Shadow Attorney-General
Shadow Minister for Industry, Infrastructure and Industrial Relations
Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security
Shadow Minister for Defence
Shadow Minister for Regional Development
Shadow Minister for Primary Industries, Resources, Forestry and Tourism
Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House
Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories
Shadow Minister for Public Accountability and Shadow Minister for Human Services
Shadow Minister for Finance
Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services
Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women
Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility

The Hon. Kim Christian Beazley MP
Jennifer Louise Macklin MP
Senator Christopher Vaughan Evans
Senator Stephen Michael Conroy
Julia Eileen Gillard MP
Wayne Maxwell Swan MP
Nicola Louise Roxon MP
Stephen Francis Smith MP
Kevin Michael Rudd MP
Robert Bruce McClelland MP
The Hon. Simon Findlay Crean MP
Martin John Ferguson MP
Anthony Norman Albanese MP
Senator Kim John Carr
Kelvin John Thomson MP
Lindsay James Tanner MP
Senator the Hon. Nicholas John Sherry
Tanya Joan Plibersek MP
Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)
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<td>Shadow Minister for Agriculture and Fisheries</td>
<td>Gavan Michael O'Connor MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for</td>
<td>Joel Andrew Fitzgibbon MP</td>
</tr>
<tr>
<td>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>
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<tr>
<td>Shadow Minister for Defence Industry, Procurement and Personnel</td>
<td>Senator Thomas Mark Bishop</td>
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<tr>
<td>Shadow Minister for Immigration</td>
<td>Anthony Stephen Burke MP</td>
</tr>
<tr>
<td>Shadow Minister for Aged Care, Disabilities and Carers</td>
<td>Senator Jan Elizabeth McLucas</td>
</tr>
<tr>
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<td>Senator Joseph William Ludwig</td>
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<tr>
<td>Senate</td>
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<tr>
<td>Shadow Minister for Overseas Aid and Pacific Island Affairs</td>
<td>Robert Charles Grant Sercombe MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Reconciliation and the Arts</td>
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<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>
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<tr>
<td>Shadow Parliamentary Secretary for Education</td>
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<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>
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**THURSDAY, 8 DECEMBER**

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Thursday, 8 December 2005

The House met at 9 am.

ABSENCE OF THE SPEAKER

The Clerk—I inform the House of the absence of the Speaker, who will be in attendance later this day. In accordance with standing order 18, the Deputy Speaker, as Acting Speaker, will take the chair.

The ACTING SPEAKER (Mr Causley) then took the chair, and read prayers.

TREASURER

Mr SWAN (Lilley) (9.01 am)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Treasurer from tabling the following material before this House rises today:

1. all documents including departmental briefs, letters, emails and file notes held by the Department of the Treasury, the Australian Taxation Office or his office, relating to the assessment of the suitability of Mr Gerard for appointment to the Reserve Bank Board;

2. all documents, including departmental briefs, letters, emails and file notes held by the Department of the Treasury, the Australian Taxation Office, or his office relating to the consideration of a reference of the matter of Mr Gerard’s taxation affairs to the Director of Public Prosecutions;

3. the statement of private interests provided to him by Mr Robert Gerard as required under the Reserve Bank of Australia Code of Conduct; and

4. all notifications and amendments to Mr Robert Gerard’s statement of private interests, provided to him by Mr Gerard, as required under the Reserve Bank of Australia Code of Conduct.

Mr Acting Speaker, there is a cover-up of this affair, a stench, and the Treasurer needs to—

Mr McGAURAN (Gippsland—Deputy Leader of the House) (9.02 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.06 am]

(The Acting Speaker—Hon. IR Causley)

Ayes……….. 76
Noes……….. 54
Majority…… 22

AYES

Anderson, J.D. Andrews, K.J.
Bailey, F.E. Baird, B.G.
Baker, M. Baldwin, R.C.
Barresi, P.A. Bartlett, K.J.
Billson, B.F. Bishop, B.K.
Bishop, J.I. Broadbent, R.
Brough, M.T. Cadman, A.G.
Ciobo, S.M. Cobb, J.K.
Costello, P.H. Draper, P.
Dutton, P.C. Entsch, W.G.
Farmer, P.F. Fawcett, D.
Ferguson, M.D. Forrest, J.A. *
Ganbaro, T. Gash, J.
Georgiou, P. Haase, B.W.
Hardgrave, G.D. Hartsuyker, L.
Henry, S. Hockey, J.B.
Hull, K.E. Hunt, G.A.
Jull, D.F. Johnson, M.A.
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. Nielsen, B.J.
Neville, P.C. Panopoulos, S.
Pearce, C.J. Prosser, G.D.
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. Toller, D.W.
Truss, W.E. Tuckey, C.W.
Turnbull, M. Vale, D.S.
Vasta, R. Wakelin, B.H.
Washer, M.J. Wood, J.

NOES

Adams, D.G.H. Bevis, A.R.
Bird, S. Bowen, C. Barresi, P.A. Bartlett, K.J.
Burke, A.E. Burke, A.S. Billson, B.F. Bishop, B.K.
Byrne, A.M. Crean, S.F. Brough, J.T. Broadbent, R.
Danby, M. * Edwards, G.J. Ciobo, S.M. Cadman, A.G.
Elliot, J. Ellis, A.L. Costello, P.H. Cobb, J.K.
Ellis, K. Emerson, C.A. Dutton, P.C. Draper, P.
Ferguson, L.D.T. Ferguson, M.J. Farmer, P.F. Entsch, W.G.
Fitzgibbon, J.A. Garrett, P. Ferguson, M.D. Fawcett, D.
Georganas, S. George, J. Gambaro, T. Forrest, J.A. *
Gibbons, S.W. Gillard, J.E. Georgiou, P. Gash, J.
Grierson, S.J. Griffin, A.P. Henry, S. Haase, B.W.
Hall, J.G. * Hatton, M.J. Hardgrave, G.D. Hartsuyker, L.
Hayes, C.P. Irwin, J. Hull, K.E. Hunt, G.A.
Jenkins, H.A. Kerr, D.J.C. Jensen, D. Johnson, M.A.
King, C.F. Lawrence, C.M. Jull, D.F. * Kelly, I.M.
Livermore, K.F. McManus, R.F. Kelly, M.P. Ley, S.P.
Melham, D. Murphy, J.P. Laming, A. Hockey, J.B.
O’Connor, B.P. O’Connor, G.M. Lindsay, P.J. Huy, J.E.
Owens, J. Plibersak, T. Macfarlane, I.E. Markus, L.
Price, L.R.S. Quick, H.V. May, M.A. McArthur, S. *
Ripoll, B.F. Roxon, N.L. McGauran, P.J. Moylan, J.E.
Rudd, K.M. Sawford, R.W. Nairn, G.R. Nelson, B.J.
Sercombe, R.C.G. Smith, S.F. Neville, P.C. Panopoulos, S.
Snowdon, W.E. Swan, W.M. Pearce, C.J. Prosser, G.D.
Tanner, L. Thomson, K.J. Richardson, K. Robb, A.
Vamvakroun, M. Wilkie, K. Ruddock, P.M. Schultz, A.
* denotes teller

Question agreed to.

The ACTING SPEAKER—Is the motion seconded?

Mr FITZGIBBON (Hunter) (9.11 am)—I second the motion. If the government had nothing to hide it would produce these—

Mr McGAURAN (Gippsland—Deputy Leader of the House) (9.11 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.12 am]

(The Acting Speaker—Hon. IR Causley)

| Ayes | 76 |
| Noes | 54 |
| Majority | 22 |

AYES

Anderson, J.D. Andrews, K.J.
Bailey, F.E. Baird, B.G.
Baker, M. Baldwin, R.C.

NOES

Adams, D.G.H. Bevis, A.R.
Bird, S. Bowen, C.
Burke, A.E. Burke, A.S.
Byrne, A.M. 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. Hatton, M.J.
Hayes, C.P. Irwin, J.
Jenkins, H.A. Kerr, D.J.C.
Thursday, 8 December 2005  HOUSE OF REPRESENTATIVES  3

King, C.F.  Lawrence, C.M.
Livermore, K.F.  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.
Sercombe, R.C.G.  Smith, S.F.
Snowdon, W.E.  Swan, W.M.
Tanner, L.  Thomson, K.J.
Vamvakινου, M.  Wilkie, K.

* denotes teller

Question agreed to.

Original question put:

That the motion (Mr Swan's) be agreed to.

The House divided.  [9.15 am]

(The Acting Speaker—Hon. IR Causley)

Ayes..............  54
Noes.............  76
Majority..........  22

AYES
Adams, D.G.H.  Bevis, A.R.
Bird, S.  Bowen, C.
Burke, A.E.  Burke, A.S.
Byrne, A.M.  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.  Gilard, J.E.
Grierson, S.J.  Griffin, A.P.
Hall, J.G.  Hatton, M.J.
Hayes, C.P.  Irwin, J.
Jenkins, H.A.  Kerr, D.J.C.
King, C.F.  Lawrence, C.M.
Livermore, K.F.  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.
Sercombe, R.C.G.  Smith, S.F.
Snowdon, W.E.  Swan, W.M.

NOES
Anderson, J.D.  Andrews, K.J.
Bailey, F.E.  Baird, B.G.
Baker, M.  Baldwin, R.C.
Barresi, P.A.  Bartlett, K.J.
Bilson, B.F.  Bishop, B.K.
Bishop, J.I.  Broadbent, R.
Brough, M.T.  Cadman, A.G.
Ciobo, S.M.  Cobb, J.K.
Costello, P.H.  Draper, P.
Dutton, P.C.  Entsch, W.G.
Farmer, P.F.  Fawcett, D.
Ferguson, M.D.  Forrest, J.A. *
Gambardello, 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.  Johnston, M.A.
Jull, 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.
Richardson, K.  Robb, A.
Ruddock, P.M.  Schultz, A.
Scott, B.C.  Secker, R.D.
Slipper, P.N.  Smith, A.D.H.
Somlyay, A.M.  Stone, S.N.
Thompson, C.P.  Toller, D.W.
Truss, W.E.  Tuckey, C.W.
Turnbull, M.  Vale, D.S.
Vasta, R.  Wakelin, B.H.
Washer, M.J.  Wood, J.

* denotes teller

Question negatived.

DEPUTY PRIME MINISTER

Mr Rudd (Griffith) (9.17 am)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Deputy Prime Minister and Minister for Trade tabling forthwith:

CHAMBER
(1) all communications not marked commercial-in-confidence between the Australian Government and the AWB during the life of the Oil for Food Program concerning Australian wheat sales to Iraq;

(2) all records not marked commercial-in-confidence held by the Department of Foreign Affairs and Trade and Austrade concerning negotiations between the AWB and the Iraq regime during the life of the Oil for Food Program;

(3) all records not marked commercial-in-confidence held by the offices of the Minister for Trade and the Minister for Foreign Affairs concerning negotiations between the AWB and the Iraq regime during the life of the Oil for Food Program;

(4) all communications not marked commercial-in-confidence between the Australian Government and the United Nations including the UN Office of Legal Affairs, the UN Office of the Iraq Program and the UN Office of the Oil for Food Program and the UN 661 Sanctions Committee regarding the Oil for Food Program;

(5) all reports not marked commercial-in-confidence from the Australian Embassy in Washington and the Australian Permanent Mission to the United Nations in New York concerning allegations of misuse of the Oil for Food Program in general and allegations concerning the possible involvement of any Australian companies in particular; and

(6) all internal correspondence within the Australian Government concerning the Government’s decision to provide the Cole Inquiry with terms of reference which prevent the Inquiry from investigating, examining or making findings in relation to the knowledge, actions and decisions of the Howard Government relevant to the $300 million Saddam Hussein Slush Fund Scandal.

Mr RUDD—The Howard government is the best friend that Saddam Hussein has ever had.

Mr McGAURAN (Gippsland—Deputy Leader of the House) (9.19 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.24 am]

(The Acting Speaker—Hon. IR Causley)

Ayes……….. 75
Noes……….. 54

Majority………21

AYES

Anderson, J.D. Andrews, K.J.
Bailey, F.E. Baird, B.G.
Baker, M. Baldwin, R.C.
Barresi, P.A. Bartlett, K.J.
Bishop, B.K. Bishop, J.I.
Broadbent, R. Brough, M.T.
Cadman, A.G. Ciobo, S.M.
Cobb, J.K. Costello, P.H.
Draper, P. Dutton, P.C.
Entsch, W.G. Farmer, P.F.
Fawcett, D. Ferguson, M.D.
Forrest, J.A. * Gambiaro, T.
Gash, J. Giorgi, 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.
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.
Moynan, J.E. Nairn, G.R.
Nelson, B.J. Neville, P.C.
Panopoulos, S. Pearce, C.J.
Prosser, G.D. 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.
Tollner, D.W. Truss, W.E.
Tuckey, C.W. Turnbull, M.
Vale, D.S. Vasta, R.
Wakelin, B.H. Washer, M.J.
Wood, J.

NOES

Adams, D.G.H. Bevis, A.R.
Question agreed to.

The ACTING SPEAKER—Is the motion seconded?

Ms GILLARD (Lalor) (9.27 am)—I second the motion. This is a scandal soaked in blood. You should come clean about it.

Mr McGAURAN (Gippsland—Deputy Leader of the House) (9.27 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.28 am]

(The Acting Speaker—Hon. IR Causley)

Ayes............  75

Noes..............  54

Majority..........  21

AYES

Anderson, J.D.       Andrews, K.J.
Bailey, F.E.          Baird, B.G.
Baker, M.            Baldwin, R.C.

Barresi, P.A.        Bartlett, K.J.
Bishop, B.K.         Bishop, J.I.
Broadbent, R.        Brough, M.T.
Cadman, A.G.         Ciobo, S.M.
Cobb, J.K.           Costello, P.H.
Draper, P.           Dutton, P.C.
Ensch, W.G.          Farmer, P.F.
Fawcett, D.          Ferguson, M.D.
Forrest, J.A. *      Gambaro, T.
Gash, J.             Georgiou, P.
Hause, B.W.          Hardgrave, G.D.
Hartseyker, L.       Henry, S.
Hockey, J.B.         Hull, K.E.
Hunt, G.A.           Jensen, D.
Johnson, M.A.        Jiul, 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.       Pearson, C.J.
Prosser, G.D.        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.
Tollner, D.W.        Truss, W.E.
Tuckey, C.W.         Turnbull, M.
Vale, D.S.           Vasta, R.
Wakelin, B.H.        Washer, M.J.
Wood, J.             Washover, I.

NOES

Adams, D.G.H.       Bevis, A.R.
Bird, S.            Bowen, C.
Burke, A.E.         Burke, A.S.
Byrne, A.M.         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.          Hatton, M.J.
Hayes, C.P.         Irwin, J.
Jenkins, H.A.       Kerr, D.J.C.
King, C.F.          Lawrence, C.M.
Livermore, K.F.     Melham, D.
Murphy, J.P.        O'Connor, B.P.
O'Connor, G.M.      Owens, J.
Piblesek, T.        Price, L.R.S.
Quick, H.V.         Ripoll, B.F.
Roxon, N.L.         Rudd, K.M.
Sawford, R.W.       Sercombe, R.C.G.
Smith, S.F.         Snowdon, W.E.
Swan, W.M.          Tanner, L.
Thomson, K.J.       Vamvakou, M.
Wilkie, K.          Windsor, A.H.C.
Question agreed to.

Original question put:

That the motion (Mr Rudd's) be agreed to.

The House divided. [9.31 am]

(The Acting Speaker—Hon. IR Causley)

AYES


* denotes teller

NOES


* denotes teller

Question negatived.

MINISTER FOR AGRICULTURE, FISHERIES AND FORESTRY

Mr GAVAN O’CONNOR (Corio) (9.33 am)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Minister
for Agriculture, Fisheries and Forestry from tabling the following material before this House rises today:

(1) all documents including departmental briefs, letters, emails and file notes held by the Department of Agriculture, Fisheries and Forestry relating to the assessment of the contracts between AWB Limited and the Government of Iraq under the Oil for Food Program;

(2) all documents, including departmental briefs, letters, emails and file notes held by the Wheat Export Authority relating to the assessment of the contracts between AWB Limited and the Government of Iraq under the Oil for Food Program; and

(3) all documents, including departmental briefs, letters, emails and file notes and other communications between the Department of Agriculture, Fisheries and Forestry and the Department of Foreign Affairs and Trade relating to the assessment of the contracts between AWB Limited and the Government of Iraq and the funding of terrorist activities by the regime of Saddam Hussein.

The minister must come clean—

Mr McGauran (Gippsland—Deputy Leader of the House) (9.35 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.39 am]

(The Acting Speaker—Hon. IR Causley)

Ayes………………  72
Noes………………  54

Majority………..  18

AYES

Anderson, J.D. Andrews, K.J. Ferguson, M.D. Forrest, J.A. *
Bailey, F.E. Baird, B.G. Gambare, T. Gash, J.
Baker, M. Bartlett, K.J. Georgiou, P. Haase, B.W.
Bishop, B.K. Bishop, J.I. Hardgrave, G.D. Hartsuyker, L.
Broadbent, R. Brough, M.T. Henry, S. Hockey, J.B.
Cadman, A.G. Ciobo, S.M. Hull, K.E. Hunt, G.A.
Cobb, J.K. Draper, P. Jensen, D. Johnson, M.A.
Dutton, P.C. Entsch, W.G. Kelly, D.M. Kelly, J.M.
Farmer, P.F. Fawcett, D. Laming, A. Ley, S.P.

NOES

Adams, D.G.H. Bevis, A.R.
Bird, S. Bowen, C.
Burke, A.E. Burke, A.S.
Byrne, A.M. 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. * Hatton, M.J.
Hayes, C.P. Irwin, J.
Jenkins, H.A. Kerr, D.J.C.
King, C.F. Lawrence, C.M.
Livermore, K.F. Melham, D.
Murphy, J.P. O’Connor, B.P.
O’Connor, G.M. Owens, J.
Plibersek, T. Price, L.B.S.
Quick, H.V. Ripoll, B.F.
Roxon, N.L. Rudd, K.M.
Sawford, R.W. Sercombe, R.C.G.
Question agreed to.

The ACTING SPEAKER—Is the motion seconded?

Ms GILLARD (Lalor) (9.43 am)—I second the motion. This is a government with a culture of cover-up.

Mr McGauran (Gippsland—Deputy Leader of the House) (9.43 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.45 am]

(The Acting Speaker—Hon. IR Causley)

AYES

Anderson, J.D. Andrews, K.J. Pearce, C.J. Prosser, G.D.
Bailey, F.E. Baird, B.G. Richardson, K. Robb, A.
Baker, M. Bartlett, K.J. Ruddock, P.M. Schultz, A.
Bishop, B.K. Broadbent, R. Cadman, A.G. Cobb, J.K. Cibio, S.M.
Ferguson, M.D. Gamburro, T. Hall, J.G. * Georganas, S.
Georgiou, P. Hardgrave, G.D. Henry, S. Hockey, J.B. Herron, M.
Hull, K.E. Jensen, D. John, J. Keenan, M. Jull, D.F.
Kelly, D.M. Laming, A. Lewis, S.P. Lindsay, P.J. Lloyd, J.E.
Lindsey, P.J. Macfarlane, J.E. Markus, L. May, M.A. McArthur, S. *

NOES

Adams, D.G.H. Bird, S. Bevis, A.R.
Burke, A.E. Byrne, A.M. Burke, A.S. Crean, S.F.
Danby, M. * Edwards, G.J. Elliot, J. Ellis, A.L.
Ellis, K. Ferguson, L.D.T. Emerson, C.A. Fitzgibbon, J.A.
Ferguson, G. Georganas, S. George, J. Gillard, J.E.
Gibbons, S.W. Grierson, S.J. Griffin, A.P. Hall, J.G. *
Hall, J.G. * Hayes, C.P. Hatton, M.J.
Henry, S. Jenkins, H.A. Kerr, D.J.C. King, C.F. Lawrence, C.M.
Livermore, K.F. Murphy, J.P. Melham, D. O’Connor, B.P.
O’Connor, G.M. Pilcher, T. Price, L.R.S.
Quinn, H.V. Roxon, N.L. Ripoll, B.F. Sawford, R.W.
Smith, S.F. Sercombe, R.C.G. Swan, W.M. Shorten, G.
Thomson, K.J. Ticehurst, K.V. Tanner, L. Vamvakinou, M.
Wilkie, K. Wakelin, B.H. Washer, M.J. Wood, J.

AYES

Anderson, J.D. Andrews, K.J. Pearce, C.J. Prosser, G.D.
Bailey, F.E. Baird, B.G. Richardson, K. Robb, A.
Baker, M. Bartlett, K.J. Ruddock, P.M. Schultz, A.
Bishop, B.K. Broadbent, R. Cadman, A.G. Cobb, J.K. Cibio, S.M.
Ferguson, M.D. Gamburro, T. Hall, J.G. * Georganas, S.
Georgiou, P. Hardgrave, G.D. Henry, S. Hockey, J.B. Herron, M.
Hull, K.E. Jensen, D. John, J. Keenan, M. Jull, D.F.
Kelly, D.M. Laming, A. Lewis, S.P. Lindsay, P.J. Lloyd, J.E.
Lindsey, P.J. Macfarlane, J.E. Markus, L. May, M.A. McArthur, S. *

NOES

Adams, D.G.H. Bird, S. Bevis, A.R.
Burke, A.E. Byrne, A.M. Burke, A.S. Crean, S.F.
Danby, M. * Edwards, G.J. Elliot, J. Ellis, A.L.
Ellis, K. Ferguson, L.D.T. Emerson, C.A. Fitzgibbon, J.A.
Ferguson, G. Georganas, S. George, J. Gillard, J.E.
Gibbons, S.W. Grierson, S.J. Griffin, A.P. Hall, J.G. *
Hall, J.G. * Hayes, C.P. Hatton, M.J.
Henry, S. Jenkins, H.A. Kerr, D.J.C. King, C.F. Lawrence, C.M.
Livermore, K.F. Murphy, J.P. Melham, D. O’Connor, B.P.
O’Connor, G.M. Pilcher, T. Price, L.R.S.
Quinn, H.V. Roxon, N.L. Ripoll, B.F. Sawford, R.W.
Smith, S.F. Sercombe, R.C.G. Swan, W.M. Shorten, G.
Thomson, K.J. Ticehurst, K.V. Tanner, L. Vamvakinou, M.
Wilkie, K. Wakelin, B.H. Washer, M.J. Wood, J.
AYES

Adams, D.G.H.  Bevis, A.R.
Bird, S.  Bowen, C.
Burke, A.E.  Burke, A.S.
Byrne, A.M.  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.  Giller, J.E.
Grierson, S.J.  Griffin, A.P.
Hall, J.G. *  Hatton, M.J.
Hayes, C.P.  Irwin, J.
Jenkins, H.A.  Kerr, D.J.C.
King, C.F.  Lawrence, C.M.
Livermore, K.F.  Melham, D.
Murphy, J.P.  O’Connor, B.P.
O’Connor, G.M.  Owens, J.
Pilcher, T.  Price, L.R.S.
Quick, H.V.  Ripoli, B.F.
Roxon, N.L.  Rudd, K.M.
Sawford, R.W.  Sercombe, R.C.G.
Smith, S.F.  Snowden, W.E.
Swan, W.M.  Tanner, L.
Thomson, K.J.  Vamvakiaoun, M.
Wilkie, K.  Windsor, A.H.C.

NOES

Anderson, J.D.  Andrews, K.J.
Bailey, F.E.  Baird, B.G.
Baker, M.  Bartlett, K.J.
Bishop, B.K.  Bishop, J.I.
Broadbent, R.  Brought, M.T.
Cadman, A.G.  Ciobo, S.M.
Cobb, J.K.  Draper, P.
Dutton, P.C.  Entsch, W.G.
Farmer, P.F.  Fawcett, D.
Ferguson, M.D.  Forrest, J.A. *
Gambale, 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.  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.
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.
Tollner, 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.

FAMILY LAW AMENDMENT (SHARED PARENTAL RESPONSIBILITY) BILL 2005

First Reading

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

Second Reading

Mr Ruddock (Berowra—Attorney-General) (9.52 am)—I move:

That this bill be now read a second time.

The Family Law Amendment (Shared Parental Responsibility) Bill 2005 represents the most significant changes to the Family Law Act 1975 since its inception 30 years ago.

Family breakdown is not easy for anyone. It is difficult for those involved—parents, extended family, friends and, most importantly, children. It has an impact on others in the community and it is difficult for government in making policy decisions.

However, this government is about making hard, but well considered, decisions in key areas of policy.
This government is committed to three major changes to how the government helps people deal with family breakdown. The first is the package of almost $400 million over four years, which I outlined in the budget, for new community services to help reduce conflict in families; the second are the government’s proposals to reform the child support system; and the third are the changes to the Family Law Act that I introduce today.

Each of these significant changes promotes shared or cooperative parenting after separation.

This bill is the culmination of many years work by a large number of people. I would like to begin by acknowledging my parliamentary colleagues from both sides who have been involved in the development of this legislation. I thank those from the original House of Representatives Standing Committee on Family and Community Affairs who worked so diligently on the Every picture tells a story report in 2003. I specifically thank the chair of that committee, Mrs Kay Hull MP, member for Riverina, whose hard work and commitment over a number of years has enabled us to be here today.

I also thank the members of the House of Representatives Standing Committee on Legal and Constitutional Affairs, particularly the chair, the Hon. Peter Slipper, member for Fisher, for their speedy work in examining the exposure draft of the legislation and for their valuable contribution and insight into the final bill.

I take this opportunity to table the government’s response to the committee. The government has accepted the majority of the committee’s recommendations and amended the bill accordingly. One recommendation of the committee that I accept in principle, which does not appear in this bill, is recommendation 8 relating to relocation decisions. This issue is being considered by the Family Law Council. The government will consider making further amendments to the act in line with their advice and the committee’s recommendation once the advice is completed next year.

I would also like to acknowledge all the members of the public who have contributed to the extensive consultative processes that preceded this bill. This bill is the result of listening to people’s views on how the family law system can deliver better outcomes for Australian parents and children through a number of consultation processes. The Family and Community Affairs Committee sought input into the Every picture tells a story report; the government released a discussion paper, A new approach to the family law system: implementation of reforms for comment; and the Legal and Constitutional Affairs Committee sought submissions on the exposure draft of the legislation. I have personally received thousands of letters from grandparents, mothers, fathers and many others affected by our family law system and met with hundreds of people and listened to their views. These consultations have greatly assisted the government in shaping the final bill.

The development of the bill has been a lengthy process due to the tremendous amount of consultation that has taken place and the complexities of the issues that are raised. I thank all for their patience and commitment in allowing the government to fully consider the important issues that are contained within the bill.

The breakdown of a marriage, and the subsequent readjustments that the parties must make, can be a very traumatic experience for all involved. Often the forgotten victims of these disputes are the children.

More than one million Australian children have a parent living elsewhere. The children want the same things as any other children:
to grow up in a safe environment with the love and support of both their parents. They do not want their parents fighting in court.

Unfortunately, one in four children never sees one of their parents or only sees them once a year. Too many parents fight in the courts for years, wasting money they should be using to raise their children.

The government wants to change the culture of family breakdown from litigation to cooperation.

The government wants to ensure that children have a right to know both their parents and, where possible, to encourage parents to continue to take shared responsibility for their children after they separate. Importantly, the bill also has an increased focus on protecting children from family violence and child abuse.

It is important to emphasise that the paramount consideration for the court will continue to be the best interests of the child.

Amendments contained in schedule 1 support and promote a cooperative approach to parenting and advance the government’s longstanding policy of encouraging people to take responsibility for resolving disputes themselves in a non-adversarial manner.

The bill provides for a presumption of equal shared parental responsibility. This means that both parents have an equal role in making decisions about long-term issues for the benefit of their children.

Where the presumption applies, the court will be required to consider children spending equal time with both parents. This only applies where it is reasonably practicable and is in the best interests of the child. Equal time works for some families. But if it is not appropriate, the court must consider an arrangement for substantial and significant time with both parents. This means more than just weekends and holidays; it means doing the day-to-day things with children—tucking them into bed, picking them up after school, helping them with homework. It also means a mix of nights and days with children.

The court will also take into account whether parents fail to fulfil their major responsibilities—not paying child support or not turning up when the parent is handing over the children.

The bill contains changes to better recognise the interests of children in spending time with grandparents and other relatives, who also play an important role in the raising of children.

The right of children to know their parents and be protected from harm will be the primary factors when deciding the best interests of the child.

The bill will address concerns about the existing definition of family violence to introduce an ‘objective test’. While there is no requirement for reasonableness for violence that has actually occurred, an apprehension or fear of violence must be reasonable. This does not mean that any level of violence is acceptable. Violence is a crime and will not be tolerated.

To promote agreements outside the court system, the bill will require people to attend family dispute resolution and make a genuine effort to resolve their dispute before applying for a parenting order. This requirement does not apply where there is family violence or abuse.

Breaches of court orders are a major source of conflict and distress to all parties involved. Schedule 2 of the bill strengthens the existing enforcement regime in the Family Law Act by giving the courts a wider range of powers to deal with people who breach contact orders through the ability to impose cost orders, bonds, ‘make up’ time and compensation.
The government acknowledges that adversarial processes tend to escalate and prolong conflict. For those parenting issues that do need to proceed to court, the amendments in schedule 3 of the bill contain changes to court procedures to make the process less adversarial.

Schedule 4 of the bill supports the government’s policy of ensuring that separating and divorcing parents have access to quality counselling and dispute resolution services without the need to go to court.

Schedule 5 of the bill implements recommendations of the Family Law Council to clarify the role of independent children’s lawyers as best interest advocates.

Schedule 6 of the bill makes the relationship between parenting orders and family violence orders clearer and easier to understand. These amendments are also based on advice provided to me by the Family Law Council.

Schedule 8 removes the terms ‘residence’ and ‘contact’ to emphasise the more family focused term of ‘parenting orders’.

I have indicated previously that the government is intent upon making cultural change to the way that disputes upon family relationship breakdown are resolved. With these reforms to the law and the new family law system, the government wants to make sure as many children as possible grow up in a safe environment, without conflict and with the love and support of both parents.

Full details of the measures contained in this bill are outlined in the explanatory memorandum to the bill.

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

Ms ROXON (Gellibrand) (10.02 am)—With some sense of frustration, I move:

That the debate be now adjourned.

With the indulgence of the chair and the Attorney: given the extraordinary delay we have seen in this process by the government, I would assume that the parliament is going to be given the respect of having proper time to debate and consider this important bill.

Mr Ruddock—Yes, but it won’t be done before the House rises.

Question agreed to.

AGED CARE (BOND SECURITY) BILL 2005

First Reading

Bill presented by Ms Julie Bishop, and read a first time.

Second Reading

Ms JULIE BISHOP (Curtin—Minister for Ageing) (10.03 am)—I move:

That this bill be now read a second time.

On 15 September 2005 I announced the coalition government’s decision to strengthen the existing protection surrounding aged care residents’ accommodation bonds by establishing a scheme to guarantee the repayment of bond balances if a provider defaults and by introducing new prudential regulatory arrangements. The Aged Care (Bond Security) Bill 2005, together with two other bills that I will be introducing today, the Aged Care (Bond Security) Levy Bill 2005 and the Aged Care Amendment (2005 Measures No. 1) Bill 2005, form the legislative framework to strengthen the protection of bonds. An accommodation bond is an initial payment that in certain circumstances an approved provider may charge a resident of an aged care service. Some aged care residents in multi-purpose services may also be charged accommodation bonds. The bond balance is refunded to the resident when he or she leaves the service.

Before the Aged Care Act of 1997 was introduced, some residents of aged care services were charged entry contributions.
These entry contributions are akin to bonds and are covered by the new arrangements. Around 74 per cent of aged care services levy bonds on residents. Based on 2004-05 data, around $4.3 billion in bonds is held across the industry, a significant increase from the $500 million of bonds in 1996. The average new bond has also increased from $26,000 in 1996-97 to $127,600 in 2004-05. Bonds can represent a significant proportion of residents’ life savings and, understandably, residents and their families expect secure arrangements for their bonds and the reassurance that their bond balances will be repaid or be paid when the resident leaves the home.

To date, the existing arrangements have worked well, as shown by the fact that there has not been an instance where a resident’s bond balance has not been repaid. However, under existing arrangements, if a provider becomes bankrupt or insolvent, the resident is not guaranteed the return of their bond balance, because the resident ranks as an unsecured creditor under corporations and bankruptcy law. So while to date there have been no cases where a resident’s bond balance has not been repaid, the risk is increasing because of the increasing value of the bonds and the number of approved providers and multi-purpose services charging bonds.

In developing this new legislation, the government’s key objectives are: to improve the efficiency and sustainability of the aged care sector and to strengthen the management of bond moneys to reduce the likelihood of providers becoming insolvent or bankrupt and being unable to repay bond balances; to strike a balance between the added security for residents that is provided by this strengthening and the financial impact of the new arrangements on the sector’s viability and its standing with the capital markets, including its ability to construct and maintain aged care homes and pressures that might flow on to subsidies, user charges and the quality and continuity of care; and last, but certainly not least, to ensure that all residents who pay bonds receive their full entitlement to the balance of the bonds that they have paid in the event that a provider becomes insolvent or bankrupt.

The legislative framework provided by this bill and the Bond Security Levy Bill will establish a guarantee scheme whereby the Australian government will pay 100 per cent of the bond balance owed to residents with interest in the event that a provider becomes insolvent or bankrupt and is unable to meet its financial obligations to residents. The government will then become a creditor of the insolvent provider and will recover the debt and associated costs from the insolvent provider. The government will also have the ability to levy all other providers holding bonds to recover from industry the debts left by the defaulting provider.

New prudential regulatory arrangements, established under the Aged Care Amendment (2005 Measures No. 1) Bill 2005, will complement the guarantee scheme.

These new arrangements to strengthen protection of residents’ accommodation bonds were foreshadowed in the government’s 2004-05 budget, which committed record funding of $2.2 billion for the Investing in Australia’s Aged Care: More Places, Better Care package, building on the coalition government’s earlier reforms in the aged care sector.

In particular, these new arrangements, which will improve both the security of bonds and the management of bonds by the sector, will complement the $877.8 million conditional adjustment payment, also a part of the 2004-05 budget package. In particular, the conditional adjustment payment—an additional 1.75 per cent of the annually indexed recurrent subsidy, cumulative over four
years—requires approved providers to prepare general purpose financial reports. These and other measures will, over time, assist in making the residential aged care industry more financially mature and more sustainable.

The introduction of these protections underlines the coalition government’s commitment to a world-class system of aged care that provides high-quality, affordable and accessible services to meet the individual needs and choices of older Australians.

Our thinking and actions are not confined to the present. We have developed a system that will see us into the future and that can be adapted as the sector matures into a more sophisticated, self-reliant industry that embraces a culture of continuous improvement.

Our population is ageing. Over the next two decades, our population over the age of 65 will increase both numerically and structurally. By 2040, 25 per cent of the population will be over the age of 65, with over one million people over the age of 85.

While the ageing of the Australian population is not expected to have a major impact on the Australian government’s budget for at least another 15 years, the coalition government’s Intergenerational report of 2002-03 clearly identified that forward planning for demographic change is important to ensure that governments will be well placed to meet emerging policy challenges in a timely and effective manner.

Recognising that innovative planning and substantive policy reforms are needed to meet the impact of our changing demographics, the coalition government has implemented, and will continue to implement, necessary, wide-ranging and effective reforms. The transformation in aged care began with the new Aged Care Act in 1997.

In residential aged care, we have introduced and enforced national quality standards through accreditation; reformed financing arrangements; made special provision for dementia sufferers; greatly improved training for aged care workers; and subsidised a massive expansion in aged care places. More than 95,000 new aged care places have been allocated since 1996 and, with a current 193,753 operational aged care places, we are on the way to reaching our target, set in 2001, of 200,000 operational aged care places by 30 June 2006. We have also greatly expanded the consumer rights of residents.

Responding to our older Australians’ call for more choice, and based on the philosophy that most people value being able to live in their own home and a recognition that some older people and people with a disability may find this difficult without assistance, we have increased funding for home and community care and community aged care packages.

In addition to increased funding, the government initiated a review of community care programs in 2002 to identify strategies that would simplify and streamline current arrangements for the administration and delivery of community care services.

The coalition government’s ‘Way Forward’, arising from the review, will ensure that programs operate in a more consistent and coordinated way. Agreed assessment processes, eligibility criteria, consistent accountability, quality arrangements and targeting strategies are among reforms required to achieve these aims.

The ‘Way Forward’ will build on the strengths of existing community care programs while delivering a less complex, stronger system capable of responding to the challenges that lie ahead.

Overall funding to aged care has increased by 140 per cent in nine years, from $3 billion in 1996 to $7.3 billion this year. The coali-
tion government is meeting the challenges head on, and there is still more to achieve.

As foreshadowed in the government’s response to the pricing review undertaken by Professor Hogan, consultation on longer term reform of the aged care sector will soon be under way.

Our commitment to meeting the challenges of an ageing population extends beyond aged care. The Howard government have adopted a whole-of-government approach, encompassing policies, strategies and initiatives, including in relation to retirement incomes and the adequacy of retirement savings; enhancing work force participation across all age cohorts, particularly the mature aged; healthy and productive ageing; the built environment and its impact on the health and wellbeing of Australians as they age; and community attitudes to, and legislative barriers that discriminate against, ageing.

As the Intergenerational report signalled, this government is planning for the next generation of older Australians and building for the future. I commend this bill to the House and present the explanatory memorandum.

Debate (on motion by Mr Murphy) adjourned.

AGED CARE (BOND SECURITY) LEVY BILL 2005

First Reading

Bill presented by Ms Julie Bishop, and read a first time.

Second Reading

Ms JULIE BISHOP (Curtin—Minister for Ageing) (10.14 am)—I move:

That this bill be now read a second time.

Having introduced the Aged Care (Bond Security) Bill 2005, I now present the Aged Care (Bond Security) Levy Bill 2005. Together, these bills will establish the legislative framework for a scheme to guarantee the repayment of bond balances to a resident or family, should an approved provider default in the repayment of that balance.

As I have indicated in the second reading speech for the Aged Care (Bond Security) Bill, under the guarantee scheme the Australian government will pay 100 per cent of the bond balance owed to residents—with interest—in the event that a provider becomes insolvent or bankrupt and is unable to meet its financial obligations to residents.

The government will then become a creditor of the insolvent provider and will recover the debt and associated costs from the insolvent provider and/or by levying all other providers holding bonds.

This bill allows for the imposition of a levy to recover the debt. The levy details will be prescribed in regulations made in the future, if the necessity arises. The levy amount will be based on the provider’s accommodation bond holdings as a proportion of the total accommodation bond holdings for the aged care industry.

Approved providers holding accommodation bonds as a whole will not be levied any more than the total amount repaid to residents plus administrative costs associated with the refund and the attempt to recover from the insolvent approved provider.

As each default event is likely to be different, the government will take the necessary steps to work out the details of the levy when a situation occurs, including the rate at which the levy will be recouped. This will enable the government to consider all the factors which would influence how and when the levy is to be imposed and ensure that costs to government are recouped without jeopardising quality of care to residents.

These bond security bills, together with the Aged Care Amendment (2005 Measures No. 1) Bill 2005, which I will be introducing
shortly, form the legislative framework for the government’s decision to strengthen the protection of residents’ accommodation bonds—which I announced on 15 September 2005.

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

Debate (on motion by Mr Murphy) adjourned.

AGED CARE AMENDMENT (2005 MEASURES No. 1) BILL 2005

First Reading

Bill presented by Ms Julie Bishop, and read a first time.

Second Reading

Ms JULIE BISHOP (Curtin—Minister for Ageing) (10.17 am)—I move:

That this bill be now read a second time.

On 15 September 2005, I announced the coalition government’s decision to strengthen protection of aged care residents’ accommodation bonds by establishing a guarantee scheme and new prudential regulatory arrangements.

Having introduced two bond security bills, which establish the legislative framework for the guarantee scheme, I now have pleasure in introducing a third bill, the Aged Care Amendment (2005 Measures No. 1) Bill 2005, which provides for new prudential regulatory arrangements to give residents even more assurance about the financial security of each provider, and to ensure that Australia’s aged care system continues to strengthen and grow to meet the expected demands of our ageing population.

The new prudential regulatory arrangements—which will enhance existing requirements under the act—will initially require providers to comply with three standards—prescribed in principles—relating to liquidity, record keeping and disclosure.

Compliance with these prudential standards will be monitored by the Department of Health and Ageing.

The new prudential arrangements are designed to:

- ensure that greater responsibility is taken by individual providers to appropriately manage and secure residents’ accommodation bonds;
- provide certain information to residents and prospective residents about the financial viability of the provider and the total bond holdings; and
- better inform residents and prospective residents (and their representatives) about the financial viability of the provider and allow judgements to be made about the safety of residents’ bonds.

The government will assess the effectiveness of the new prudential arrangements and further strengthen them, should this be required. The government will consult widely with the sector in developing and strengthening the new regulatory arrangements.

We expect that these arrangements for securing bonds can be adapted further in the future, with industry taking greater responsibility for ensuring bonds are secure.

Compliance with the stronger prudential regulatory arrangements will improve the quality of financial performance information and, together with other reforms, will also help place the aged care industry on a more sustainable basis.

This bill also includes provisions to extend the time frames in which providers must refund an accommodation bond balance and to add new provisions which require providers to pay interest on late accommodation bond balances.

The most significant change in relation to the time frames is a change to the time frame for repayment of bonds when a resident dies.
Instead of the current 60-day provision—which is problematic for providers if the legal beneficiary has not been firmly established—under the new provisions, a provider must refund the accommodation bond balance within 14 days of being shown probate or letters of administration. This does not preclude the provider making the repayment earlier if the provider is confident that the correct beneficiary has been identified.

The other significant change is the addition of new provisions to require approved providers to pay interest on accommodation bond balances once a resident leaves a service. The amount of interest will be detailed in the aged care principles and will include a penalty rate if the bond balance is not refunded within the legislated time frame.

The changes in this bill in relation to accommodation bonds, together with those in the two bond security bills that I introduced earlier, provide the legislative framework to strengthen protection of residents’ bonds and to ensure that residents’ expectations that their bonds are well managed and secure are met.

Entering aged care is a significant step for our older Australians—one that is rarely reversed. By strengthening protection of accommodation bonds, we are making that step a little more comfortable for everyone.

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

Debate (on motion by Mr Murphy) adjourned.

**FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (No. 2) 2005**

**First Reading**

Bill presented by Dr Stone, and read a first time.
The proposed amendments covering the medical research endowment account and the natural resources management account differ from the amendments made in schedule 1 of the FFLA Act. The proposed amendments transfer from the finance minister to the respective ministers responsible for these special accounts the power to receive money on trust for the purposes of each account. Under the devolved financial management framework that now applies in the Commonwealth public sector it is appropriate that these powers be exercised by the ministers responsible for the acts that establish these special accounts.

Schedule 2 of the bill proposes amendments to the Safety, Rehabilitation and Compensation Act 1988 (SRC Act) to authorise Comcare to pay workers’ compensation benefits to employees either through Commonwealth employers or direct to employees. The SRC Act currently authorises compensation benefits only to be paid directly to employees. The proposed amendments reflect current and best practice to ensure there is a seamless transition for the employee between payment of salary et cetera and payment of compensation. The amendments also give effect to the conclusion of the Joint Committee of Public Accounts and Audit, in its report 395, Inquiry into the draft Financial Framework Legislation Amendment Bill, supporting amendments to align the act ‘with current good practice whereby Comcare makes compensation payments to agencies’.

Schedule 3 of the bill proposes amendments to six acts that are not included in schedules 1 or 2. I will now highlight the main amendments proposed in schedule 3.

The bill proposes amendments to the FMA Act to extend to law enforcement agencies access to the modifications to the FMA Act that currently apply to intelligence or security agencies. These modifications are set out in the Financial Management and Accountability Regulations 1997. Some law enforcement agencies need to undertake sensitive activities that are similar in nature to those of intelligence and security agencies. It is therefore appropriate that they be able to access the same modified application of the FMA Act for those sensitive activities, subject to ministerial agreement and consideration by parliament through an amendment to the FMA Regulations that would prescribe a law enforcement agency for this purpose.

Amendments to the Public Accounts and Audit Committee Act 1951 are proposed to correct, to update and to express in clearer language, various provisions. The amendments cover such matters as the inclusion of non-gender-specific language, sectional committees, evidence taken in public or in private, and payment of allowances. The amendments do not alter the intent of the existing provisions.

Amendments to the Native Title Act 1993 are proposed to transfer from the Treasurer to the finance minister the power to approve the investment of surplus money by an Aboriginal and Torres Strait Islander body and to provide the finance minister with a delegation power in relation to that approval power. The amendment proposed to the Australian Institute of Marine Science Act 1972 provides the finance minister with a delegation power in relation to his existing powers to approve borrowing by, and guarantees relating to, the Australian Institute of Marine Science. The amendments proposed to the Native Title Act and the Australian Institute of Marine Science Act align these acts with the amendments made to 25 acts by the FFLA Act.

Schedule 3 also proposes amendments to the FMA Act and the Public Service Act 1999 to clarify that the appropriation authority for an act of grace payment, or payment
to a person because of special circumstances arising out of employment by the Commonwealth, is not provided in these acts. The appropriation authority would generally be an agency’s annual appropriation, providing the payment relates to some matter that has arisen in the course of an agency’s administration.

Schedule 4 of the bill proposes the repeal of two acts, the Employment Services Act 1994 and the Loan Act 1977. With the commencement of the employment services market in 1998, the case management system set up by the Employment Services Act is no longer required and the Employment Services Regulatory Authority, which is established in that act, has become non-operational. The Employment Services Act is, therefore, now redundant. The Loan Act is also redundant. It authorises the Treasurer to borrow a specified amount of money during the financial year ended 30 June 1978.

This proposed law will update, clarify and align or integrate a wide range of financial management provisions applying to Commonwealth entities and thereby enhance the financial management framework of the Australian government generally. The bill largely proposes a continuation of the types of amendments made in the FFLA Act. I present the explanatory memorandum to the bill and commend the bill to the House.

Debate (on motion by Mr Griffin) adjourned.

SECOND READING

Dr STONE (Murray—Parliamentary Secretary to the Minister for Finance and Administration) (10.29 am)—I move:

That this bill be now read a second time.

The Electoral Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005 contains reform measures arising from some of the government supported recommendations of the Joint Standing Committee on Electoral Matters’ report on the 2004 federal election, which was tabled in the parliament in October 2005, and additional reform measures considered a priority by the government. The bill makes amendments to the Commonwealth Electoral Act 1918, the Referendum (Machinery Provisions) Act 1984 and the Income Tax Assessment Act 1997.

The amendments cover a number of broad areas, including enrolment and timing of the close of rolls, provisional voting, financial disclosure requirements in non-election periods, access to the electoral roll and its use, political party registration and the disclosure of political donations. The most notable amendments in the bill include those that will:

- increase a number of the disclosure thresholds to above $10,000, with legislated consumer price index increases, with effect from the date of the introduction of this bill;
- reduce the close of rolls period to provide that, in general, the roll will close at 8 pm on the third working day after the issue of the writ. However, persons who are not on the roll, with two exceptions set out below, will not be added to the roll in the period between 8 pm on the day of the issue of the writ and polling day. The exceptions are for persons who are not on the roll who are: either 17-year-olds who will turn 18 between the day the writ is issued and polling day; or...
people who will be granted citizenship between the issue of the writ and polling day. Persons in these categories can apply for enrolment up until the close of rolls at 8 pm three working days after the day on which the writ is issued;

- introduce a proof of identity requirement for people enrolling or updating their enrolment by requiring that they provide their driver’s licence number on their enrolment application. If they do not have a driver’s licence, the elector can show a prescribed identity document to a person who is in a prescribed class of electors and who can attest to the identity of the applicant. If an elector does not have a driver’s licence or a prescribed identity document, then they must have their enrolment application signed by two referees who are not related to the applicant, who have known the applicant for at least one month and who must provide their driver’s licence number;

- establish a proof of identity requirement for provisional voting. An elector, other than a silent elector, who wants to cast a provisional vote on polling day will need to show either their driver’s licence or a prescribed identity document, of the same type required for enrolment proof of identity, to an officer either at the time of casting the provisional vote or by close of business on the Friday following polling day. If the elector cannot show the document in person, they may post, fax or email an attested copy to the AEC. Ballot papers will only be admitted to the count if the provisional voter has provided suitable identification and, if they were not enrolled, if their omission from the roll was the result of an AEC error;

- abolish the requirement for broadcasters and publishers returns;

- require that paid electoral advertising on the internet be authorised in the same manner as printed electoral advertisements;

- require that third parties—people other than registered political parties, candidates, Senate groups and donors—must complete annual disclosure returns if they incurred expenditure for a political purpose or received gifts over the disclosure threshold which enabled them to incur expenditure for a political purpose during a financial year;

- increase nomination deposits for election candidates to $500 for candidates for the House of Representatives and $1,000 for Senate candidates, with the threshold for returning the nomination deposit remaining at four per cent;

- provide for access to the roll by persons and organisations that verify, or contribute to the verification of, the identity of persons for the purposes of the Financial Transaction Reports Act 1988 and provide that such use is not subject to the commercial use prohibition;

- require that, in the future, divisional offices must be located within divisional boundaries unless otherwise authorised by the minister;

- provide for the automatic deregistration of all currently registered political parties six months after royal assent, with exceptions for parliamentary parties and parties with past representation in the federal parliament. Any political party that is deregistered will be required to reapply for registration and must comply with the current requirements in the Electoral Act, including the existing naming provisions. Political parties that reapply for registration within 12 months of deregistration under this scheme will
not be required to pay the $500 application fee;

• extend the definition of ‘associated entity’ to include entities with financial membership of a registered political party and entities on whose behalf a person exercises voting rights in a registered political party;

• amend the voting entitlement provisions so that all prisoners serving a sentence of full-time detention will not be entitled to vote but may remain on the roll or, if not enrolled, apply for enrolment. Those serving alternative sentences such as periodic or home detention, as well as those serving a non-custodial sentence or released on parole, will still be eligible to enrol and vote;

• expand the AEC’s demand power in section 92(1) of the Electoral Act to enable access to information held by state and territory government agencies for the purpose of preparing, maintaining and revising the rolls; and

• amend the Income Tax Assessment Act 1997 to increase the level of tax deductible contributions, whether from an individual or corporation, to political parties and independent candidates from $100 to $1,500 in any income year.

The bill will amend the Electoral Act to increase the declarable limit for disclosure of all political donations from $1,500 to amounts above $10,000, and this threshold will be indexed to the consumer price index, the CPI.

Currently section 155 of the Electoral Act provides for the rolls to close seven days after the writs for an election have been issued. The proposed amendments provide that the date for the close of rolls shall be:

• for people who are currently enrolled but who need to update their details, 8 pm three working days after the day on which the writs are issued (that is, if the writ were issued on a Monday, the rolls would close for such people at 8 pm on the Thursday); and

• for new enrolments and re-enrolments (that is, persons who are not currently on the roll, irrespective of whether they have been enrolled previously), 8 pm on the day on which the writs are issued.

There are two exceptions to the close of rolls date for new enrolments, as mentioned before:

• for people who have yet to enrol but will turn 18 between the day on which the writs are issued and polling day; and

• for people who have yet to enrol but are eligible to be granted a certificate of Australian citizenship between the day on which the writs are issued and the polling day.

The roll will close at 8 pm three working days after the day on which the writs are issued. Note that working days do not include weekends or a day on which there is a public holiday in any state or territory.

The bill proposes a proof of identity requirement for electoral enrolment, and provides for regulations to be made to implement the proof of identity scheme.

Currently, all claims for enrolment (including transfer of enrolment) must: be in the approved form; be signed by the claimant (with one exception in subsection 98(3) for people who are physically unable to sign their own enrolment form); and be attested by an elector or a person entitled to enrolment, who shall sign the claim as a witness in his or her own handwriting. The witness attests that he/she has satisfied himself or herself, by inquiry from the claimant or otherwise, that the statements contained in the claim are true.
The new scheme will provide that all claims for enrolment (including transfer of enrolment) will be subject to proof of identity requirements. The proof of identity requirement will remove the need for a witness. Instead, persons enrolling to vote or updating their enrolment must provide:

(i) their driver’s licence number; or
(ii) if they do not have a driver’s licence, a copy of their ID (such as birth certificate or passport) which must be attested to by an enrolled elector in a prescribed class; or
(iii) if they do not have a driver’s licence or ID, attestations by two enrolled electors claiming to have known the elector for more than one month and providing their own driver’s licence numbers.

The current witness requirement will no longer apply once the new proof of identity scheme comes into effect.

Currently, prisoners serving a full-time sentence of three years or longer are not entitled to enrol or vote. These persons are removed from the roll by objection following receipt of information from the prison authorities. Prisoners not currently on the roll who are serving a sentence of less than three years are entitled to apply for enrolment and to vote in federal elections.

The proposed amendments will apply such that all prisoners serving a sentence of full-time detention will not be entitled to vote, but may remain on the roll or enrol if they are not currently enrolled. Those serving alternative sentences such as periodic or home detention, as well as those serving a non-custodial sentence or released on parole, will still be eligible to enrol and vote.

Under current law, a taxpayer cannot claim a tax deduction for more than $100 of contributions to political parties registered under part XI of the Electoral Act. The proposed amendment to the Income Tax Assessment Act 1997 will increase the tax deductibility value of contributions from an individual or a corporation to registered political parties and independent candidates or members, in relation to Commonwealth, state or territory elections, from $100 to $1,500 in any income year. The proposed amendments will commence on royal assent. I commend the bill to the House and present the explanatory memorandum.

Debate (on motion by Mr Griffin) adjourned.

MINISTERS OF STATE AMENDMENT BILL 2005
First Reading

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

Second Reading

Dr STONE (Murray—Parliamentary Secretary to the Minister for Finance and Administration) (10.41 am)—I move:

That this bill be now read a second time.

Section 66 of the Constitution prescribes the maximum annual pool of funds from which salaries of ministers can be paid, unless the parliament provides otherwise.

The Ministers of State Act 1952 is the mechanism by which parliament adjusts the pool of funds available for this purpose. Amendments to the Ministers of State Act are therefore required from time to time to cover changes in the level of ministerial salaries.

Senators’ and members’ base salaries are determined by the reference point of the Principal Executive Officer band A, in Remuneration Tribunal Determination 15 of 1999, as amended from time to time.

In 1999 this government adopted the recommendation of the Remuneration Tribunal that the additional salary of ministers be tied to the Principal Executive Officer band as a percentage of base salary.
On 9 May 2005 the Remuneration Tribunal determined new rates for the Principal Executive Officer band, with effect from 1 July 2005. These new rates have flowed to senators and members and to ministers.

The act currently limits the sum appropriated to $2.8 million. This sum needs to be increased to $3.2 million to meet increases in ministers’ salaries in this financial year and to cover any possible increases in the future following Remuneration Tribunal reviews.

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

Debate (on motion by Mr Murphy) adjourned.

COMMITTEES
Public Works Committee
Approval of Work

Dr STONE (Murray—Parliamentary Secretary to the Minister for Finance and Administration) (10.44 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Fit-out of new leased premises for Australian Customs Service at 1010 LaTrobe Street, Melbourne Docklands.

The Australian Customs Service proposes to relocate from its existing Melbourne headquarters building shortly before the end of the current lease, which expires on 31 May 2007. Construction work on the new building, known as the Port 1010 Building, commenced in June this year and Customs proposes to undertake a fit-out of these new leased premises. The proposed fit-out is estimated to cost $12.7 million, inclusive of GST. In its report, the Public Works Committee has recommended that this work proceed. Subject to parliamentary approval, the proposed fit-out and associated installation of services, will, to the maximum extent possible, be integrated with the base building construction in order to reduce costs. The building is planned for completion in December 2006 and Customs anticipates occupying the building in two stages: 1 February 2007—the computer server room and the National Monitoring Centre—and 1 April 2007.

I would like, on behalf of the government, to thank the Public Works Committee for its report and its very hard work. I commend the motion to the House.

Question agreed to.

Public Works Committee
Reference

Dr STONE (Murray—Parliamentary Secretary to the Minister for Finance and Administration) (10.46 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Fit-out of new leased premises for the Australian Taxation Office at the site known as Section 84, Precincts B & C, Canberra.

The Australian Taxation Office proposes to undertake a fit-out, at an estimated cost of $66.8 million, of new leased premises at Civic in the Australian Capital Territory. The new premises will replace a number of existing leased premises of varying quality fit-out within the Canberra CBD and is planned around the expiry of existing leases.

Construction work on the new buildings, known as section 84, commenced in November this year, and the Australian Taxation Office proposes to undertake a fit-out of these new leased premises. Subject to parliamentary approval, the proposed fit-out and associated installation of services, will, to the maximum extent possible, be integrated with the base building construction in order to reduce costs. The buildings are planned for completion in May and November 2007. The
Australian Taxation Office anticipates occupying the buildings progressively throughout 2007-08. I commend the motion to the House.

I want to congratulate the Public Works Committee on the hard and conscientious work it does.

Question agreed to.

**OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT (PROMOTING SAFER WORKPLACES) BILL 2005**

Second Reading

Debate resumed from 7 December, on motion by Mr Andrews:

That this bill be now read a second time.

Mr HAYES (Werriwa) (10.48 am)—Last night, when I was speaking on the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005, I indicated that it is a very important point that the standard of proof for conviction under the legislation of the ACT government is much higher than for a civil standard. As a consequence, it is reliant not simply on the balance of probability for a prosecution but on the criminal standard of being beyond all reasonable doubt.

These laws do not apply directly to Commonwealth employees or Commonwealth departments. However, they do apply to Commonwealth government business enterprises such as Telstra—at least, until it is sold—Australia Post and the Health Insurance Commission. There are possibly others, but at least I know that it directly applies to those three. I do not think that a reasonably minded person would think that this would be a horrendous intrusion into the operation of those organisations. They are quite large organisations, which I expect—over the last few years, at least—would have invested quite considerable sums of money in improving workplace safety with a view to minimising the impact of injuries in their operations. I find it difficult, therefore, to believe that these organisations would be so concerned over the impact of the ACT legislation to the point where they would be lobbying government to be excluded from these provisions.

In a nutshell, that is probably the key point: lobbying government to be excluded from the provisions. For the most part this debate is not about ACT laws but about the approach of this government when faced with something it does not like. This bill is not about the impact it may have on an estimated 1,000 employees of the Commonwealth government business enterprises that might be affected by the ACT law; it is about the continuing approach by this government and yet another demonstration of its preparedness to legislate when things do not go its own way. What I mean is that when faced with a decision it does not like the government is more than willing to simply legislate to overturn it or, in this case, legislate to exclude itself from it. That is the essence of this bill and, quite frankly, the essence of this government. In his doorstop interview on 23 March the Minister for Employment and Workplace Relations noted:

> When the ACT was contemplating this legislation last year we then said that we objected to it. We thought it was inappropriate and we’ve simply taken the steps that we can to protect Commonwealth employees.

He went on to say:

> As to broader issues that’s a matter for the people of the ACT.

He has got that part right, at least: it is a matter for the people of the ACT. That is an important part which really should not be glossed over. Australia has had a long history of setting up governments, judicial systems, tribunals and other bodies to oversee the
making of independent judgments on issues. Since 1989, the ACT has had its own government, which was established to determine laws and other governance structures that would apply to the people of the ACT. That government should be left to do exactly that.

The ACT Legislative Assembly is made up of 17 members who are elected every three years by the people of the ACT to represent them and to make decisions and laws on their behalf. That is a fundamental plank of our system of governance. But now, because the minister or the Prime Minister or whoever in government has decided that they do not like one of the laws that this freely elected government made, the Commonwealth intends to legislate to exclude itself from its coverage. What arrogance. This government, quite frankly, is drunk with its own power and believes that simply because it does not agree with the ACT government it will just legislate to exclude itself from any decision.

This is not the first time that this has occurred and I am sure that it will not be the last under this government. The same underlying philosophy led to legislation that excluded small business from making redundancy payments. The government on that occasion decided it did not like the decision of the court and would legislate against it. It is part of an underlying philosophy that has resulted in the effective neutering of the Australian Industrial Relations Commission under the changes that were introduced only yesterday, which will have a completely deleterious effect on our industrial relations system. This government did not like the last few decisions that the Australian Industrial Relations Commission made, and it has been on record opposing them. So what does it do? It sets out to neuter the existing system and establish another tribunal, the Fair Pay Commission, in the hope that it might have more influence over its decisions in the future that it did over the independence of the Australian Industrial Relations Commission.

If we have a couple of more bills introduced with the same underlying philosophy, we will have to start referring to this as a characteristic of this government and not just a trend. At this stage it has got to be seen as a disturbing trend. It is disturbing because it is creating yet another two-tiered system in workplace law, and it is disturbing for the broader context of this government’s agenda. It is disturbing in light of the government’s own definition of the new federalism as set out since it took control of the Senate. One can only wonder which other Australian institutions that are integrated into our system of checks and balances the government may have its sights on and what other state laws it may not like and may decided to legislate to exclude itself from. What other two-tiered systems are going to be created? In which other areas is even greater confusion over the coverage of workers going to be created for employers? I have to wonder if this bill signals the start of a new role for this government’s involvement in occupational health and safety issues. Maybe this is a new area on which the government wishes to focus its energies.

Industrial manslaughter laws have received considerable attention of late. There is no denying that. They have been the subject of debate in many state governments, and by unions and business representatives alike. The position of each group is quite clear. Of course, we would all prefer a situation where fatalities did not occur in the workplace. Not only is it traumatic for the colleagues who remain and who feel they should have done more in an effort to prevent an accident but it is traumatic for the families of the victims. That is why there is a need for such laws. I agree that industrial manslaughter laws should not be put in place simply to ‘go after the boss’ when a fatality occurs. They should
not be there simply for someone to be blamed. However, they need to be there so that, if there is gross or criminal negligence involved, those responsible should be punished and punished appropriately.

I am not saying that in every instance people should be punished. But if something goes wrong and there is negligence, I do not see that appropriate punishment is unfair. I drew the analogy earlier with criminal activity. We all believe that, once a crime has been committed, the perpetrator should be punished. The same should apply here. While the government hangs its argument against this on the approach of keeping the focus on preventing workplace injuries, even the most vigilant workplaces cannot eradicate injuries altogether. Accidents happen; sometimes accidents happen as a result of someone’s negligence. In those instances it should not be dismissed simply as another accident on a work site. I am sure that members opposite will believe that the union movement is in support of such legislation and that Labor members are only opposing this bill to protect their colleagues in the union movement. Let me assure you that that is not the case.

In 2003 the Canadian government modernised its criminal code with respect to corporate criminal liability, with the government adopting changes to ensure that employees could be held liable for criminally negligent acts or omissions at the workplace. I also understand that the UK has also indicated that it will consider ‘corporate killing’ legislation, with the government introducing a bill earlier this year which would place an obligation on directors to take responsibility for their company’s health and safety laws. Rather than simply legislating to exclude itself, the Commonwealth should accept its responsibility and use its government business enterprises to lead by example and set new benchmarks in occupational health and safety. This would be a much better means of reinforcing its philosophy of prevention rather than punishment.

In the development of any workplace laws, there will always be a number of competing views and objectives. It would be pretty ignorant of us to think otherwise. However, there are some necessary conditions that should be adhered to. The government cannot hide behind a weak argument that ACT laws move the focus off safe workplaces and away from focusing on prevention of injuries at the workplace. The legislation simply does not do that.

It would be naive to think that any worker would be more prepared to be placed at risk because they feel comforted by the knowledge that if they were injured or killed their boss could be punished. That would be absurd. Workers would much prefer it if the risk at the workplace was minimised by having preventative practices and infrastructure in place at their workplace. I cannot imagine any worker believing that punishment substitutes for safety. As I said, I regard that as simply absurd.

Prevention and punitive measures are not conflicting or mutually exclusive, and they should never be considered so. Preventative measures are reinforced by punitive measures. This is an approach that the government has used as the basis of its welfare reform, so why is it so affronted by the application of workplace safety laws? In most other circumstances and policy areas, prevention and punishment go hand in hand, so I do not see why occupational health and safety should be any different.

While the minister claims that this bill has been introduced to remove uncertainty that has arisen in the ACT legislation, this bill actually adds to it. It adds to the confusion of ACT employers in determining whether or not they are going to be covered by industrial
manslaughter laws. It adds to the confusion of governments in other states and territories who, when considering such legislation, will be uncertain as to how their laws might be changed or modified without consultation or consent. It adds to the confusion of businesses who find occupational health and safety matters confusing at the best of times. It also adds to the confusion of employers, employees and their families who are impacted by a death in the workplace.

I oppose the bill because it is the first step down a slippery slope with the Commonwealth government starting to legislate to exclude itself from the laws of another sovereign state or territory government. It is a slippery slope that we start down when the Commonwealth government feels that it is well within its rights to intrude into the rights of another government and determine laws that apply in that state or territory. It is an approach by government that I believe goes against the basic tenets on which our system is built. It is wrong in principle and wrong in practice. The people of the states and territories elect their governments to make laws to govern them, and that is the way it should remain.

Mr HENRY (Hasluck) (11.03 am)—I welcome the opportunity to address the House on the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005. The bill amends the Occupational Health and Safety (Commonwealth Employment) Act 1991 by inserting a new section 11A. This new section is designed to address the newly introduced criminal offence of industrial manslaughter that has been incorporated into the Australian Capital Territory (ACT) Crimes Act 1900.

The opposition asserts that the bill intrudes on the ACT government’s responsibility and will create a two-tiered system of occupational health and safety in the ACT. Nothing could be further from the truth. The Commonwealth has principal legislative responsibility for the occupational health and safety of its employees. It is the ACT government that has sought to intrude on Commonwealth areas of responsibility.

Notwithstanding this, providing Australian workers with a safe workplace environment must be a priority for every government. Every death, every serious or debilitating injury that occurs on a work site represents a personal tragedy that impacts on the worker, their colleagues and their friends, and such incidents are a cause of major heartbreak for their families. This is much more so given that the vast majority of incidents that happen in the workplace are entirely preventable and are often the result of human error.

It is my view that the focus of the government’s efforts in the occupational health and safety arena must be firmly on prevention. The reason for this is simple. It absolutely fosters an environment that promotes collective and shared responsibility for safety rather than one where we seek to allocate fault and play the blame game after the fact, which is favoured by many elements within our society today. Such a culture erodes the recognition that should exist within the workforce that we all have a part to play, that we are all accountable in ensuring our own safety and the safety of others.

Contrary to the claims of the member for Werriwa that this is about arrogance on the part of the government, it is about ensuring equity and fairness and a shared responsibility in addressing safety in the workplace. For that reason, the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill is designed to exclude Commonwealth employers, employing authorities and employees from the Australian Capital Terri-
tory’s industrial manslaughter laws and any similar future legislation that may be introduced by the states.

The ACT’s industrial manslaughter law, frankly, is a piece of ‘me too’, union-sponsored legislation imported from overseas that effectively kicks the guts out of Australia’s focus on cooperation between employers and employees. That culture of cooperation needs to be protected and promoted, as it encourages collective responsibility with its emphasis on education and prevention rather than punishment. Surely this is an example where collective action in the workplace would work to the benefit of everybody.

The ACT manslaughter law seeks to establish an adversarial workplace relationship between employer and employee. Therefore, it should come as no surprise that the ACT legislation has the support of unions such as the Construction, Forestry, Mining and Energy Union, which incidentally within my state of Western Australia is known for its thuggery, commitment to confrontation and misuse of bogus safety concerns to justify stop-work meetings. Confrontation rather than consultation has become the primary creed of Australian unions as that movement searches for relevance in a world where it is increasingly irrelevant and out of step with workplace reality, choosing to play the political game rather than develop constructive workplace arrangements and services for its members.

Employers and industry groups do not support such legislation, because they recognise that laws will hinder rather than promote further improvements in occupational health and safety at work. The April 2004 edition of the National Safety Council’s National Safety Magazine quotes the national industrial relations director, Mr Richard Calver, of the Master Builders Association, as saying:

> The Master Builders Association (MBA) does not support the new laws because, as they are based on punishment rather than prevention, they will not hinder workplace deaths and injuries ...

In that article, Mr Calver concedes that the industry must do more to improve its safety record, but believes that dealing with the problem requires a collaborative effort before the fact rather than punishment afterwards. Mr Calver also makes the valid point that current legislation allows for deterrent fines of a million dollars or more and allows for valid criminal manslaughter charges to be brought without the ACT’s additional laws. I have to agree with him when he asserts that the resources that will go into mounting expensive—not to mention legally and morally difficult—prosecutions would be better devoted to preventative measures. There should be no doubt in anyone’s mind that specific industrial manslaughter laws continue to promote an adversarial environment in the workplace for employers and employees. It does not make them safer. This government is very much about a more consultative and cooperative approach.

The issue being addressed by the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005 reflects the government’s view that workplace fatalities will not be reduced by industrial manslaughter legislation. Rather, by introducing this bill, the Commonwealth will set an example for the states to follow in the hope that it will give them pause to consider a more cooperative, preventative strategy to educating all in our workforce on the need for safety and safe work practices.

The government already has an effective enforcement and compliance regime in place to govern occupational health and safety. Those measures were further reinforced last year by the introduction of the Occupational Health and Safety (Commonwealth Em-
ployment) Amendment (Employee Involvement and Compliance) Bill. That legislation emphasises the partnership needed between employer and employee to ensure a safe working environment, but also provides teeth through the introduction of dual civil and criminal penalties. As a result, a number of Commonwealth employers face the possibility of criminal prosecution involving substantially increased penalties of up to $500,000. Importantly, the criminal penalties cover the conduct of employers and employees, thus maintaining the emphasis on shared responsibility.

In contrast to this eminently sensible approach, the ACT’s industrial manslaughter laws target only employers and senior officers. It is an unfair, flawed and unbalanced approach to workplace safety, with no regard for the need to prevent accidents from happening in the first place. It seeks vengeance and retribution only. In doing so, it panders to those seeking an opportunity for finger pointing and provides for the ability for unions and state governments—and, let us admit it, these days they seem to be one and the same—to seek scapegoats for workplace safety failures. As such, industrial manslaughter legislation is an unwelcome development that will ultimately do great harm to businesses and employment opportunities throughout Australia while not providing any effective outcomes in terms of workplace safety. Given this, the Commonwealth government’s approach—maintaining, as it does, a primary focus on prevention of injuries and fatalities—is eminently more sensible and, in my belief, more effective.

This bill does not override general criminal offences under any jurisdiction, whether state, territory or federal. Rather, it focuses only on the industrial manslaughter provisions currently in place or being considered. In this regard, the government is firmly of the view that existing OH&S laws and other, existing general criminal measures—emphasising, as they do, a preventative approach to safety—already provide the framework for seeking further improvements in reducing accidents at work.

I am aware that those on the opposition benches will seek to make capital out of the absurd suggestion that the Commonwealth is seeking to escape its responsibilities to ensure a safe workplace for its employees. The opposition does so as the mouthpiece of the ACTU. Once again, Labor is obeying the directives given to it by the union bosses, whose creed, as I have already referred to, is one of confrontation, and the union movement’s belief that, in terms of occupational health and safety, it is everyone’s fault but their own. It seems that Labor’s policy on occupational health and safety is to reward the standover and bullying tactics of unions by allowing them unfettered access to workplaces, not to make them safer places, but to increase the fading influence of the unions and help them in a last-ditch effort to increase falling union membership. Unfortunately, all too often, the unions have misused safety as a tactical dispute tool to coerce employers and force them into detrimental arrangements.

The reality is that, by targeting only employers and senior officers, the ACT is ignoring a host of other parties that play a part in contributing to workplace deaths and serious injuries. Ultimately, industrial manslaughter laws sideline the role of employees, manufacturers and suppliers of plant and equipment. That is not a welcome development. Because the laws create uncertainty by taking the focus away from prevention, it is my fear that people may ultimately pay with their lives as a result.

The ACT’s manslaughter law has placed ACT businesses in a difficult and unenviable position. The law fails to provide clarity in a
number of important respects. What conduct will be judged as sufficiently reckless to warrant an industrial manslaughter charge? What conduct or lack of action is sufficiently negligent to warrant such a charge? In what instances will the conduct be considered to have substantially contributed to the death of a worker? All these are grey areas that will be subject to interpretation and therefore the influence of territory or state driven political expediency. Frankly, that is unacceptable.

The Howard government rightly can take pride in its commitment to improving occupational health and safety in the workplace, so any suggestion that this government is soft on safety at work is nonsense. The commitment was clearly demonstrated through the development of the National OHS Strategy 2002. This significant initiative was signed up to by all the state and territory governments, including the ACT, as well as by the ACTU and the Australian Chamber of Commerce and Industry. It represents a strategy for the long-term and ongoing improvement of workplace health and safety as a means of reducing incidences of death, injury and industrial disease. It is my belief that the ACT would better have directed its energy by concentrating on the National OHS Strategy’s five national priorities. Those priorities are designed to reduce risk, improve the ability of businesses and workers to manage health and safety issues, eliminate hazards and strengthen the ability of governments at all levels to influence better occupational health and safety results. That is the way to save lives, that is the way to reduce injuries and that is the way to make a real difference to workplace safety; the way to do those things is not through this unwarranted experiment with punitive legislation by the ACT.

Let me assure the House that this government is not resting on its laurels and is going even further to establish and enhance safe workplaces throughout Australia. In this regard, the coalition has already set up the Australian Safety and Compensation Council: a body with representatives from the states and territories; a body to ensure a national, coordinated approach to workplace safety and compensation. The Labor Party is barking up the wrong tree when it seeks to isolate and single out employers for punishment through its support for industrial manslaughter laws. Its presumption that employers are 100 per cent responsible for workplace deaths is well wide of the mark. It is a disgrace that Labor should favour an adversarial approach to an occupational health and safety issue where the onus is solely on employers. I believe that this bill is an entirely appropriate response to the skewed legislation introduced by the ACT and under active consideration by some state governments. On that basis, I support the bill and commend it to the House.

Ms ANNETTE ELLIS (Canberra) (11.17 am)—I rise today to speak against the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005. The purpose of this bill is to exclude Commonwealth employers and employees, including those in government business enterprises, from the effects of the ACT government’s industrial manslaughter laws. The bill will also exclude those employers from any other subsequent state or territory industrial manslaughter laws. In November 2003, the democratically elected government of the ACT passed the Crimes (Industrial Manslaughter) Amendment Act 2003. It was the first state or territory in Australia to implement such a law. If found guilty under the ACT laws, maximum penalties for of-
fences include $200,000 and/or 20 years for individuals and $1 million for corporations. The court may also force the corporation to publicise the offence or to carry out a specific project that benefits the community.

While the ACT laws do not affect Commonwealth departments, they do affect government business enterprises such as Telstra, Australia Post and the Health Insurance Commission. The bill we are debating today, in the typical style of this government, seeks to trample on the rights of the democratically elected state and territory governments to determine and implement laws. This bill will also extend the two-tiered workplace safety system that exists in the ACT. Currently, any Commonwealth entity with the protection of the Crown is exempted from industrial manslaughter legislation. This bill will extend the exemption to include Commonwealth government businesses that directly compete against local ACT companies. This means that workers who do the same work as those in the private sector or the ACT public sector but are employed by a Commonwealth government controlled business will get a lower level of protection. It will lead to an inequality in the work force whereby the criminality of a particular act will be determined by the status of the employer, not by the activity itself.

Despite the deceptive title of this bill, ‘promoting safer workplaces’, it will actually have the opposite effect. The intent of the ACT manslaughter laws was to overcome the barriers that prevent the prosecution of corporate employers who due to negligence cause workplace deaths. The laws were designed to close the loopholes that allow corporate employers to evade criminal laws due to the difficulties of proving that a company, as opposed to an individual, has acted in a negligent manner. The ACT laws were designed to bring about an equal playing field in relation to obligations between small businesses and corporations or larger employers. Where small unincorporated employers can be successfully prosecuted for manslaughter, the prosecution of larger employers can be frustrated by the requirement to prove that the person was ‘directing the mind and will’ of the company.

The ACT laws are fair and reasonable laws and the federal government has no right to dilute them. It is important to keep in mind that work related deaths in Australia number around 3,000 per year. It is not unreasonable for the community to expect that in the few extreme cases—that is, the few extreme cases—of recklessly negligent employer activities which result in death employers should be held accountable to the courts and the justice system.

The other important issue raised by the introduction of this bill is that of state and territory rights. Having been a member of both the ACT Legislative Assembly and now of the federal parliament in my current role as member for Canberra, I am in a fortunate position to understand the perspectives of both sides of this often thorny issue. Just when we thought, however, that the debate on the ACT’s ability to govern itself had been decided and that evolution of self-government was complete, this federal government has again asserted its belief that Canberrans cannot make decisions for themselves.

The debate around self-government for the ACT is well and truly over. This territory now elects its own body politic, and the resulting government must be allowed to do the job the electors have given it. I strongly believe that my fellow Canberrans should expect that when they elect their local representatives for the assembly, as they did overwhelmingly in electing the Stanhope government last year, the government should be allowed to fulfil its election promises
without interference from this federal government.

The federal government is developing an inclination towards overriding the rights of the ACT government to implement legislation. Recently, we have seen the National Capital Authority appearing to stymie the ACT government’s attempts to rebuild the Pierces Creek community following the devastation of the Canberra bushfires. We have the example of the NCA, again, and its obstructions with the Gungahlin Drive extension. When elected in 2001 the Stanhope Labor government presented their preferred planning option of two possibilities for the Gungahlin Drive extension. They came to this decision after an extensive review and with wide public consultation. After they had won the election the NCA, an unelected authority, held its own review and in effect reversed the decision of the democratically elected government to the second option—an option, I might add, that has now caused considerable consternation and has cost implications for this community.

This federal government is not only arrogant when it comes to diminishing the rights of the states; it is also very hypocritical. I would like to quote from *Hansard* of 29 August 1994, when a member of this House stood up and put the question:

Why should the people of Victoria, New South Wales, Queensland, Western Australia or any other state of Australia where an area of law is preserved for the states not have the right to duly elect a parliament to pass laws for those states?

That member was none other than the member for Menzies, the current Minister for Employment and Workplace Relations. Were these sentiments the idealism of youth? Ten years is certainly a long time in politics, but then we must remember that the minister has since made quite a name for himself in the area of restricting the rights of states, and in particular territories, to implement their own legislation. I cannot forget the same minister sponsoring the 1996 private member’s bill that overturned the Northern Territory’s euthanasia legislation.

All elected governments in Australia have their own legitimacy. This legitimacy is born from the democratic processes enshrined not only in our federal, state and territory constitutions and laws but in the ethos and beliefs of our fellow Australians. These beliefs are founded in the great Australian tradition of the fair go. It is fair to say, of course, that sometimes we disagree. We on this side often disagree with decisions of government, but there are ways of dealing with that—and it is usually at the ballot box. The bill shows an attitude of arrogance, denying the government of the ACT the right to make legislative decisions on behalf of their community.

I would like to conclude my remarks by quoting the words of Professor Greg Craven, Professor of Government and Law at Curtin University. He said:

By all means, let the Federal Government handle the national issues of defence, overseas trade and international rugby, but leave the running of the ACT to someone who actually lives here.

Mr SECKER (Barker) (11.25 am)—I have listened very carefully to the arguments today of both the member for Werriwa and the member for Canberra. They seem to be based on this false premise that, at some stage, because the ACT is a duly elected government, we should not interfere in what they do. We all know that the ACT government is a bit bigger than a local government, but not quite as big as a state government. It is a real mixture. Some people might unkindly call it a glorified local government. It is a bit better than that. But the fact remains that we as a national government do have an interest in this area. We also have the power and responsibility to ensure that acts like
these do not unduly bear on the employers of
the ACT.

It is an experiment. There is no doubt that
the unions in Australia would like to be in
the blame game and say that this should al-
ways be the fault of the employer. I know
that, in my own case, under occupational
health and safety regulations, we are sup-
posed to have shields on our grinders in our
sheds. As soon as we put those shields on,
the shearing shed and took them off
because they actually think it is more dan-
gerous to have the shields on. Accordingly, I
could be liable for manslaughter even after I
have done the right thing and put the shields
on—

Ms Annette Ellis—Maybe you’d think
differently if you lived in the ACT.

Mr SECKER—You probably don’t shear
a lot of sheep in the ACT; that is probably
right. I think the ACT would be a far better
place if they did shear a few more sheep; it
would be a bit more realistic. But, according
to the ACT, if I had a shearing shed in the
ACT and a shearer came along and took
those guards off the grinders, and an unfor-
tunate accident happened, I could be liable
for manslaughter because I did not stop those
shearers from taking the guards off the
grinders. The only other way around that as
an employer is to say, ‘I’m not going to pro-
vide you with a grinder for your combs and
cutters; you can do it somewhere else, not on
my property, because I don’t want to be
faced with the possibility of a manslaughter
charge.’ Not that I have ever known of any-
one unfortunately losing their lives in a
shearing shed in that manner—they may
have, but certainly not to my knowledge.

So we as a national government have the
responsibility to ensure that, when laws like
these are made, we do override them, be-
cause we believe it is not in the best interests
of employers or employees in the ACT—and
the whole of the nation. If this is in force in
the ACT, other state Labor governments
might argue, ‘Look what the ACT has done;
we’ll follow suit.’ There is no doubt that
there is a big union push to bring in the
blame game and make manslaughter a part of
the code of industrial relations.

That is why I rise today to give my sup-
port to the Occupational Health and Safety
(Commonwealth Employment) Amendment
(Promoting Safer Workplaces) Bill 2005. A
lot of thought has gone into this bill. This bill
is about promoting an attitude that will see
employers and employees working side by
side to develop safe and secure workplaces.
This bill is about preventing workplace death
and injury, not the blame game. It is about
the government’s commitment to practical
and sensible occupational health and safety
measures in this country; it is not about at-
tributing blame and it is not about complicity
the already sometimes complicated relation-
ship between the employee and the em-
ployer.

The 2004 amendments to the ACT Crimes
Act 1900 introduce two new criminal of-
fences of manslaughter, which will impose
criminal liability on the employer or the sen-
ior officer after the occurrence of a work-
place death. It is always important with this
sort of legislation to look at what the unin-
tended consequences might be. One of my
best friends—my best man—is an occupa-
tional health and safety officer but, no matter
how much you paid him, he would not prac-
tise that job in the ACT because of this stu-
pid legislation. Why would anyone in their
right mind be in charge of occupational
health and safety when they could end up on
a manslaughter charge on the basis of this
act? The unintended consequence is going to
be that people of very good ability are not
going to come to the ACT, and that will
make it harder for occupational health and
safety to be managed well in the ACT.
The government’s Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005 will protect employers and employees covered by the act from these ridiculous measures. This government believes OH&S should focus on prevention, not punishment. Punishment will not reduce fatalities, it will not benefit the workplace and it will not benefit the family and friends of a victim of workplace death or injury. It is important to note, however, that this government does not take workplace death or injury lightly. We do believe that there are cases where civil or criminal manslaughter charges can be brought upon a particular party, and we have legislated as such.

The Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill passed last year introduced dual civil and criminal penalty regimes for OH&S breaches. This enables us to hold to account those responsible for workplace death—not just someone who happens to hold a certain position. Clearly, civil and criminal penalties already apply in relation to OH&S. It would stand to reason that industrial manslaughter, on the employer and senior officer alone, is an unnecessary addition by the ACT government that will do nothing to protect workers in this country. Unlike the ACT, the federal government recognises that the responsible party will not fall specifically into the category of employer or senior officer. He may be nowhere near the place at the time of the accident.

Workplaces are complex, intricate organisations with many layers. Employers use internal and external sources, companies, organisations and temporary staff. There are things which occur on a daily basis that they cannot have total control of. They cannot be in every place all the time. We should not penalise them for this. We cannot hold them accountable for every unfortunate workplace death or injury—horrible as it may be—that occurs. What we can do, and what this government is doing, is ensuring that the individual or organisation responsible for an OH&S breach is held accountable, regardless of their position or affiliation to the victim’s workplace, under civil and criminal law.

The federal government recognises this and in the bill aforementioned has made way for the prosecution of employers and senior officers; and also manufacturers, suppliers and employees. No workplace is alike and it is unlikely—in fact, it is downright ridiculous to suggest—that all manslaughter cases will be brought forward against employers or senior officers. The amendments go further than that, and strongly support our sentiment that prevention is the best way forward by providing for appropriate sanctions for employers who fail to meet OH&S obligations. These measures will improve our workplace safety. They are by far the best way to go about reducing workplace death and injury. Prevention is always far better than cure.

I am of the view that the existing OH&S laws and generally applicable criminal laws already adequately cover offences the ACT act is attempting to deal with. What the ACT clearly demonstrates through the recent amendments to the act is that they do not understand the intricacies of workplaces. Even more ridiculous is the fact that the ACT bill duplicates offences in its own ACT Crimes Act. Why do they need two swings of the bat? The ACT’s amendments are clearly biased and unbalanced and unfortunately uphold a culture in workplaces that this government does not—the blame game. What help is blame? We do not need to find someone to blame. We need employers, employees and other relevant parties to work together to determine what went wrong and how to fix it to prevent like accidents recur-
ring. This is responsible and practical OH&S policy.

Another foundation stone of the government’s OH&S policy is prevention. Yes, it is better to address the issues than find someone to blame, but even better again is to have employers and employees working hand in hand to address workplace safety issues before they result in injuries or fatalities. The ACT’s amendments do not look to prevent problems, they look to allocate blame. This is again negative and unhelpful OH&S policy and it is not where the employees of this nation need to be directed. We need to encourage working together and not blaming each other. The government are committed to preventative OH&S measures, and the ACT bill unfortunately weakens this foundation. We have a fantastic OH&S record, which we have clearly demonstrated over the past few years, and it is getting better year by year. We are a friend of the workplace as a whole and we are the friend of both employee and employer.

In 2002 this government developed a national OH&S strategy, something which was never developed by the previous Labor government. This was a pioneering strategy which paved the way for OH&S into the future. All Australian governments and peak employer and employee bodies adopted this strategy, including the ACT. The strategy marked a commitment of all signatories to work together to improve Australia’s OH&S performance over the next decade and set down five national priorities. The first one was to reduce high-incidence and severity risks. The second was to improve the capacity of business and workers to manage OH&S. The third was to prevent occupational disease more effectively. The fourth was to eliminate workplace hazards at the design stage, and the fifth was to strengthen the capacity of governments to influence better OH&S outcomes. The ACT signed this milestone document. They committed to these priorities, yet their bill is contrary to fundamental principles outlined in this strategy. One day they sign what I think is a landmark strategy and the next they bring in legislation that works against it. That is clearly not a very good idea.

Predictably, Labor will oppose this, and we all know why. They are far too close to and dependent on the unions. The ACT Trades and Labour Council and unions generally have not hidden the fact that they believe that federal and state governments should enact industrial manslaughter legislation, and they are whispering in the ears of those opposite—probably a bit more than whispering. They would like to see OH&S legislation that places responsibility solely on the shoulders of the employer. They blame employers alone for all workplace deaths and injuries, and they propose punishment as such. But anyone who works in the workplace knows that everyone has to do their bit on occupational health and safety. It is not just the bosses; it is the bosses working hand in hand with the workers. What they are proposing is simply unfair and, frankly, it is untrue.

The Labor Party need to go away and think carefully about their position on this issue. Any clear-thinking, reasonable person can see that there are fundamental flaws in their way of thinking and that their policy will not do a thing to prevent workplace death in this country. We are not here to support the whim of the unions, and we are not here to support the whim of the employers. We are here to protect, to the best of our ability, every person in every workplace in Australia from workplace death and injury. Labor are not the friends of the workers; they are the friends of the unions. I commend this bill to the House.
Mr LAURIE FERGUSON (Reid) (11.40 am)—On occasion we all have visitors from overseas and try to explain to them the nuances and differences in our political system. We might speak about the relevance of religion in political alignment that existed until the seventies and the reality that this country, despite the commonality of English, was essentially six independent nations that came together, with various rules arising from that. We might explain South Australia’s attitude towards compulsory voting and other issues, including religious freedom issues that arose with German settlers, and the fact that it was not a convict colony.

Until recent years, in attempting to explain our political society, we might have indicated that the conservative side of politics were very protective of states rights. They very much opposed the extension of Commonwealth powers for many decades and had recourse to the High Court, with bulwarks such as Mr Barwick there to defend the interests of the states. Another thing we might have told foreign visitors is that the conservative side of politics traditionally supported upper houses to restrict radical legislation.

In recent years these two central tenets of conservative politics in this country have been turned on their heads. I remember a few years ago that Tasmanian business interests called for the abolition of the upper house down there because it could not make decisions quickly enough for business interests and was in their way. Whilst we have had a reduction of this kind of philosophy up here because of the last federal election, I have no doubt it will surface again if there is a change of power in the Senate. Then the conservatives will start bemoaning the uncertainty, the powers of small parties et cetera.

The other thing we have seen turn around in Australian politics is the attitude of conservative politics to central power. The previous Labor speaker, the member for Canberra, talked about the National Capital Authority and its restrictions on the people of Canberra. We have also had the euthanasia endeavours of this government in recent years, and another speaker detailed the area of transport policy. Similarly, the government of the day is trying to enforce, in a very draconian way, its industrial relations view of the world with regard to university funding. It does not seem to be relevant whether the universities need this money to survive, prosper and enhance their research; they get the money if they do what they are told on industrial relations.

The DEPUTY SPEAKER (Mr Baldwin)—I remind the member for Reid that this bill is very specific in its guidelines, and I ask him to come back to the bill.

Mr LAURIE FERGUSON—As you would know, Mr Deputy Speaker, the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005 is an attempt by the federal government to override a legislative initiative by the ACT government. That is exactly the point I am referring to—that is, the question of this government’s intention to enforce policy and intervene in areas in a very centralised way. As I say, this has very much been a change on the road to Damascus by conservative politics in this country. Whether it is universities or road funding et cetera, it is very blatant. And here we have an attempt by the government to override the initiative of the ACT government to make employers more responsible for the deaths of workers under their control.

As other conservative speakers in this debate have done, the previous speaker, the member for Barker, spoke about prevention: ‘Prevention is better than cure. We do not want a blame game. We’ll all get together
and fall in love and there won’t be any problems in the workplace if the government doesn’t intervene and there isn’t legislation.’

I prefer the view of Dr Rick Sarre and Jenny Richards in an issue of Industrial Safety of January-February 2004, on page 61. I note that one of them is the associate professor of law at the University of South Australia and the other is a lecturer at that university, with a history in rehabilitation law and human services law. They said:

Without legislative change, the common law would continue to require the prosecution, in a corporate manslaughter case, to prove that each of the ‘guiding minds’ of the corporation possessed the requisite mens rea. The impracticality of this test renders most prosecutions pointless. This, in turn, calls into question the deterrent value of the penalties at the pinnacle of the current regulatory regime in cases where certain corporate employers have been guilty of inexcusable non-compliance.

So there is not a total separation between prevention and cure. This legislation clearly seeks to have a message out there for employers to take a responsible attitude to the lives of their workers. The current situation is that often, because of corporate structures and company law et cetera, it is very difficult to establish guilt. That is what this legislation seeks to do something about.

I was quite amused the other day to see the member for Deakin out there, trying to indicate that he was as hardline on industrial relations as the member for Goldstein, the member for Hasluck and the member for Corangamite. It was a very unconvincing performance. But today, in the contribution by the member for Hasluck, we have seen the coalition’s real iron-fist position. It is, as I say, all about rhetoric regarding the CFMEU and on occasion—I have no doubt that this happens—the misapplication of occupational health laws, regulations and rights for industrial purposes. But I am afraid that speaker fails to ignore a few real-world situations. As reported in the CFMEU journal Hard Hat of March this year:

The deaths of six construction workers in NSW and three in Victoria since the beginning of 2005 reminds us once again how much safety remains a priority on construction sites.

The member for Hasluck had recourse to say, ‘Don’t just blame the employers. What about the contractors?’ et cetera. No-one disputes that contractors and workers on site can play a role in these matters. I note from a report about one of these accidents that the CFMEU had:

... called for tighter licensing of Manitou Cranes after a 59 year old building worker was killed on a Kingscliff site on the NSW central coast ...

It is not as though the union says that the subcontractor or the main employer is always responsible. It is interesting to note in that same article that a Victorian worker, Tom Watt, had previously:

... complained to his labour hire boss, Trouble Shooters, that the Copelen Street site was a death trap.

Unfortunately, the message went unnoticed by the employers that people here today are so vigorously defending because, despite poor old Tom’s complaints about it being a death trap, and putting the lie to concerns that the CFMEU might be manipulating the issue for industrial purposes, he was later killed on that very site.

In that same area that the member wants to drag into this debate, we saw a royal commission investigating the CFMEU at a cost of over $105 million to the government, but at the same time we see the government devoting only $21.7 million nationally to the federal safety commission. I do not think that the much heralded performance of the federal government, in the ways detailed by that member, is such that we really can have any
confidence in the government’s attitude to occupational health.

We have heard the rhetoric that we already have the framework provided, that we are only targeting employers, that this is a search for confrontation and so on. Realistically, as detailed by another speaker, this legislation seeks to exclude from ACT coverage government business enterprises that compete with others. It seeks to give a message to employers to be responsible in the workplace. We had much rhetoric about how we are all beholden to the unions and all control comes from them. In New South Wales, despite a very extensive campaign by the Trades and Labour Council, the legislation is far weaker than that of the ACT. If you look at the balance of union authority in the ACT and its Labor Party compared with that in New South Wales, you see that the political role and influence of the unions in New South Wales inside the ALP is far greater than here. That is really an indication of public opinion, people’s activities around issues, campaigns and priorities rather than this kind of view that it is all dictated out of the Trades and Labour Council.

I support the ACT legislation very strongly because I do not have confidence that the current legal situation in this country gives employers a strong enough message about responsibilities in this area. In 1999, the National Occupational Health and Safety Commission spoke of around 2,300 people a year dying in direct fatal injuries or from exposure to hazardous substances. An earlier speaker detailed that these figures were now thought to be around the 3,000 people mark. These are very real day-to-day situations of tragedy, where children lose parents at very early ages and where wives are forced into drastic financial circumstances by the demise of their partners on work sites. These situations are preventable. But, quite frankly, with a level of 3,000 people dying a year, you have to ask yourself whether the current pattern is good enough. We see it locally. In my own area, there has been a very strong commitment by a local retailer because their next-door neighbour, a very young gentleman in the building industry, was killed by employer negligence over the last year.

As I have said, this is an attempt by the government to intervene in an area where the ACT has legislated for the people employed in its territory—people who are in workplaces similar to those of their neighbours and who are faced with similar industrial situations and safety issues—and, quite frankly, to try to protect that minority of employers who do not take their responsibilities seriously, who cut corners and who do not believe that safety is the No. 1 priority. The level of proof that is required for a conviction under the ACT legislation is a reasonable protection to the overwhelming majority of employers who do the right thing. As I say, in this country many people are killed and, with other opposition speakers, I question the motivations of the government as it seeks to intervene in this area.

Mr LAMING (Bowman) (11.52 am)—From the outset, let me emphasise how important workplace injury and the reduction of workplace injury is to any jurisdiction and to this federal government, which of course is responsible for occupational health and safety and a range of legislation that pertains to Commonwealth employees. And let us not forget that around $34 billion a year has been attributed to workplace death and injury—tragically, around 200 fatalities and traumatic injuries per annum.

On this side of the parliament, we have just witnessed a very long and protracted debate about workplace relations. If something came out of that for me, as a relative newcomer to this chamber, it was just how easily the two sides of the chamber divide on
these issues. So, as the final speaker—I suspect—from this side of the chamber, I would like to try and acknowledge some of the contributions made from the other side, try and weave my way through some of the intensely ideological comments that have been made and see where we rest as far as moving ahead with the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005 is concerned.

This bill does the very important job of providing comfort in the workplace so that we can have a far more constructive approach to ensuring productivity and communication and not fall back upon that natural, union based tendency to an adversarial approach. Of course, we have seen that constructive approach from the government side already. I do not think I need to repeat the well-known figures: when the other side of the chamber had their chance at the helm, days lost per thousand workers annually were in the vicinity of 193, and that figure has fallen to around 67. That is no small change. That is an extraordinary statement that speaks to the very criticisms that we have heard from the other side about an adversarial approach and not thinking about the worker. Nothing could be further from the truth when you look at the evidence.

We have also seen a hostile attack by the other side upon casualised employment, upon part-time work, upon getting young people—who often have not had the chance under the other side—to actually engage in the working and living economy of this nation. As we have said before, many times, there is no greater form of welfare than a job. We have heard more sinister comments about the opposition’s views on the Office of the Employment Advocate and their views on the AWAs. Not only are the AWAs leading to higher wages—and there is no doubt about that—but these changes have led to the substantial narrowing of the gender pay gap. We know that women who sign up to AWAs have wages much closer to those of men who do than do women who do not sign AWAs—another very important contribution.

We know that Labor historically has preferred a slightly more adversarial approach to workplace relations. It is almost as if it is a rite of passage on that side of parliament. And we know also that there is great discomfort when we are unravelling that process slowly but surely through very important legislative contributions like this one.

Basically, it is wrong to single out an employer for a situation in the workplace and not to do that fairly—not to single out all other parties involved in a workplace accident, injury or, most tragically of all, death. Tragically, the ACT legislation fails to do that, and that is a very good reason for moving this bill today.

Another point that has not been mentioned at all today is that, with additional levels of ‘comfort’—in the view of the other side of this chamber—in more and more legislation, in their misguided effort to protect workers, there are a number of unintended consequences. I can give you one example. I do not pretend for a moment that it gives a tremendously strong reason to go one way or the other, but let me create a picture for you where a local utility that is providing power and water services sees this new legislation and says, ‘We must respond to this new workplace manslaughter legislation. Let us, where we can, lay off or fire as many people as we suspect could find themselves in a position where they would use that legislation on us.’ I do not for a moment say that that is precisely what is happening—I am sure there are anecdotes out there which say that it does. The point I make is that there are always unintended consequences from a misguided approach to workplace
relations that is overly draconian, as we have seen delivered by some of the jurisdictions. And, let me add, that is not just the ACT; we have seen the same thing from New South Wales, bringing it through by subterfuge and using different terminology, and the same thing from the Bracks Victorian government.

This bill today is vitally important because it pulls that up. In every other frontier in employment and workplace relations we are seeing a more constructive, cooperative approach in the workplace. You only have to walk through workplaces to realise that we do not need hostile and draconian approaches to solve these very infrequent situations. We know they are infrequent. You only have to walk into workplaces to know that they are tremendously infrequent. Those kinds of situations do need to be addressed, and there do need to be laws, but not the laws that are being brought forward by the ACT.

What do we have already? Let us start with the National Occupational Health and Safety Strategy 2002-12. That has been signed up to by states and territories, including the ACT, by employers and by employees. There was also, most recently, the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill that came through. That provides dual civil and criminal penalty elements for those very breaches. They are not insubstantial penalties. How much more comfort is there for the worker in adding this extra level of legislation, this extra level of punitive damages? The member for Reid, the previous speaker, took what I thought was quite a reasoned, historical and balanced approach to some of the concerns from his side of the chamber, but he was off the mark. I believe he, together with the member for Canberra, made a mistake in their assessment of this bill as representing some form of incursion upon state and territory jurisdictions.

Let us make one thing clear: the Commonwealth is not intruding on states’ rights; it is the reverse. This is not a two-tiered system that has been blurred. As I said in my opening statement, the Commonwealth has a legislative responsibility for its employees with respect to occupational health and safety. Make no mistake about that. Most importantly, the Commonwealth is at all times responsible for ensuring that its responsibility is not unnecessarily or unreasonably encroached upon. I put it to the chamber that that is precisely what is happening with the Australian Capital Territory’s legislation. Much of this legislation that is coming out of jurisdictions that are currently under Labor control is driven by a union demand for such legislation to be in place, in particular the New South Wales Occupational Health and Safety Amendment (Workplace Deaths) Bill. Similar language has been used in Victoria pertaining to reckless endangerment. So this is not something that is happening just in the Australian Capital Territory.

I will return now to security in the workplace and comfort in the knowledge that all is being done to maximise occupational health and safety. Let us see what Gary Morgan has to say on the view that employees have become less secure and less certain about their employment over the last 12 months. Let us see just how secure Australian workers are in the workplace under a strong economy. I remind the member for Reid that, after 12 months and $8 million of union spending trying to convince ordinary Australians that they are not secure in their workplaces, Gary Morgan, whose polling results are not necessarily favourable to one side or the other of politics, has stated quite emphatically that the number of people who this week fear being unemployed compared
to those who did 12 months ago has not remained steady, nor has it risen as you might have expected after an $8 million union campaign—the number has fallen from 19 per cent to 15 per cent. That is an extraordinary fall.

While I would not be so cruel as to suggest that $8 million of union spending represents $2 million per percentage increase in workplace certainty, or $2 million per percentage reduction in the fear of unemployment—and I certainly would not want to imply any causality to the member for Reid—after $8 million of spending, four per cent more Australians are more confident about their workplaces and their job security than they were 12 months ago and before this union campaign began.

That is why this bill is so important. It is not simply about Commonwealth-state balance, and it is not just about acting for employers and against employees. We know already that, with the strategy that is in place, legislation that is already in place provides those penalty regimes in occupational health and safety. I am not for a moment saying that the job is done—it has to be worked on continuously. However, the strategy is to reduce the frequency and severity of occupational health and safety breaches. The legislation is there to increase the capacity to respond to those jurisdictions. It is there to reduce the level of occupational disease that is encountered in Australian workplaces. Ultimately, we are trying to entirely eliminate workplace hazards. The argument today is that the job is not complete, but the blocks are in place waiting to be fully implemented.

By establishing the Australian Safety and Compensation Council, which the Commonwealth, states and territories, employers and employees will sign up to, there will be a national approach to improving workplace safety. That is the platform. The union push for industrial manslaughter is a step too far—a pointless step that gives no comfort to workers. I offer this challenge to those who may follow me in the chamber today. We have listened for 12 months to this inane cry that we must make some kind of commitment that no worker shall be worse off. Today I will not talk about 11 million Australian workers; I will instead return that question: prove to me that one worker—not 11 million—will be better off under industrial manslaughter legislation. Certainly it will not be the worker who is injured or killed. Certainly no employer will be better off under that legislation. Today the other side of the chamber has failed to make the case that there is any benefit in that legislation other than comfort for the union bosses who have instructed that this sort of legislation be passed through the Australian Capital Territory parliament and, to a different degree, the New South Wales and Victorian parliaments.

Much of that drive from the unions may well be to maintain their membership, and that is up to them. We have already heard Sharan Burrow’s comments about finding, if she possibly could, a mum or a dad of someone who has been seriously injured or killed; that that would be ‘fantastic’. After being confronted with those statements, which were heard at a rally, she has refused to back down from them, which represents her exploitation of a death of someone in the workplace and a family’s grief for her own benefit, to prove a point and to make some kind of case that industrial manslaughter legislation would be in some way beneficial in the Australian workplace.

When we are discussing workplace relations I often wonder, if I were sitting on the other side of the chamber and listening to a debate on voluntary student unionism, whether it would all sink without having any impact all. If you step back from the ideological trenches and ask yourself who would
be better off if the industrial manslaughter laws in place in the Australian Capital Territory were left in place, I cannot name one single individual who would be better off or who would be provided comfort by that legislation, over and above that which is already in place. I am yet to hear that there would be one person better off.

If I may diverge for a moment, the case is often made that the debate on voluntary student unionism is a completely ideologically driven debate, but every person affected by voluntary student unionism starts off fundamentally better off with having that choice. You cannot make that case with this legislation before us.

Mr Brendan O’Connor—Mr Deputy Speaker, I rise on a point of order. The member for Bowman is referring to another bill that has been debated and which has been concluded. I ask you to bring the member for Bowman back to the bill before us.

Mr Laming—Mr Brendan O’Connor—Mr Deputy Speaker, I rise on a point of order. The member for Bowman has left the VSU bill but is now talking about a bill that is not before the House. I ask you to bring him back to the bill, please.

The DEPUTY SPEAKER—The member for Bowman.

Mr Laming—The primary aim of today’s bill is a fairly simple one: it is to override the ACT industrial manslaughter legislation that came in in March last year. What we on this side of the chamber want has been borne out with evidence—that is, safe, effective and productive workplaces. We can see that occurring right around the country. You only have to walk through a shopping centre now to see that small businesses are working productively with young staff and offering training, employment opportunities and apprenticeships. That is our record.

The hostile and adversarial approach from the other side, manifest in the ACT bill, is one that not only should be stopped for the national interest but should be stopped by this government because we have a direct responsibility to do it. I think we have made that case in a compelling way. The Commonwealth is responsible for its own employees and for the OH&S legislation that is in place to protect them. We need to move away from the adversarial settings that were set up while the other side of the chamber were in power. Today, this bill takes an important step down that path.
Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005. I understand the member for Bowman has concerns, as he has indicated, about any laws that might protect the manslaughter of working people in this country, but it is disappointing to think that a government has a greater obsession about removing any entitlements and protections for workers in this country who may be killed as a result of a culpable employer. The fact that there is no level of criminal culpability accepted or acknowledged at all in any circumstance by the Commonwealth in relation to a person who could be killed at work is a shame and a disgrace.

However, today I want to focus primarily upon the way in which this bill, if enacted, would change the elected representation of occupational health and safety representatives in Commonwealth workplaces. It is quite disturbing to think that the Commonwealth has such a hatred, an enmity, towards employee associations—trade unions, if you like—that it will quite happily reduce the safety of working people in this country by changing OH&S laws. It is quite disturbing to think that the Commonwealth has such a hatred, an enmity, towards employee associations—trade unions, if you like—that it will quite happily reduce the safety of working people in this country by changing the nature of OH&S representation and diminishing, I would contend, the protection for ordinary working people.

I think most reasonable observers and commentators in this area and many experts in OH&S laws and policies have always put the view, whether or not they were pro union, that there is a causal link between proper health and safety regulations in many workplaces and a union presence. I understand—and for good reason—the differences between the government and the opposition in their relationship with the union movement. Of course, I do not expect them to give unions free kicks. We have seen over the course of this term of government—and, indeed, prior to this term—the vindictive nature of the government in relation to unions. But it really is going beyond the pale when a government will quite happily reduce the safety of working people by changing OH&S laws.

Senator Murray, who is lauded by the government quite often as a balanced and reasonable commentator on industrial relations laws, has said that this bill will actually reduce the protections for employees. Senator Murray, when referring to this bill, talked about the role of unions. He talked about the importance of unions ‘in the maintenance and advancement of workplace health and safety’. He went on to say:

Unions supplement the regulatory and inspectorial roles of State H&S departments in an irreplaceable way.

He is correct. This is not a member of the Labor Party; this is a senator whom the Prime Minister has quite often referred to as someone who takes a balanced, dispassionate view on the role of unions in this country. Quite rightly, Senator Murray said that the unions have an irreplaceable role in OH&S in this country.

I understand the argy-bargy that will go on between Tories and unions. It is a historical reality, and I do not expect, as I said, free kicks provided by Tory governments to trade unions. But what I do expect is an acknowledgement of the importance of the right for employees to associate collectively. What I do expect is Australian workers being able to represent their interests collectively on wage matters, on industrial matters generally and on OH&S matters. I would expect this government—and indeed it has gone further than I expected—to diminish the capacity for working people to collectively bargain, to better their lives through collectively negotiating their conditions of employment with their employer—and the only capacity that working people have to ensure that they are at least moving towards a level playing field is to collectively negotiate. Whilst I expect the government to deny that in any way it
can in relation to wages and conditions, I do not expect to see—and members on this side are appalled at seeing this—the government changing the capacity for employees to represent their fellow workers in OH&S matters.

There have been a number of concerns, not just in the Labor Party, about this bill and the way in which the representation would change. Leading OH&S experts Johnstone, Quinlan and Walters have recently argued that the analysis of international research suggests that consultative arrangements and union representation on health and safety at the workplace are associated with better health and safety outcomes than when employers manage OH&S without representative worker participation. Further, they have emphasised that there is no reliable evidence of the effectiveness of arrangements to represent workers' interests in which trade unions are not involved in a supportive and enabling capacity. This is an expert company making quite obvious comments that have fallen on the deaf ears of the government. Clearly, we are not going to change the views of the Prime Minister or the government on unions, but I ask the government to consider the consequences of making it harder and more complex for a worker to put their hand up to be elected to an OH&S role in his or her workplace. What consequences could flow? I am not suggesting that it is easy to quantify the adverse consequences that will flow as a result of the enactment of this bill. But independent commentators, such as Senator Murray and certainly others, and indeed our side of the chamber are saying that it is clear that you really do need trade union presence or a capacity, an encouragement if you like, of employees to be elected to the role of health and safety representative to ensure improvements in the workplace.

I am aware of places that do not have union presence, where the standard of health and safety is quite good. It is true to say that some employers are clearly more proactive and more focused on the importance of a safe workplace than others, and you will find occasions on which non-unionised workplaces have a reasonably good safety record. But clear evidence shows that the presence of organised labour or the capacity to collectively represent working people in this area brings a positive dividend in terms of safety. If you look at the data on fatalities and injuries, you will find that that is quite clear.

There are a number of reasons why this bill is being proposed. I would suggest that the government reconsider the provisions that would impede the likelihood of representatives being elected at workplaces under the auspices of the Commonwealth. To me, that would be at least one step to show that, whilst it clearly has an agenda to hurt unions, the government does not have an agenda to hurt workers at their workplaces. If we could, for a moment, distinguish the efforts of the Commonwealth to hurt unions per se but not hurt working people in their workplaces, and if the Commonwealth could acknowledge the causal link between trade union presence, or the capacity for employees to be elected at their workplace, and other matters such as conditions of employment and wages, then at least this government would show some concern for Australian workers. Clearly, however, given that this is at least the second occasion on which a bill of this sort has been debated in this chamber, the government has no regard for changing the provisions that have been proposed in terms of OH&S representation in Commonwealth workplaces. That is an absolute shame and a disgrace. I think that Senator Murray was absolutely right when he said that unions, and the capacity to collectively represent people on OH&S matters, are essential to provide safety for Australian workers. Therefore, I do not hold out any hope
that the government will change its view, but I think that it will have to live with the con-
sequences of potentially affecting the safety of Australian workers in order to attack trade
unions in this country.

Mr MELHAM (Banks) (12.20 pm)—In
his second reading speech on the Occupa-
tional Health and Safety (Commonwealth Employment) Amendment (Promoting Safer
Workplaces) Bill 2005, the Minister for Em-
ployment and Workplace Relations noted
that the government’s approach to workplace
health and safety should be preventative. The
minister said:
... the main focus should be on preventing work-
place injuries, rather than punishment after the
event.
The minister has failed to grasp that, when
prevention does not work, penalties, even
criminal penalties, must be inevitable. It does
appear that prevention is not as successful as
it might be, with an estimated 2,000 work-
place fatalities and diseases per annum. In a
statement on 28 April 2004, the CFMEU
cited that figure of 2,000 Australians and
made the point:
More than 2,000 Australians lose their lives in a
workplace accident or through work-related dis-
ease each year—that’s more than the road toll of
1700 deaths per year.
Workplace deaths are at a number that gov-
ernments cannot ignore. If that number of
deaths occurred in relation to our armed
forces, for instance, as it has in Iraq for the
Americans, then all hell would break loose.
Two thousand workplace fatalities means
that something is seriously wrong in our
workplaces within Australia.

The minister perhaps fails to understand
the principle of the new part 2A of the Aus-
tralian Capital Territory Crimes Act. The
ACT act introduced the specific crime of
industrial manslaughter into the Crimes Act
1900. It covers all employers, employees,
independent contractors, outworkers, appren-
tices and trainees, and volunteers working
within the ACT. The act created a new of-
fence of industrial manslaughter and rein-
forced the importance of workplace safety by
imposing severe penalties, including fines
and/or imprisonment for breaches. It also
includes a senior officers offence. This of-
fence provides that senior officers can be
prosecuted where it is proven that their neg-
ligence or recklessness led to death or seri-
ous injury.

What we have is an element of negligence
and an element of recklessness. Prosecutions
are not going to occur automatically in a vast
number of cases. But if we have negligence
or recklessness then they should and would
occur if there is sufficient evidence. You just
do not proceed against someone without the
required evidence.

The bill before the House seeks to exclude
Commonwealth employers and employees,
including those in government business en-
terprises, from the operation of the ACT’s
industrial manslaughter laws and any subse-
quent state or territory industrial manslaugh-
ter laws. This includes organisations such as
ANL Ltd, the Australian Industry Develop-
ment Corporation, the Australian Postal Cor-
poration, the Housing Loans Insurance Cor-
poration, the Pipeline Authority and Telstra
whilst it remains publicly owned.

The bill is retrospective to 1 March 2004,
which coincides with the date that the ACT
act came into force. The Liberals were al-
ways the party that opposed retrospectivity,
but in recent times we have found that they
have embraced it with enthusiasm. It is ap-
palling that retrospectivity has been brought
into this legislation.

This bill will provide immunity to those
covered by the provision from laws which
impose criminal liability in respect of a death
that occurs during or in relation to a person’s
employment. I regard the bill as despicable. No-one on either side of this House would disagree with the notion of prevention being the preferred option. Yet, where prevention is ineffective and a life is lost or injury incurred, responsibility must be accepted by the employer where such responsibility is proven—I reiterate: proven to the required standard. It is not going to be automatic in relation to penalty. What the prosecuting authorities would have to do is to bring forward the requisite evidence in terms of negligence and recklessness. I truly fail to comprehend why there would be any debate on such a simple proposition. Why would the government legislate against it? It is ideological, I suppose. It is protecting employers. It is their inclination.

We consider the issue of overriding the states and territories without the cooperation of the relevant government as a serious thing as well. What you have here is an independent government within the Commonwealth being overridden. Why did we create self-government in the ACT in the first place? The ACT government, the elected representatives, were elected on a platform and they have implemented their platform. It really worries me that the government is overriding the territory.

It is still, however, hard to argue that the government is being inconsistent, because in the past two weeks we have seen exactly this occur with the workplace relations legislation. I must amuse myself with the fact that the Prime Minister, who was once so in favour of states’ rights, has turned into a centralist. He has basically turned history on its head. I think it is because he is exercising the power. In the old days it would be the Liberals and the National Party that would be arguing, ‘Let’s not override the states.’ They would be arguing for states’ rights. I think that applies to the territory government as well. The National Occupational Health and Safety Commission estimates that more than 2,000 Australians lose their lives in a workplace accident or through work related disease each year. I have mentioned that already. Australian Bureau of Statistics data shows that almost half a million people experience a work related injury or illness every year and that more than 15 serious injuries occur every hour, yet the government is attempting to override the ACT’s law with legislation which would exempt Commonwealth enterprises from industrial manslaughter laws. It is estimated that this bill would initially impact on only about 1,000 employees. Regardless of that, it is the symbolism of such a bill which is so offensive. I note that in its submission to the Senate inquiry on this bill—submission 3, page 3, point 11—the Community and Public Sector Union said that it agreed with the rationale for the ACT act:

... if a worker dies at work and that death was the result of a reckless or negligent action of an employer, the offence should be treated as more than an occupational health and safety breach; it should be treated as a crime under the Crimes Act.

We have only to consider the Ritter inquiry findings tabled in the Western Australian parliament on 26 November 2004. This inquiry was made into the deaths of three mine workers and the serious injuries of another three in separate incidents at BHP Billiton’s Pilbara iron ore operations. A review of the company’s safety practices was ordered by the state government.

On 15 October 2003, 16-year-old Joel Exner was killed on an Eastern Creek building site on his third day at work. This accident has led unions to lobby for industrial manslaughter laws in New South Wales. That is why it is untenable to continue to ignore this problem and just argue prevention. If people are negligent and reckless, then they should
be held criminally liable for these sorts of deaths. On 25 March 2003, 29-year-old Darren Moon was killed at a Fairfield factory after coming into contact with the rollers of a paper-making machine. The Amcor company pleaded guilty to two offences in relation to the accident.

Where does the buck stop? At the end of the day, the employer takes the profits; why not the accountability, where it is proved, for the safety and lives of the workers? I am not of the view that criminal penalties are the sole answer. It is appropriate that there be a scale of penalties. But let us be quite clear: there are occasions where an employer may be criminally negligent. Academic Alan Clayton is quoted on page 3 of Bills Digest No. 135:

The semiotics of this position is that occupational health and safety violations are essentially “purchasable commodities” rather than socially intolerable offences. The Bills Digest commentary continues on page 3:

... the separate and specific provision of a crime, placed in the criminal rather than OHS legislation ... can be seen as a means to ensure that workplace death is understood to be an intolerable risk, treated with greater severity than other OHS contraventions.

I do not and cannot understand the concept that employers should not take responsibility for the occupational health and safety of their workers. We are now seeing even the likes of James Hardie accepting their accountability for asbestos related diseases.

It is patentely obvious that current penalties are not working. They cannot be working, with work related deaths and diseases at 2,000 each year. This government continues its attack on the lives of the working people of Australia. This specific instance is intolerable. In effect, this legislation indemnifies specified employers from any accountability for industrial manslaughter.

In point 3 of submission No. 2 to the Senate inquiry, the ACTU said that the application of the criminal law should not depend on whether or not the employer is a Commonwealth employer:

The Bill would create a gross inequity whereby the criminality of particular activity is determined by the status of the employer, not the activity.

The CPSU, on page 4 of submission No. 3 to the Senate inquiry, said:

It is of regret that public concern about the extent of workplace death, injury and disease has not resulted in a higher level of effective, comprehensive and ongoing preventative action by the Commonwealth.

The Labor Party and I vehemently oppose this bill. It is abhorrent. It is not what a modern society should be legislating.

Ms HALL (Shortland) (12.33 pm)—The Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005 is a blatant attempt to circumvent state and territory laws on occupational health and safety. I do not suppose that we should be at all surprised by that, because the zealots on the other side of this parliament are driven by an extreme philosophy and are slaves to their ideology. This piece of legislation has ‘promoting safer workplaces’ in its title. When I look at things that can promote a safer workplace, this is certainly not one of them; rather, it is an attempt by the government to look after its mates.

This legislation seeks to exclude Commonwealth employers and employees from state and territory industrial manslaughter legislation. Occupational health and safety legislation, as we all know, is a state matter. Some of the states have developed very effective occupational health and safety legislation. This piece of legislation resulted from the ACT having adopted industrial manslaughter legislation. It is the only state so far
that has done so, but there are other states considering it at the moment. I believe Western Australia is poised to introduce legislation, and New South Wales has also been looking at introducing a very similar sort of legislation.

As I have already mentioned, occupational health and safety has historically been a state matter. The government has been pursuing the states in a number of areas. This is another example of that. There has never been a more centralist government in the history of Australia than the Howard government. It is seeking to take over the roles of the states, not just in one or two areas but in all areas. We only have to look back to the recent industrial relations legislation that passed through this parliament—the government, once again, demonstrated its hatred for the workers of this county; it was hell-bent on attacking their wages, conditions and the security of their jobs—to understand that this government is a slave to its mates in big business and that it will oppose any legislation that seeks to give protection to workers.

That brings me to the point of asking why the government seeks to introduce this legislation, why it is opposing a penalty of industrial manslaughter. The only answer is, as I have mentioned, this government’s attitude to workers. This government believes that workers should work longer hours and receive poorer pay and conditions. I would argue very strongly that that contributes to poorer occupational health and safety. This government’s approach to workers, working conditions, pay, hours and security will actually increase the risk of injury and death for Australian workers.

I would like to add a different slant on this debate. My experience in relation to occupational health and safety has been as a person who has worked with injured workers and been involved in looking at occupational health and safety in workplaces. I believe that the legislation that has been introduced here in the ACT is very progressive and will do a lot to promote safer workplaces.

Good employers do the right thing. They are very mindful of the programs that they need to have in place to ensure the safety of their workers. But, believe me, there are some very ordinary employers out there. Let me state an example; I have stated it before in the parliament. One particular employer that I am very aware of demanded that welders weld in the rain. We all know how unsafe that is. When one of the workers at the plant injured themself—had a steel pole driven through their leg, because of unsafe work practices—this employer refused to call an ambulance. You might ask why. The answer is quite simple. There had already been accidents that week. Calling the ambulance would have engendered an investigation by the WorkCover authority. This particular employer was very good at trying to circumvent the system and do the wrong thing by his workers.

The legislation that is in place in the ACT is designed to address negligent behaviour by employers. It is there as a sanction. It is there to say: if you do the wrong thing, there is a punishment. It also puts some value on human life. That is something that this government needs to look at—not coming out with catchy phrases saying ‘safer workplaces’ when in fact it is trying to make workplaces in Australia less safe but actually looking at occupational health and safety from the point of view of creating safe workplaces rather than putting workers in dangerous situations.

It is imperative that we respect the domain of the state in relation to occupational health and safety. Like the previous speaker, the member for Banks, I am horrified that this legislation will be retrospective and that it
will start from the date that the ACT legislation was introduced. This government is a centralist government. It is arrogant and it is out of touch. The bottom line is that this government is totally in the pocket of big business.

A very dear friend of mine died earlier today. He worked with the BWIU. We all know the effect that unsafe workplaces and employers asking workers to do things that are unsafe have had in the building industry. Terry Mawdsley, who worked with the BWIU for many years and previously had worked on the tools, told me of many examples, and so have other people who have worked within unions and within workplaces. It convinces me that the ACT legislation is needed. It is not about looking after one group in the community. By creating safer workplaces, we look after all sectors of the workplace.

The Howard government’s sycophantic devotion to employers clouds its judgments to such an extent that it is unable to look at any issue on its merit. If you look at this issue on its merit, you will see that there is a lot of merit in following the ACT rather than seeking to override it. If a worker is injured or killed, it is bad for everybody involved in the workplace. This is an issue that is not in the jurisdiction of the federal parliament. The parliament is seeking to make it its jurisdiction. This legislation is more of the same—a blatant grab for power by an arrogant government that is interested only in centralising power in its hands.

**Dr Emerson (Rankin) (12.42 pm)**—The Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005 is yet another instalment in the government’s vicious and calculated attack on the construction industry unions in this country. I say that because the history of this government is one of singling out unions and then going after them to seek to deunionise that work force. It has done that in the wharves; it has done it in the meatworking industry. And, through the Cole royal commission, costing more than $60 million, it has targeted the building industry. As a result of the Cole royal commission, a report was produced that was completely discredited by any serious analysis. Nevertheless, the government proceeded to establish an interim task force and subsequently the Australian Building and Construction Industry Commission, about which I will have more to say in a moment. As part of the concerted attack on the building industry unions, the government introduced various other pieces of legislation, and this is one of them. The legislation ostensibly was triggered by the introduction into the ACT assembly of industrial manslaughter legislation.

That legislation was introduced in late 2003, and the ACT government put industrial manslaughter into the Crimes Act rather than the occupational health and safety legislation because the standard of conviction is higher. That also means that to prove a case against a building proprietor or a builder is much more difficult. Therefore, it creates a situation where only in cases of extreme recklessness or negligence would a case of industrial manslaughter come forward. Indeed, since that legislation was introduced in 2003 there has not in fact been a case.

The purpose of the ACT legislation really is to focus the attention of builders on their responsibilities to ensure the welfare and safety of those on site. This is where the unions come in. The building and construction industry unions in this country have on behalf of their members taken on that role, and it is right and proper that they should do so. But this government, as part of its antiunion jihad, has introduced this legislation to try to cut unions out of any role in monitoring and
enforcing occupational health and safety on building sites. Since the ACT government moved to introduce this legislation, as I say, there have not been any cases.

We know that the ACT’s industrial manslaughter laws do not apply to direct employees of Commonwealth departments, since the laws themselves do not expressly bind the Commonwealth. The ACT legislation does currently apply to Commonwealth government business enterprises, and here I refer to businesses such as Telstra, Australia Post and the Health Insurance Commission. It is estimated that the bill before the parliament, which seeks to exempt those government business enterprises from the ACT’s industrial manslaughter laws, would affect fewer than 1,000 employees. You do wonder what it is doing here on the last day of parliament in 2005 and why the government is giving priority to legislation that may affect up to and no more than 1,000 employees. This is an intrusion into the right of the ACT to determine the laws that should apply here in the ACT. It is certainly the case that large organisations, such as Telstra, Australia Post and the Health Insurance Commission, should not be exempt from the ACT’s laws just because they are majority owned by the Commonwealth.

There have been further developments since the ACT introduced its legislation. The Western Australian government amended its Occupational Safety and Health Act in late 2004. That amendment adds a provision for gross negligence such that, if an employer is aware of a hazard in the workplace and does not take effective action to deal with that hazard and if serious injury or death results from that hazard, the employer can be liable for gross negligence. You would think that that was a reasonable thing. Even more importantly, it is reasonable that a state should have the right to create such laws in its own parliament. The New South Wales government in May 2005 released the Occupational Health and Safety Amendment (Workplace Deaths) Bill 2005, which targets a small minority of employers who demonstrate little or no regard for the safety of their workers. The New South Wales bill includes jail penalties and large fines in the event of reckless conduct causing the death of a person in the workplace.

I know that that bill gained a great deal of momentum as a result of the death of Joel Exner. I participated in a march in Sydney involving 10,000 construction industry workers to protest at the very lenient treatment of the construction company responsible for the death of Joel Exner. Joel Exner was a 16-year-old boy who, on his second day at work, fell off a building and died. This was a new job for him. I think it was his first job as a young man. There was no harnessing; he had no harness. There was no scaffolding. There was basically no safety to speak of, and this boy died. Several years elapsed, and the business itself was confronted at most with a very modest fine.

The CFMEU construction division in New South Wales wanted to highlight to the people of New South Wales the unfairness of that treatment, the lack of any remedy and, indeed, the effective lack of any sanction that would focus the minds of construction industry companies on providing safe workplaces for their employees. That march, as I say, was attended by 10,000 people and the legislation in New South Wales emanated out of the representations that the CFMEU construction division and other building unions made very strongly and forcefully to the New South Wales government.

There are now three jurisdictions in which some form of what is called industrial manslaughter legislation applies: the ACT, Western Australia and New South Wales. What does this government want to do? It wants to
override that in respect of not all employees but just Commonwealth employees, as if Commonwealth employees should effectively receive less protection against negligence or recklessness on the part of their employer than those who are private sector employees or state employees.

Fundamentally, this is an attempt—which will succeed, tragically, given the situation in the Senate—by the Commonwealth to determine what should happen in each state in areas that are properly the jurisdiction of the states. You would think that any state would have the right to set its own legislation in relation to safety on work sites. But this federal government, one of the most centralist governments in Australia’s history, does not see it that way and plans to override the states with this legislation.

Our democracy is the greatest protection against any state going too far with industrial manslaughter legislation. If it goes too far then at the subsequent election the people would be able to express their views. I am sure building companies would make it very plainly known if legislation in a jurisdiction was far too harsh and had caused some great disruption and decline in building industry activity in that jurisdiction—that is, if it was bad for jobs and bad for wealth generation. That would ordinarily be the democratic process. But this government does not want the democratic process in each state to apply, and it therefore wishes to override the power of the states to legislate in this area.

The member for Fraser is here, and the last time I looked the construction industry in the ACT had not come to a grinding halt as a result of this legislation and the dire predictions that the Minister for Employment and Workplace Relations made before the last election.

Mr McMullan—It is booming.

Dr Emerson—It is booming. I am advised by the member for Fraser, who is very well attuned to the ACT economy. We have the building and construction industry booming here in the ACT; therefore the government’s dire predictions have not come true and the need for this legislation is non-existent. If the ACT legislation had caused the consequences that were predicted, then of course there would be no building and construction industry activity here in the ACT. Quite the opposite is the case.

Fundamentally, behind this legislation is the desire on the government’s part to remove the role of unions in monitoring and enforcing occupational health and safety on building sites. The bill has this pretence that the Australian Building and Construction Commission, and other bodies that it established, will do all of this work. But there is no substitute for people who are working on the site to be able to identify risks, dangers and violations of occupational health and safety laws and therefore to protect their members by getting them away from danger. There is nothing wrong with that, yet this government considers that it is wrong for people on the site to have a role in monitoring and enforcing those laws. Such is the government’s ideology and its absolute determination to smash the building and construction industry unions in this country.

I mentioned the case of Joel Exner. I want to mention now another case, which is not a result of building and construction industry problems: the bashing in Sydney of Lauren Huxley. There is an appeal for Lauren Huxley. I think that most people around Australia, certainly in New South Wales and the ACT, would be aware of this case. I urge all members of parliament and anyone listening to this broadcast to get in touch with the CFMEU construction division in New South Wales to contribute to the appeal. Lauren Huxley was bashed and left to die in her
home. The fact is that her father is a member of the CFMEU construction division. The expenses for Lauren will be very great indeed. If people can help out, that would be terrific. It also illustrates the fact that the CFMEU and other construction industry unions take their responsibilities seriously and look after not only their members but the families of their members. I think that is a great thing. The union movement in Australia has shown itself to be very willing and effective in doing so, yet this government is determined to try to smash the union movement.

I will not dwell on this point, but another case with a lot of publicity has been the James Hardie case. The union movement—the AMWU in New South Wales and Greg Combet, Secretary of the ACTU—have ensured through hard work and absolute dedication that the victims of James Hardie will be justly compensated. So here we have again the union movement looking after its members and ensuring that fairness and justice prevail in this country.

This legislation should be rejected because the Commonwealth has no right, in my view, to intervene in the capacity of states to legislate in this area. If states were to go too far, they would be called to account through the democratic processes. It is clear that the ACT has not gone too far because, as the member for Fraser has advised, the building and construction industry has boomed here. The government should desist in its constant attacks on the union movement in this country. There will be a day of reckoning, Minister. Come the next election the Australian people will punish this government for tearing away at the fabric of Australian society, at that basic great Aussie notion of a fair go for all. That day of reckoning is coming, Minister, and this legislation should be thrown out. While we are in the process of throwing out this legislation, the government’s so-called ‘Work Choices’ legislation should be scrapped with it.

I am very proud to advocate on behalf of the union movement of Australia. The Labor Party was born of the trade union movement and we are proud of our bonds with the union movement. That is evidenced again today by the range of speakers on the Labor side who are speaking against this latest assault on the union movement of Australia.

Mr McMULLAN (Fraser) (12.58 pm)—I rise to join my colleagues in opposing the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005. I initially thought that I would not have the opportunity to do so, because I thought I would be in the chair when this stage of the legislation arose, but I welcome the opportunity. As I was not scheduled to speak, I will speak briefly. I rise as a representative of the Canberra community, as a member of the Labor Party and as a citizen of Canberra concerned about the consequences of this legislation. I am concerned because it overrides ACT legislation that I support. I am concerned because it is retrospective. I am concerned because it achieves a perverse and inappropriate outcome.

With regard to the aspect of the legislation that explicitly overrides ACT legislation, I am not one of those who say that the Commonwealth can never or should never override ACT legislation, although I think it should be extremely rare. Since self-government there have not been any circumstances where I would have supported that. But I accept the Commonwealth’s constitutional role in the territory and I do not say that that should never happen; I have just not at this stage seen the circumstances where it should happen. This is certainly not an appropriate circumstance.

This matter has been an issue at an ACT election: one party supporting the legislation,
one opposing it. The party supporting this legislation got a record high vote. I would not say that this was the biggest cause—I do not want to mislead the House. It was a factor in the election. But if the people of Canberra felt that the legislation could have adverse consequences for the economy of Canberra and for the rights of people in Canberra who are employers—and I am concerned for employers’ rights as well as employees’ rights; they are citizens as well—they had the opportunity to express it, and they did express it by supporting the Labor Party in record numbers. This pattern of interference is well established as it relates to this government’s antagonism to Canberra—I will come to the question of their antagonism to working people in a moment. We see it with regard to their flagrant breach of the agreements that were reached at the time of self-government concerning the disposal of surplus Commonwealth land. We also see it with regard to the inequitable representation of Canberra in this parliament. Why is that? Because the people of this territory have the unwelcome—to the government, but very welcome to me—continuing tendency to vote for the Australian Labor Party. When I last looked, that was not a crime and I do not see why the people here should be punished for doing it.

The second concern I have, and I will mention this briefly as it was well stated by the member for Banks, is the retrospective nature of this legislation. The status of actions when they occurred is changed after the fact by this legislation. I can envisage circumstances where such a manifest inequity is being perpetrated that retrospective legislation to remedy it might be appropriate. But it is inconceivable that this can be considered a circumstance where above all others the extremely rare and usually very reprehensible thing of retrospective legislation should be considered, particularly in the case where the retrospective legislation is giving a special privilege to the Commonwealth as employer over all others.

I want to conclude by speaking about the most important element of all, which is the substance of this legislation. Those two other matters, serious as they are—although there are really three if you include the special privilege for the Commonwealth—are essentially process matters. I am concerned fundamentally with the substance. Everybody that I know agrees that the proper priority with regard to occupational health and safety is an emphasis on prevention, not on what one does after accidents have occurred. But it is mindless, stupid, narrow and bigoted to pretend that prevention will always work and, most particularly, to pretend that there are never circumstances of negligence or recklessness. They are rare—and here in Canberra they are particularly rare, I am very pleased to say—but to pretend and to legislate as if they were impossible is just absurd.

Given what we have here, I want to pose a question to the Minister for Employment and Workplace Relations. If negligence and/or recklessness occurs and occurs to an extent that it could be proved in a court that there had been negligence and/or recklessness leading to the death of a worker, what do you think should happen? Why should that not be the subject of an action against the corporation responsible? That is really what the minister needs to answer, because we know that the employment relationship can in some way cut across liability that might otherwise rest, in the normal course, in a criminal prosecution of manslaughter.

Nobody wants to think about the fact that people might die at work—that they might leave home saying goodbye to their loved ones and never return—and everybody wants to focus on action to prevent that taking place. But to pretend that it does not happen
and to pretend that it does not ever happen as a result of negligence or recklessness is to fly in the face of history, reality and all the circumstances known to working people since the industrial revolution. These events will happen. They are rare. We should try to prevent them and there is a very good legislative framework in place in Canberra to seek to prevent them. But as a result of the democratic choice of the people of Canberra and as a result of the reasonable concern of working people to ensure redress where negligence or recklessness occurs, there is, firstly, a powerful deterrent and, secondly, an effective remedy. So it is inconceivable to me that this government can consider, given the legislative logjam we have, that their priority at the end of this year, as a Christmas present for Canberra workers, should be that that remedy be taken away from these people—by conscious decision of this government. I think it is a reprehensible act and I deplore it. I welcome the opportunity to oppose it but I regret the fact that everybody in this parliament knows this legislation will pass. It should not pass.

Mr STEPHEN SMITH (Perth) (1.05 pm)—I will speak very briefly on two points. Firstly, as the shadow minister for industrial relations, normally I would have led the debate for the opposition on the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005. But yesterday other shadow ministerial commitments resulted in my shadow parliamentary secretary, the member for Oxley, leading the debate, and I was pleased for him to do it on that occasion. Secondly, normally we would divide on the second reading motion—and I think the strength of feeling expressed by the member for Fraser, Mr McMullan, indicates that—so I simply put that on record. But, to suit the convenience of the House so as not to disturb the lunch for the Turkish Prime Minister, the matter will be resolved on the voices for the convenience of the House and of members who are attending the lunch. I thank the Minister for Employment and Workplace Relations and the deputy speaker for their cooperation to enable me to make those remarks.

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (1.07 pm)—in reply—I thank the various members who have contributed to the debate. The Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2004 reflects the Australian government’s continuing commitment to achieving safer workplaces by keeping the focus on prevention of workplace injuries and deaths rather than taking punitive action after the event.

The bill will exclude the operation of ACT industrial manslaughter laws in relation to Commonwealth employers and employees that are already covered by the Commonwealth Occupational Health and Safety (Commonwealth Employment) Act. This includes government business enterprises. The ACT government asserts that Commonwealth employees are already exempt from the ACT laws. The Australian government disagrees. The position is at best uncertain and there is a significant risk that Commonwealth employees may unintentionally be liable to prosecution under the territory law. The bill will result in safer workplaces by providing greater certainty for Commonwealth employers and employees as to their rights and obligations.

The Australian government believes the ACT laws are unnecessary and counterproductive. The ACT laws target employers and senior officers, ignoring a range of other parties and factors that may contribute to workplace deaths or injuries. Existing offences
under the ACT Crimes Act and ACT occupational health and safety laws already deal adequately with workplace fatalities. The Commonwealth amendments will not remove liability in relation to these offences. Indeed, that is the answer to the question which was posed by the member for Fraser—that is, if an individual acts in a way which involves some element of gross recklessness, there are provisions in the existing ACT criminal legislation that would deal with that situation.

The opposition asserts that the bill intrudes on the ACT government’s responsibility and will create a two-tiered system of occupational health and safety in the territory. Nothing could be further from the truth. The Commonwealth has principal legislative responsibility for the occupational health and safety of its employees. It is the ACT government that has sought to intrude on the Commonwealth’s area of responsibility. This bill rightly seeks to exclude Commonwealth employers, employing authorities and employees covered by the Occupational Health and Safety (Commonwealth Employment) Act 1991 from the application of the ACT industrial manslaughter laws.

The opposition also incorrectly claims that the government has singled out the ACT in this bill. This is not so. I am advised that my department has reviewed state and territory legislation and will monitor developments on an ongoing basis to ensure that industrial manslaughter laws will be prescribed in the regulations where this is necessary. My understanding is that no laws requiring prescription have been identified to date.

It is the government’s view that a punitive approach is counterproductive and is, in any event, likely to be less effective than encouraging employers and workers to work together. Openness in dealings between employers and employees can have many benefits. This includes identifying and eliminating workplace dangers and hazards. Industrial manslaughter laws send a very different message. They can discourage openness and cooperation—at worst engendering excessive legalism and mutual suspicion. Although there is a place for using sanctions to deter some forms of dangerous and lawless behaviour in the workplace, the community is best served if the criminal law applies generally and without qualification or diminution.

This bill will maintain the integrity of the Commonwealth occupational health and safety act by removing the possibility of actions for industrial manslaughter being brought contrary to the Commonwealth occupational health and safety regime. However, it is not the government’s intention to exclude its agencies, employing authorities or employees from the coverage of state and territory laws which create general criminal offences such as manslaughter and murder.

Similarly, this bill does not affect the concurrent operation of state or territory laws which promote occupational health and safety, as is presently allowed for in the Commonwealth occupational health and safety act. By removing Commonwealth workplaces from the scope of industrial manslaughter laws this bill simplifies the law without eroding the clear rights and obligations already entrenched by other territory laws of general application. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (1.11 pm)—by leave—I move:

That this bill be now read a third time.
Debate resumed from 2 June, on motion by Mr Pearce:

That this bill be now read a second time.

Mr FITZGIBBON (Hunter) (1.12 pm)—

I move:

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

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

(1) delaying the introduction of this bill for almost 3 years since the Productivity Commission report was released;
(2) failing to amend Part IIIA of the Trade Practices Act to include the pricing principles in the bill;
(3) failing to properly indicate the relationship of this bill to report of the infrastructure Task Force;
(4) failing to produce a single, clear and pro-competitive legislative framework for infrastructure regulation; and
(5) adding to the complexities of the regime and posing further time delays by providing for a merit-based appeal against declaration arbitration outcomes”.

This is the bill I thought we would never debate in this place. It has been listed on the House of Representatives Notice Paper off and on, I think, since about June of this year. One cannot help but wonder whether that is an indication of the sort of priority the government gives to this very important issue. The Trade Practices Amendment (National Access Regime) Bill 2005 is a response to a Productivity Commission report entitled Review of the national access regime. That report was dated September 2001. So again, at a time when we are having a very important debate in this country about infrastructure and various bottlenecks around the place, it is surprising that the government has not seen fit to give this bill greater priority. I should also point out that there was a very great risk, at around 1 pm on the last sitting day, that this bill was not to be brought forward today, and therefore it would not have been debated until sometime next year.

The bill changes the regime under which a service provider can obtain access to an infrastructure facility. The purpose of the regulation is to seek to ensure access to infrastructure where elements of natural monopoly exist and to enhance competition and restrain monopoly behaviour, while encouraging investment in infrastructure. As I mentioned, the PC reviewed the regime back in 2001 and this bill is the government’s response to the Productivity Commission’s recommendations.

The bill changes the existing regime in the following ways. Firstly, it includes a new objects clause that decision makers will need to have regard to when setting access pricing arrangements. Secondly, it introduces for the first time pricing principles, which the PC has recommended be embodied in part IIIA of the Trade Practices Act. That is something I will come back to later because it one of the contentious aspects of the bill before us today. Thirdly, the threshold for the application of the regime will be raised to include projects of national significance. This has me somewhat confused because I would have thought that in all the time part IIIA of the Trade Practices Act has existed we have only ever been talking about projects of national significance. But, for whatever reason, the government and the PC have seen fit to put that in writing in the legislation; the opposition does not have any real complaint about that, but it is a little bemused. Further, a new arbitration arrangement and appeal proce-
procedure are provided. Next is a provision to
restrict access to the federal legislative re-
gime where no state access regime exists.
Further, it provides immunity from the re-
gime where a government service is pro-
vided by competitive tendering and it also
sets new target time-limit procedures for
consultation and reporting of decisions.

An important element of national compe-
tition policy reforms was the establishment
of the national access regime, allowing third
parties to seek access as regards the services
of certain essential infrastructure facilities on
reasonable terms and conditions if commer-
cial negotiations do not prove successful.
This ensures that facilities with natural mo-
nopoly characteristics do not create barriers
to competition. Importantly, the regime is not
intended to replace commercial negotiations.
Indeed, commercial outcomes are what we
all seek in the first instance. That element is
only intended to be used in cases where
those commercial arrangements cannot be
agreed to. The national access regime com-
prises part IIIA of the Trade Practices Act
and clause 6 of the competition principles
agreement established between the Com-
monwealth and the states.

There are basically three pathways to at-
taining access to infrastructure and infra-
structure services under part IIIA. The first is
an application to the National Competition
Council to have the service declared. The
council then makes a recommendation to the
designated minister. The declaration gives
the access seeker the right to negotiate with
the service provider, with provision for arbi-
tration by the Australian Competition and
Consumer Commission if those negotiations
are unsuccessful.

The second is for the applicant to seek ac-
cess under the provisions of an access under-
taking under part IIIA. This allows the ser-
vice providers to voluntarily submit access
undertakings to the commission for approval.
An undertaking sets out the terms and condi-
tions in which access to the service or ser-
vices will be provided. An undertaking may
be submitted in relation to existing and pro-
posed infrastructure and can either apply to
an individual service or provide the basis for
an industry access code. Services covered by
undertakings obviously cannot be declared.

The third way access can be provided is
through an existing certified access regime,
whether that be under part IIIA of the Trade
Practices Act or under a state regime estab-
lished under clause 6 of the competition
principles agreement. The national competi-
tion policy reforms provided for a review of
the regime after five years of operation. As
requested by the government in 2000, the
Productivity Commission has reviewed the
regime. The commission supported the re-
gime’s retention but has made some 33 rec-
ommendations to improve the regime’s op-
erations. The major ones are those that I
mentioned earlier.

Labor will be moving an amendment to-
day. I understand the government has its own
amendment, which comes as a surprise to
me. One of the most contentious parts of this
bill was the failure of the government to put
the pricing guidelines recommended by the
PC into the act itself. The government was
proposing to have them set by way of regula-
tion. That bemuses me; if this is largely a
debate about so-called regulatory risk, I
thought regulatory risk would reach new
heights if the pricing principles were done by
regulation only—leaving, of course, greater
uncertainty in the sector. So Labor has a
number of amendments which I will be mov-
ing very soon. They go firstly to the idea that
the principles should be in the act per se, and
I also have some concerns about some of the
wording in the pricing principles. There are
very subtle differences between the govern-
ment and the opposition on this basis but I
will be talking about them at length when I move those amendments.

Can I say that this is an appropriate time, as I mentioned earlier, to have a debate about infrastructure. In fact it is an important time to have a debate about micro-economic reform generally. I thought the editorial in Tuesday’s *Australian Financial Review* put it very well when it credited the Hawke and Keating governments with modernising the Australian economy. It reminded us that it was the Hawke and Keating governments that opened up the economy, floated the dollar, vastly improved our terms of trade and bolstered our export performance. They broke the back of inflation, put the budget back in order and reduced revenue as a share of GDP. They changed the factor share between wages and profits and began the move away from broad based wage adjustments towards enterprise bargaining—something very topical in this place at the moment. They bolstered national savings by extending superannuation to all and, following the challenges of the worldwide recession of the early nineties, began a growth phase which continues unbroken today. It is a growth phase that is enjoyed by all of the Australian community and has been very helpful for the Howard government, which now likes to claim credit for all these things—but as we know the foundations were very much set then.

Most of these big macro-economic reforms were supported by the opposition of the day, and I am always happy to acknowledge that. So too was Labor’s micro-economic reform, including the competition principles agreement we are talking about today and the amendment to the Trade Practices Act which established part IIIA of that particular act. These reforms took Australia’s labour productivity from 1.2 per cent in the decade ending 1985 to 3.2 per cent in the decade ending 1998. Yet curiously, as the *Financial Review* pointed out on Tuesday, this government appears reluctant to go for another reform of micro-economic policy—to go for that next step up in productivity. I suspect the member following me will try to argue that the current round of debate about IR is an example of the government’s intentions to further micro-economic reform, but as so many others in this place have pointed out we have seen no evidence whatsoever that the Work Choices bill is going to produce a step-up in productivity or economic growth in this country. It is very surprising that the Howard government has not chosen to continue to pursue a range of micro-economic reforms, as the Hawke and Keating governments did throughout that period.

The opposition will be supporting this bill in the House today. The government now intends to move to have the pricing principles enshrined in the bill, matching Labor’s commitment to include those principles in the bill. The subtle difference between the opposition and the government today is the very nature of those pricing principles. The big point of contention for me is the concept of including in those pricing principles the concept of regulatory risk. We all know about regulatory risk. It is a concept familiar to all of us in this place, and it is very real. The best way to describe regulatory risk in simple terms is that it is simply about fear in the investing business community that the goalposts could be moved on them mid-stream. That is why I made the point that not putting the pricing principles in the bill would leave in the minds of investors a fear that a minister would be able to adjust pricing guidelines by way of a disallowable instrument in this place. When the government has control of both houses of parliament, you can understand why the investing community might be concerned at the enormous discretion given to the minister in those circum-
stances to move the goalposts midstream, and I will come back to that.

While we support the thrust of the bill, we are concerned at the undercurrent of this bill and where the government seems to be heading in its approach to the PC’s review. Why am I concerned about the undercurrent? There are at least three reasons. The first relates to events earlier in the year when we had debates in this place about the bottlenecks at Dalrymple Bay. Day in and day out—as a means of shifting responsibility for capacity constraints around the country—the government, and the Treasurer in particular, liked to talk about Dalrymple Bay. Dalrymple Bay was a good example because people can visualise it. Everyone has seen some footage on the six o’clock news of 30, 40 or 50 ships waiting off the coast of Queensland to be loaded with coal. So that was a good example for the Treasurer: everyone can grab hold of it, it is tangible and they understand it. But Dalrymple Bay was all about shifting the responsibility for bottlenecks away from the Commonwealth and onto the Queensland government.

The second reason I fear this undercurrent is the establishment of the government’s Exports and Infrastructure Taskforce, chaired by Dr Brian Fisher but also including Mr Max Moore Wilton—a well-known monopolist in wearing the airports’ hat—and Professor Henry Ergas, who has an intense interest in telecommunications issues and who is also a person who I think I could fairly charge with an interest in greater protection for returns for monopolists. We had the Dalrymple Bay incident where I became very suspicious about the government’s approach. Then we had the establishment of the Exports and Infrastructure Taskforce which, I should say, might have made suggestions but provided no hard evidence that our regulatory regimes are not providing an impediment to infrastructure investment in this country.

The third thing which concerns me, or leads me to have concerns about this undercurrent, relates to what is currently happening with Telstra. Telstra has announced that it will have this big fibre-optic roll-out all the way out to the node. Everyone would welcome that, but Telstra will insist it will only do this job if it is granted a regulatory-free holiday. The government should have whacked down on day one the proposition that Telstra should be given a guarantee that, if it rolls out a new fibre-optic cable in this day and age, it would be given a regulatory-free holiday. There are other examples. One relates to what recently happened in this place on the mergers regime. This goes to the government’s intentions on getting the balance right between the various interest groups in these equations.

What happened regarding the mergers regime? The big end of town came to the government and said, ‘We’re not happy with the merger regime; it is proving too difficult for us in terms of the authorisation processes and we want you to lower the bar a bit.’ We think that was unfair. The idea of entirely bypass-
ing the ACCC—the expert body and the body with the relevant experience in these cases—and allowing applicants to go to the Australian Competition Tribunal is just unacceptable, particularly given this Treasurer has now had almost 10 years to either appoint or reappoint every member of the Australian Competition Tribunal. So this gives one a real sense that, when it comes to getting the balance right between the monopolists, his or her interests or the company’s interests and the interests of the economy and the consumers, the government is slowly taking us back the other way in favour of those monopolists.

Let me tell you what the providers of these services will tell you when they come and knock on your door. I should just say that here we are talking about monopoly infrastructure which, if access is given, provides competition either upstream or downstream. They will talk to you about the ACCC’s habit of truncating returns—that is, only offering investors returns lower than they would have anticipated and lower than what is necessary to provide them with the sort of certainty to make the investment.

I will give an example. If an investor, say, in a pipeline project considers that he needs a 15 per cent return and his forecasts are between five per cent and 25 per cent, then the weighted average is 15 per cent. If the regulated price is capped at, say, 20 per cent—which, given that example, is pretty high—then the average becomes a 12.5 per cent return. The monopolist tends to argue that these higher caps give them a disadvantage on average terms, but they are still based on the upside of the assessment made by the company. The problem with establishing the cost of regulation per se is our inability to assess the cost if we did not have that regulatory regime in place.

The opposition is very keen to get the balance right between the determinations that we get sufficient investment in essential infrastructure coming forward in this country, that we keep competition alive and well and that we continue to protect the interests of consumers. That is the balance Labor is trying to get by moving this amendment today. People ask: within the pricing guidelines, what is the difference between the concept that it is mandatory for the ACCC to consider regulatory risk and putting as a footnote that the ACCC may make an assessment of regulatory risk? They might think that there is not much difference in that. I say that it is only a subtle difference, but it leaves the appropriate discretion to the ACCC to determine on a case by case basis whether regulatory risk is an issue or not. I think the government’s approach to this is too solid, it is too set in concrete and it is likely to lead to that swinging of the pendulum back in favour of the owners of natural monopolies that I was talking about earlier.

The opposition have tried to take a balanced approach to this. We have proposed an amendment which gets the balance right. It also provides the government with an opportunity to back our amendment. I think that is the important point that needs to be made. So I am very welcoming of the fact that the government has now backed down. The Productivity Commission said that the pricing principles should be in the bill. The government’s original response was that pricing principles would not be in the bill but would be set by way of regulation. I am now advised that the government has today decided to move its own amendments to put the pricing principles in the bill, and we welcome that. I do not care whose amendment gets up, as long as we get that sorted out.

It is important that we do not send signals to investors that from here on in regulatory risk is going to weigh more heavily in the
mind of the ACCC, because the simple point to be made is that regulatory risk has always weighed heavily in the mind of the ACCC—of course it has. It is a factor that they always take into consideration and one that will continue to be taken into consideration whether it is in the pricing guideline or not. I think Labor’s more subtle approach sends the right signal to industry rather than the signal that I have been suggesting the government tends to embrace when talking about these issues.

These issues are close to home for me. As the member representing the Hunter region, where infrastructure bottlenecks have been well and truly in the news, I of course take a deep interest in these things. We have been behind in infrastructure capacity in recent years. I do accept that unexpected demand in China and, to a lesser extent, in India has put us behind the game. It was difficult for us all to predict that extreme growth in demand. It is not surprising that investors in general also underestimated the strength of that demand and were slow to get around to investing. That is the real issue on the state of infrastructure in this country: the simple failure of us all to predict the extent of that demand.

But that is not to say that governments cannot take lessons from that. While regulation is important in determining the strength of investment decisions in this country, so too is the support of government. The government needs to have a plan for infrastructure in this country. It should show leadership. It should have a proper audit of existing infrastructure in this country not only as it relates to roads, rail and ports but also generally to assess what we have and what we will need in the future. That is why the Labor Party has been spending a lot of time of late talking about the need for the government to show leadership and formalise those objectives into a plan and into a body that can both establish that plan and carry out the objectives of that plan.

When speaking on these issues, I am always reminded of a report by the Australian Statistician—it is a little bit old now; I think it might date back to 1997—in which he took some time to look at the role of government in reducing the difference between the haves and the have-nots in this country in income terms. He made the point that the primary way in which governments redistribute wealth in this country is through the revenue side of the budget—in other words, the taxation system. We have a progressive taxation system; therefore, that progressive taxation system plays a major role in reducing inequality in this country. There are also initiatives on the outlay side of the budget and, in a sense, they exist in two forms. The first is in direct payments to people and to families whether they be welfare benefits, family payments, support for child care with child-care subsidies or nursing home subsidies. All of those things on the outlay side of the budget are very important.

But, interestingly, the Australian Statistician found that it was not what we might call the cash side of the outlays—that is, those payments to welfare recipients, families et cetera—but rather non-cash payments that relate to government expenditure. Government expenditure on what? Things like infrastructure. If you have an infrastructure underinvestment in rail, road and ports, it has an impact on the economy—economic growth is slower and people are disadvantaged economically speaking, and of course the people who are disadvantaged most are those who were most disadvantaged in the first place.

When we talk about infrastructure in this sense we are talking about the provision of schools, hospitals, child-care centres, nursing homes et cetera, so there could not be a more important issue before the parliament and political parties in this country at the moment than the need to ensure that we have infra-
structure investment absolutely correct. As I said, regulation will be important in the scope of things, and Labor will welcome any finetuning that comes forward as a result of PC recommendations or what have you. We think it is important to get that regulation right, but just as important is a proper, modelled and well thought through government approach to infrastructure investment in this country. That is really where the government should be focusing, rather than spending so much time looking at opportunities to deliver higher rates of return to owners of monopoly infrastructure.

I will not have time to go through all of the amendments proposed by this bill. Suffice to say that we support the main thrust of the bill. We are very pleased that the government has now appeared to have backed down and accepted that the pricing principles should be in the bill, but there remains a subtle difference between us on the need to put the concept of regulatory risk in the bill per se. So when the next speaker rises to his feet I would be very interested to hear his views on this issue. When the minister responds, I expect to hear him either indicate support for this very subtle change or explain why he thinks those changes are not necessary.

I am happy to reaffirm the opposition’s view that this concept of regulatory risk—or, to put it more broadly, the cost of regulation—is a very real one. We accept that in plain terms, but I am not convinced that the wording of these new provisions in the pricing guidelines have that balance absolutely right. On that basis, I invite the government to accept Labor’s amendment.

The DEPUTY SPEAKER (Hon. BK Bishop)—Is the amendment seconded?

Mr Snowdon—I second the amendment.

Mr ROBB (Goldstein) (1.40 pm)—The previous speaker, the member for Hunter, indicated quite correctly the importance of infrastructure spending and the need for any government to focus on an adequate strategy to maximise infrastructure spending which will promote growth and maintain the quality of life that we enjoy in our community. Of course, the best way to encourage infrastructure spending is to run a strong, stable, effective economy. It involves not only micro-economic settings but macro-economic settings.

The Howard government has a very proud record of running stable macro-economic settings. The budgetary approach of this government, as distinct from its predecessors, has been one of running a very responsible, sensible, balanced program of macro-economic settings in this country combined with a very high level of activity on micro-economic settings. The Howard government has pursued major micro-economic reform over the last 10 years, which has been an enormous encouragement to infrastructure spending and is a big driver of what we are seeing emerge in the economy at the moment—this movement from consumer led activity to one based on investment. A lot of that has been driven by the determination of the Howard government over the last 10 years to put in place very significant micro-economic reform.

Waterfront reform is a reform you never hear about from the other side of the House, but it has played an enormous part in increasing the efficiency of a lot of our export and import performance and has created an opportunity for us as a country to weather many international economic storms over the last few years far better than all of our peers in other countries. Two rounds of workplace relations reform have been a most significant factor in the robustness of our economy over the last few years.

I acknowledge that significant micro-economic reform has been put in place by
successive governments over the last 20 years, but, as the member for Hunter indicated, the difference in the last 10 years is that we as a government have introduced major reforms in the face of trenchant opposition to all those reforms from the other side of the House. They sought to die in a ditch over waterfront reform. Furthermore, a lot of hysteria has gone on, in 1996 and again this year, about our proposed workplace relations reform. But these are essential reforms if we are to encourage infrastructure. There have also been major tax initiatives and privatisation—all of these things have been stringently opposed by our opponents on the other side of the House. The big difference is that in earlier years, when they had the privilege of being in government and sought to introduce micro-economic reforms, in every instance they got the support of the opposition. So an important factor to be acknowledged and recognised is the raft of important micro-economic reforms put in place by this government.

To make those reforms work well, the effectiveness of regulation is important. Regulation can hinder or maximise the opportunities presented by the raft of micro-economic reforms that has been carried out over the last 10 or 20 years. The Trade Practices Amendment (National Access Regime) Bill 2005 addresses some of the regulation that is important to infrastructure. The bill amends part IIIA of the Trade Practices Act 1974. In particular, it looks at the national access regime which was initially established in 1995 by the former Labor government when the Commonwealth and the states signed intergovernmental agreements for competition policy reforms—important reforms supported by the opposition of the day. The national access regime is essentially responsible for ensuring that essential services such as gas pipelines, rail lines and other pieces of infrastructure, which by their nature are difficult and expensive to establish, are open to be accessed by other parties for reasonable prices.

The national access regime allows infrastructure such as rail networks, pipelines, water distribution networks and airport services to be declared as essential infrastructure facilities. Once declared, regulators can then make rulings about the prices that infrastructure owners can charge, about other businesses that use these facilities and about certain access conditions. Disputes over access pricing or access conditions can lead to underinvestment and damaging bottlenecks, as we have seen with the queues of ships at the Queensland port of Dalrymple Bay. In other words, regulation not properly effective in terms of pricing decisions and other access conditions can in fact be counterproductive.

This bill seeks to make amendments to the Trade Practices Act which will facilitate better pricing decisions and access conditions which do not discourage investment. Under the original agreement, back in 1995, the Productivity Commission was to conduct a follow-up inquiry into the regime to assess whether the regime had been successful in achieving its original goals. In 2001, the commission handed down its report of this follow-up inquiry into the regime. It made 33 recommendations. The key theme of that report was to provide a better balance between business access to significant infrastructure while encouraging new investment by owners of that infrastructure. In other words, there was a concern, a conclusion, which came through in the report that in seeking to encourage competition, which is a very important objective of these regulations, it must not at the same time discourage significant investment by the owners of the current infrastructure. It is very important that we do not get things out of balance. The amendments in this bill seek to address that issue.
The bill implements the recommendations made by the Productivity Commission. The bill went through a Senate inquiry, which resulted in some amendments. In particular, there were two recommendations by the Senate: (1) that this bill be passed quickly, which the government accepted, and (2) that the bill be amended so that the pricing principles are lifted out of the regulations and inserted into the bill. This was an initial recommendation by the Productivity Commission and the government has accepted that Senate recommendation. As distinct from what we heard from the member for Hunter, we on this side of the House are prepared to consider and accept sensible decisions and recommendations by Senate committees. The bill went to the Senate Economics Legislation Committee, they made a recommendation and that has been accepted. Again, contrary to the impression left by the member for Hunter, this decision was not recently made under duress. The decision to accept the amendment was in fact announced nearly three months ago, and it was seen as a sensible recommendation by the Senate.

The focus of this bill goes to three areas. The first is to improve the timeliness of decision making. In many instances, the time that has been taken to reach decisions, such as in Dalrymple Bay, has materially influenced in a detrimental way investment decisions. So anything that can be done to improve the timeliness of pricing decisions is important to the investment decisions to be made in infrastructure. Second, the bill seeks to enhance transparency and accountability. When potential investors in infrastructure understand the matters that guided the previous judgments of the commission and the ACCC, when they understand what is sitting behind the application of pricing principles—when you have that transparency—it aids decision making in a very significant way. Third, and finally, the focus of the bill is to encourage investment in infrastructure by a series of initiatives.

On the question of timeliness, the first focus of the bill, there are three or four significant amendments. Firstly, new target time limits are set. Non-binding timeliness will be applied to various decision makers such as the National Competition Council and the ACCC. While they are not binding, they will oblige the decision maker to publish notice of an extension of time. In the annual reports, where they have slipped on the timing of these decisions, it will put considerable onus and pressure on these bodies to stick to particular time limits and in due course that will also influence the certainty and confidence by which potential investors can make decisions on infrastructure—a very important part of the decision-making process.

Secondly, the bill will explicitly prevent the commission from accepting an access undertaking where a decision is already in force in relation to the access seeker, so that a possible decision or a condition, such as frequency of access, made by a state determination cannot be changed. If there is currently a condition applied by a state authority, then this amendment will avoid forum shopping where potential investors and those seeking access go to different levels of authority to find the most acceptable decision for their particular application. That has caused a lot of unnecessary workload, applications and frustration for the owners. These amendments will specifically preclude that occurring in the future, so that if there is already a decision in force they will not be able to go forum shopping looking for better decisions.

The third matter to do with timeliness is the new arbitration requirement. The commission will now be able to conduct multi-lateral arbitration hearings and grant arbitration orders. This ability to be able to get all
parties into the one room and seek an appropriate solution to an application for access will greatly improve efficiency, and it will be an important part of improving the certainty and timeliness of this whole regulatory process.

The second focus of the bill is transparency and accountability. There are three or four significant components and amendments to improve transparency and accountability. Firstly, there will be an opportunity for a review by the Australian Competition Tribunal of the merits of decisions made by the ACCC on any proposed undertaking. Any persons whose interests are affected by an access undertaking will be able to apply for a review of the decisions. This is a really important opportunity to understand the thinking of the ACCC and the authorities in making particular determinations, and it will not only improve the fairness and the appropriateness of individual decisions but help guide the future decisions of companies and organisations.

Secondly, the bill will also enhance and formalise procedures for the contribution of public input to the decision-making processes under the regime. Where the public wishes to voice an opinion about potential impacts of access, new access or denied access, those opportunities will now be enhanced and formalised under the amendments that are before the House. The key, though, in this transparency and accountability is the publication of reasons. The ministers, the council and the commission will have to publish reasons for decisions or recommendations, and this will greatly enhance the understanding by potential investors, by those that own the infrastructure and by those that are seeking access and will help them make judgments now and in the future about their likelihood of succeeding in applications, the merit of making major investment decisions and the certainty surrounding that. It is a very important amendment that sits within this body of amendments in front of the House.

Finally, the third focus of this bill is to encourage infrastructure spending. As I said at the outset, the major factors influencing infrastructure spending are a sensible, balanced, stable approach to macro-economic settings and aggressively introducing further and further micro-economic improvements in the economy. We in this government have a proud history of doing that, but matters of regulations can discourage infrastructure spending. Under this series of amendments the legislation will include a new objects clause. There was no objects clause in part IIIA of the Trade Practices Act in relation to these matters. This objects clause will restore a balance. It will increase the emphasis on competition which has created serious doubt in the minds of owners of essential services infrastructure about future returns when they seek to expand existing infrastructure. These objectives will make it clear that, in making determinations about access, the potential impact on future investment by access owners must be a very serious consideration by those making these decisions.

Secondly, to encourage infrastructure spending pricing principles will be introduced. As I mentioned, there is an amendment before the House to include those pricing principles within the legislation—an amendment we accepted from the Senate and that will be voted on at the conclusion of this debate. Finally, this bill will change the declaration threshold and make it tougher. Access declarations now will only be granted where the increase to competition upstream or downstream is not trivial.

In trying to improve the regulation, we have had the support of the opposition for these amendments, but the factors that drive infrastructure expenditure and decisions in
this country are major micro-economic decisions—things that we have done over the last 10 years: major reforms such as the waterfront reform, privatisations, two rounds of major workplace relations reform, major water initiatives with the states and major tax initiatives. We as a government have acted on so many fronts. All of these fronts are so important to encouraging infrastructure expenditure, but in every case we have sought to improve investment decision making in infrastructure in this country in the last 10 years we have faced blanket opposition from those on the other side of the House. This stands in stark contrast to the approach taken by the coalition when we were in opposition. When they introduced micro-economic reforms, when they sought to improve competition policy, they got the full support of the coalition parties. And now the country is benefiting from that commonsense approach to decision making. Yet, over the last 10 years, every time this government has sought to introduce something constructive, such as essential reform on the waterfront and workplace relations reform—the package of reforms that is so important to the future of this country—we have faced hysteria, opposition and scaremongering in this House.

The ACTING SPEAKER—Order! It being 2 pm, it is normal that we proceed to question time, but as the Prime Minister is delayed with the Prime Minister of Turkey, is it the wish of the House that we continue with the debate until he returns? That being so, the debate may continue.

Mr ROBB—As I was saying, in conclusion—(Time expired)

Mr BOWEN (Prospect) (2.00 pm)—The Trade Practices Amendment (National Access Regime) Bill 2005 represents the government’s legislative response to the Productivity Commission’s review of the national access regime. The first thing to say is that this legislative response has been a very long time coming. The government asked the Productivity Commission to review the regime in 2000. The commission provided its report in 2002 and now, on what is, hopefully, the last sitting day for 2005, this bill comes before us. This bill has been on the Notice Paper several times in the last few months, and each time it gets delayed. The government obviously does not have fixing Australia’s infrastructure issues as a priority—certainly not a legislative priority, and not a policy priority. Not only is this response a long time coming, but also it does not match the government’s response to the commission. It does not reflect what the government said in its response to the Productivity Commission. The slow response to the Productivity Commission’s findings on the national access regime also represents the government’s lackadaisical approach to infrastructure generally. Typical of the government’s lackadaisical approach to infrastructure is its approach to section 51AD of the taxation act.

The Australian Council for Infrastructure and Development has identified the operation of section 51AD as the biggest single disincentive for infrastructure investment that exists in this country.

The ACTING SPEAKER—Order! Standing order 62 says that members should take their seats and that there should be no discussions in corridors.

Mr BOWEN—The government itself recognised this as a major problem. It recognised that section 51AD was in need of reform. What did the government do? It took decisive action—it issued a discussion paper. Three years ago, the government gave us the preferred option for reform of section 51AD. Since then the government has been overwhelming with its inaction. Absolutely nothing has happened—except, in fairness,
the Assistant Treasurer and Minister for Revenue issued a press release several weeks ago saying that section 51AD would be amended. I congratulate the minister for his press release. It has been a long time coming, but at least now we have a press release. Let us see the bill.

Dr Emerson—Kill the bill!

Mr Bowen—No, we wouldn’t kill this bill. We have some other bills we want to kill. We would not kill this bill, because we agree with reforming section 51AD. We on this side of the House believe that section 51AD needs reform. Section 51AD, when it was introduced by the then Treasurer, the now Prime Minister, in 1982 was an amendment to the tax act designed to stop tax evasion. At least the Prime Minister was keen on stopping tax evasion then, even if these days tax evaders get appointed to the Reserve Bank board. At least then he was keen to stop tax evasion. But the section has outlasted its usefulness and it needs reform. We call on the government to introduce its bill to reform section 51AD of the tax act and schedule 16D as a matter of urgency.

The biggest problem with this bill, as I said, is that it comes several years too late. Now that it has arrived, it is also disappointing in its scope. The first disappointment to be noted is in the revised objects. The honourable member for Goldstein referred to the revised objects with some pride, but I do not see much to be proud of. The objects proposed in this bill are unobjectionable enough, but they do not go far enough. I am disappointed, and I know that the honourable member for Hunter shares that disappointment, that there is no mention of restraint of monopoly behaviour. The language of the objects could have been much better drafted to reflect the spirit of competition policy.

Perhaps more importantly, the original legislative response, in the original bill, did not reflect the government’s promise to the Productivity Commission to include pricing in the bill. Pricing was to be included in the regulation. The problem with that is that pricing in the regulation would mean that it would be up to the whim of the minister to change the pricing regime at any time in the future. We on this side of the House took the view that that did not provide adequate certainty to people willing to invest many hundreds of millions of dollars in the infrastructure of this nation. We on this side of the House took the view that the people willing to invest in infrastructure in this country deserved better than that. I am glad to say that, following pressure from the honourable member for Hunter, the government has now accepted the Labor Party’s position on that, and pricing is now to be included in the bill and not the regulation. The Parliamentary Secretary to the Treasurer, in his second reading speech, said:

The initiatives contained in this bill reflect recommendations by the Productivity Commission and are consistent with the recommendations of the export infrastructure report.

He went on to say:

The government’s response to the Commission’s report accepted almost all of the commission’s recommendations, and the Trade Practices Amendment (National Access Regime) Bill 2005 implements that response.

Unfortunately, that was not quite accurate. The government’s original bill did not encompass the Productivity Commission’s recommendation. The government’s original bill took pricing and left it to the whim of the minister. I am glad—and, again, I congratulate the Assistant Treasurer on accepting Labor’s suggestions and the suggestions of the other place—that the government is now putting pricing back into the bill. However, it is still the case that this bill could be improved.
I support the amendment that has been moved by the member for Hunter, which would make it clear that regulatory impact could be one of the matters to be included in the pricing regime but not the only matter. The rationale behind Labor’s approach on this matter is to say that we should not have people investing in the infrastructure of this nation being able to point to possible regulatory changes at some time in the future which would mean that they would be able to squeeze a couple of extra profit points out of it, at the expense of the people whom infrastructure is meant to service. This is perhaps a minor difference but also a significant difference. Just as the government has adopted Labor’s suggestion to include the pricing regime in the bill, I call on the government to accept Labor’s amendment and to accept the fact that regulatory impact should be just one of the factors included in the pricing regime and not one that must be included at all stages.

As I said, a regulation does not provide the level of certainty that we need. In addition, by placing the pricing principles in regulation, the government was encouraging greater divergence in pricing access between the industry sectors. What we need is certainty, not only across the board but between industry sectors. I am glad so many honourable members are here to hear about this important bill. I am glad that so many honourable members take such a keen interest in the regulatory pricing regime of infrastructure — and, indeed, the gallery appears very interested in the regulatory regime of pricing infrastructure.

Let me now turn to the matter of arbitration procedures and information exchange. I am sure honourable members are also interested in the matter of arbitration procedures and regulatory exchange. At least on this side everybody is interested. The Productivity Commission recommended that the arbitration provisions of part IIIA should be amended to provide for a two-sided information exchange and disclosure requirements involving both the provider and the access seeker. The commission recommended that this information be provided within 28 days of the access seeker submitting its request to the service provider.

The government has rejected this recommendation. The government said in its response that it has adopted the recommendations of the Productivity Commission but, when we see the detail of the bill, we see that it has rejected this important aspect of the Productivity Commission’s recommendation. This is very disappointing. Such a recommendation would have been good for competition and would not appear to be overly onerous or unfeasible.

When the minister responds at the conclusion of this debate, I call on him to explain to the House why he has rejected the Productivity Commission’s recommendations.

**Opposition member interjecting** —

**Mr BOWEN** — Indeed, he could do it now. The House is full, so he could do it at the conclusion of my remarks if he chose to. The minister needs to explain to the House why he has not adopted the Productivity Commission’s recommendations to include the arbitration provisions and the exchange of information regime between the access provider and the access seeker in the legislation. The government should of course have adopted the Productivity Commission’s recommendations in full.

There are other aspects of the bill which are to be welcomed. Restricting access to where there is no effective state regime is sensible. It limits the capacity for forum shopping, and we in the opposition welcome that. The threshold for application of the regime to include only projects of national importance is also sensible and reflects Productivity Commission’s recommendations in full.
tivity Commission recommendations. Similarly, the introduction of a mechanism to enable the commission to grant immunity from declaration for services to be delivered by government sponsored infrastructure where the construction and operation of the facility is to be awarded through a competitive tendering process is sensible and is supported by the opposition.

While the opposition do not oppose this bill, we certainly find it disappointing. We need more investment in infrastructure in this country. The Commonwealth have been very quick to shift blame for the infrastructure problems of this country to the states. That is not an unusual phenomenon. I often wonder whether government members would have been better off seeking preselection for state parliaments, considering that we often hear about how terrible state governments apparently are. It would be interesting to do a count of some government members’ speeches to see how many speeches they give on federal government matters and how many they give on state government matters. They are very keen to blame the states for the infrastructure crisis facing this country, yet the Commonwealth have done very little to encourage investment in infrastructure.

We have seen the government sit on their hands and do nothing about section 51AD of the tax act. It was recommended that section 51AD be changed four years ago. Four years ago the government had the chance to do something about section 51AD of the tax act, which is a disincentive to investment, and they have done nothing. They have also squandered a significant opportunity to invest in infrastructure, another topical matter which has come before the House, by ring fencing the Future Fund for superannuation liabilities of government, when it could have been developed for significant investments in necessary infrastructure.

What we see in this bill is too little too late. It comes three years after the government responded to the Productivity Commission and, now that it has finally arrived, it is not as pro competitive or as transparent as it could have been. The government like to talk about how they are pro business and pro competition policy, but it was this side of the House which introduced competition policy. One of the favourite figures of those opposite, former Prime Minister Keating, said, ‘Competition is our word,’ and he was dead right. Competition is our word, because it is the supporters of the Labor Party in Western Sydney and the western suburbs of Melbourne who benefited from competition through reduced prices. Competition is our word. The government have squandered this opportunity—

Honourable members interjecting—

The SPEAKER—Order! There is far too much noise.

Mr BOWEN—The government make noises about being pro competitive but the reality does not match the rhetoric, as we see in this quite lame legislative response, which ignores important recommendations from the Productivity Commission which would have seen an improvement in infrastructure investment in our country.

The opposition will support this bill as being better late than never and better than nothing. It is a step in the right direction, but it represents a missed opportunity, because the government are moving away from the principles of competition policy. They had the opportunity to put some very clear language in the objectives to say that restraint of monopoly behaviour is an important matter. But they have not taken that opportunity.

I note that the Prime Minister is now with us. I am glad that he is here to hear about the importance of the trade practices national access regime. I call on the Prime Minister to
accept Labor’s amendments to the national access regime bill. I call on the Prime Minister to listen to the member for Hunter’s points, and I call on the government to accept Labor’s amendments.

The SPEAKER—In accordance with the wish of the House to continue the debate beyond 2 pm, the debate is now interrupted. The member will have leave to continue speaking when the debate is resumed.

MINISTERIAL ARRANGEMENTS

Mr HOWARD (Bennelong—Prime Minister) (2.15 pm)—I inform the House that the Minister for Health and Ageing will be absent from question time today due to personal commitments. The Minister for Ageing will answer questions on his behalf.

QUESTIONS TO THE SPEAKER

Reflections on the Chair

The SPEAKER (2.16 pm)—On 5 December, the Manager of Opposition Business asked me a number of questions arising from the withdrawal by the member for Calare of a reflection on the chair in a media release issued in his name. The Manager of Opposition Business invited me to draw comparisons with the 1987 case involving the member for O’Connor. It is a well-established parliamentary principle that reflections on the chair, inside or outside the chamber, are highly disorderly. In some jurisdictions they are regarded as contempt of the House, which attracts the penal jurisdiction of the House. This was the situation with the member for O’Connor, who was suspended for seven sitting days. However, as those events occurred before the passage of the Parliamentary Privileges Act, they have not passed the test of time, as the member suggested. Now, when such reflections are brought to the attention of the House, they are regarded as important matters of order.

As I indicated to the House on 30 November, the media release issued by the member for Calare contained serious reflections on the actions and motivations of the chair and, as such, seriously undermined the orderly conducting of the business of the House. I repeat that my concern is not directly related to whoever might have been in the chair at the time. My concern is based on the need for respect of the chair itself. There are forms of the House available to provide members with the opportunity to give expression to their sentiments about the way in which business is conducted in the House; in particular, there is the possibility of drawing any matter to the attention of the Standing Committee on Procedure.

Oil for Food Program

The SPEAKER (2.18 pm)—Yesterday, the member for Griffith asked me whether I might consider adjusting the Hansard record of 6 December to include an interjection that, in the view of the member for Griffith, was made by the Prime Minister during a question from the member to the Deputy Prime Minister and Minister for Trade. I am advised by Hansard that any comment that may have been made was not audible from the Hansard table. The video record shows only the member for Griffith asking his question. The audio record cannot definitely confirm whether the Prime Minister spoke or that the word spoken was ‘yes’ and it is not conclusive that any word spoken was in response to the honourable member’s question. In the light of these uncertainties and as the Hansard report clearly conveys the member’s view that the Prime Minister made an interjection, I propose to let the record stand.

QUESTIONS WITHOUT NOTICE

Workplace Relations

Mr STEPHEN SMITH (2.18 pm)—My question is to the Prime Minister. I refer the Prime Minister to his assertion on ABC Ra-
dio National this morning that ‘this government is doing what the people asked us to do in October of last year’. Prime Minister, where in the government’s 2004 election policy is the commitment that puts working Australians at risk of losing their overtime, their penalty rates, their shift rates, their leave loadings and their redundancy pay? Prime Minister, isn’t it the case that the last time the Australian people heard of such proposals was in your 1992 Jobsback proposal—a policy that was resoundingly rejected by the Australian people in 1993?

Mr HOWARD—My answer is twofold. Firstly, the question is based on a false premise.

Mr Stephen Smith interjecting—

The SPEAKER—Order! The member for Perth has asked his question!

Mr Stephen Smith interjecting—

The SPEAKER—The member for Perth!

Mr HOWARD—The false premise is that our workplace relations legislation will have the effects described by the member for Perth. But the second part of my answer is that, as I said this morning—and this question gives me the opportunity to repeat it—what we are doing is governing well for the future of this country. That is what the Australian people asked us to do in October last year and it is no accident. I know those opposite do not like what happened in October, but it was the verdict of the Australian people—

Mr Stephen Smith interjecting—

The SPEAKER—The member for Perth is warned!

Mr HOWARD—to entrust the coalition with the management of the nation’s affairs over the following three years.

Mr Stephen Smith interjecting—

The SPEAKER—The member for Perth has been warned!

Mr HOWARD—We have fulfilled the responsibility and the trust we were given last October and we will go on governing for the benefit of all of the people of Australia over the remaining two years of our term in office.

Employment

Mr BAKER (2.20 pm)—My question is addressed to the Treasurer. Would the Treasurer outline to the House the results of the November labour force survey? What do these figures indicate about the Australian economy?

Mr COSTELLO—I thank the honourable member for Braddon for his question. I particularly acknowledge that he is the hero of the Tasmanian vegetable growing industry.

A government member—He is also the hero of the forestry industry.

Mr COSTELLO—He is also the hero of the forestry industry, the hero of the frontbench of the government and the hero of the backbench of the Labor Party. I would not want to bet on this, but I would be pretty sure that there will not be any questions today from the Australian Labor Party about jobs, interest rates or the economy. The people of Australia are interested in jobs, interest rates and the economy and they want to know whether they can plan for the future.

Today the labour force figures for November came out, showing that the unemployment rate fell from 5.2 per cent to 5.1 per cent, back around 30-year lows. The unemployment rate has been below six per cent now for 27 consecutive months, the longest period since the ABS started monthly collections. The labour force figures for November show that employment rose by 28,000 people. Although there was a fall of 20,000 part-
time jobs, there was growth of 48,000 full-time jobs in the month of November. That means that, over the past year, 230,000 new jobs have been created in Australia and 57 per cent of those are full time.

The tally of new jobs created since the government came to office is now 1.7 million. It is not right to say that a government creates jobs; the private sector creates jobs. But a government can so set the parameters of the economy with low interest rates, a productive economy and consumer confidence that the private sector has the ability to invest and create new jobs. Prospects for job creation continuing in the future are strong.

It may well be that at around 5.1, 5.2 or five per cent we have reached a cyclical low in unemployment in Australia. If we want to take unemployment lower in Australia, we need structural change, and no structural change is more important than industrial relations reform. Industrial relations reform will make our economy more productive, give more people the chance to enter the work force, and take Australia’s unemployment rate lower in structural terms. These are the reforms which are important for Australia. These are the reforms of a coalition government.

DISTINGUISHED VISITORS

The SPEAKER (2.24 pm)—I inform the House that we have present in the gallery this afternoon members of a delegation from the House of Regional Representatives of the Republic of Indonesia. On behalf of the House I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Workplace Relations

Mr BEAZLEY (2.24 pm)—My question is to the Prime Minister. I refer to the Prime Minister’s ongoing refusal to guarantee that no individual Australian employee will be worse off as a result of his extreme industrial relations legislation. Prime Minister, isn’t it the case that the Western Australian experience of comparable legislation by the Court Liberal government in the nineties saw WA individual contracts where 75 per cent had no pay increase, 67 per cent did not have overtime rates, 74 per cent did not have weekend penalties, 78 per cent had hours of work from Monday to Sunday, meaning a seven-day working week, and only three per cent contained annual leave loading? Is this why the Prime Minister will not guarantee that no-one will be worse off?

Mr HOWARD—I have said before and I will say it again: my guarantee is my record. It is very interesting that that record is even better now than I thought it was when I last made that statement. It has been revealed that according to yesterday’s national accounts—and this is very interesting; listen to this—the real wages of Australian workers have increased by 15.6 per cent since March 1996. I repeat: in these matters, my guarantee is my record.

World Trade

Mrs HULL (2.25 pm)—My question is addressed to the Deputy Prime Minister and Minister for Trade. Would the Deputy Prime Minister outline to the House the government’s aims for the World Trade Organisation ministerial meeting in Hong Kong next week? Deputy Prime Minister, how will freeing up world trade boost Australia’s economy and lift the developing world out of poverty?

Mr VAILE—I thank the member for Riverina for her question, given that we are on the eve of the next full ministerial meeting of the World Trade Organisation and moving towards the conclusion of the Doha Round of trade negotiations, where we certainly hope and expect to see significant improvements
in market access for all products, but particularly for agricultural products. I know the member for Riverina is very keen to see improvements for some of the products from her electorate, particularly dairy products, beef, rice, wine and some of those other great products that come out of the electorate of Riverina in the south-western part of New South Wales.

Of course, the Australian government has been very focused on achieving a very ambitious outcome out of this round since it was launched in 2001 in Doha. By and large, I suspect we enjoy bipartisan support for the view that multilateral trade liberalisation is going to be to the overwhelming benefit of our nation. Whether they be exporters of industrial manufactured goods, exporters of agricultural products or exporters of services, we are looking for improved market access opportunities for all the participants in our economy.

The member also asked what this could do for the developing world. That is a very important part of the question. The World Bank estimates that if we get a truly liberalising outcome from this round of trade negotiations, if the markets of the world—particularly the wealthy markets of the world—are properly opened to the developing economies of the world, that has the prospect of lifting 140 million people out of poverty. So it is the responsibility of the developed world, of countries like Australia, to give more access to the developing world.

We are actually leading the way as a nation in doing that. We have already given duty-free and quota-free access into our market to all the least developed economies in the world, and in this round we are asking other developed economies to do exactly the same.

So we go to Hong Kong next week with a very strong argument, leading the Cairns Group of agricultural producing countries, seeking significant improvements in market access for our agricultural exports, seeking the elimination of export subsidies in agriculture, seeking significant reductions in domestic support of agriculture, seeking significant improvements in market openings for industrial goods and services and, of course, seeking significant improvements in access for the developing countries of the world into the developed economies of the world so that they can lift their population—those 140 million people—out of poverty.

We look forward during the course of next week to seeing a significant achievement in this regard, as Hong Kong should at least build a beachhead to launch into the concluding stages of this round in 2006. We challenge our colleagues—the 149 members of the WTO—to join with Australia in our very ambitious attitude towards this round for the benefit of Australian exporters, particularly Australian farmers, and the poverty stricken nations of the world.

Mr Robert Gerard

Mr SWAN (2.29 pm)—Mr Speaker, my question is directed to the Treasurer. I refer to the fact that the Treasurer has made six new appointments to the Reserve Bank board during his tenure. I refer also to the Treasurer’s statement in this place yesterday that his chief of staff:

... has contacted the tax commissioner on other occasions—not in relation to the RBA board ...

If, as the Treasurer has claimed in this place, his chief of staff was merely ‘being thorough in doing his job’, why didn’t he do his job on any of these other occasions?

Mr COSTELLO—As I have told the House, the chief of staff was doing his job in relation to these matters. Nothing was passed back to him, because of confidentiality proceedings. In relation to these matters, which I think we have now gone over for three or
four days, no material was known by the
government that was published by the Aus-
tralian Financial Review, nor was it known
by the opposition, nor was it known by the
cabinet, nor was it known by the ministers.

This appointment was made three years ago.
I point out that, in the last three years, the
RBA board has performed very well in the
discharge of its duty in relation to monetary
policy. I am unaware of any complaint what-
soever in relation to the conduct of the RBA
board over the last three years.

Workplace Relations

Dr JENSEN (2.31 pm)—My question is
addressed to the Minister for Employment
and Workplace Relations. Would the minister
update the House on support for a new
workplace relations system. Are there any
other views?

Mr ANDREWS—I thank the member for
Tangney for his question and for his interest
in the new workplace relations system. In
answer to his question, yesterday the Busi-
ness Council of Australia wrote to its mem-
bers, which employ over one million Austra-
lans, and urged them to utilise the new Work
Choices system to achieve higher productiv-
ity and higher employment in Australia and
to build mutually beneficial partnerships be-
tween employers and employees in this
country. This is interesting, because this is
the big business that the Australian Labor
Party and the union movement have said is
out to exploit workers in Australia. If we
want to build higher productivity in this
country, we have to build mutually beneficial
partnerships between employers and em-
ployees of Australia.

The Business Council pointed out to its
members that research it had done a couple
of years ago indicated that, had this govern-
ment not engaged in workplace relations re-
form, the unemployment rate in Australia
today—on a day that the unemployment fig-
ure for last month has been announced as
being 5.1 per cent—would be closer to eight
per cent; that is, that 315,000 jobs in this
country today would not exist but for that
reform. So we have a clear contrast: on the
one hand, the Business Council of Australia
is urging higher productivity through mutu-
ally beneficial partnerships between the em-
ployers and the employees; and, on the other,
there is the hysterical campaign which has
been run by the labour movement and the
Labor Party over the last few months. Let me
remind the House once again of some of the
ludicrous claims that have been made by the
opposition and by the labour movement.

Mr Beazley—You are all going to find
out.

Mr ANDREWS—The Leader of the Op-
position is interjecting again. He is the one
who said that there would be no more barbe-
cues on weekends in Australia and that there
will be more divorce in this country because
of changes to workplace relations. These are
the claims of the Leader of the Opposition.
The Australian Council of Trade Unions said
that the fertility rate in Australia will go
down because of changes in workplace rela-
tions and that life expectancy will decline.
Indeed, Unions New South Wales said that
changes to industrial relations could kill peo-
ple. Sharan Burrow, the President of the
ACTU, said that children would be estranged
from their parents. The Leader of the Oppo-
sition said that families would be set against
families and that friends would be set against
friends.

On top of that, Sharan Burrow said—as
we approach the Christmas season—that
children will not see their parents at Christ-
mas. Today I came across the latest piece of
propaganda from the union movement: the
Electrical Trades Union, in New South
Wales, said that children’s Christmas stock-
ings will go empty this Christmas because of
changes to workplace relations. These are the ridiculous, overblown claims that are being made by the Leader of the Opposition, the Labor Party and the union movement. On this side of politics, we will get on with addressing the issues and the challenges facing Australia into the future so that we can do something to further bring down unemployment. On the other side, we are faced with an opposition that has no ideas, no policy and no leadership.

**Taxation**

Mr BEAZLEY (2.35 pm)—Mr Speaker, my question is to the Prime Minister. Is the Prime Minister aware that, according to an ATO press release in the same month that Mr Gerard struck his deal with the ATO, a Queensland farmer who evaded $20,000 in fuel excise was jailed for two years? Is the Prime Minister further aware that, according to an ATO press release in May 2002, a small business owner in Sydney who evaded income tax—as did Mr Gerard, but in this case of $54,000—was jailed for 12 months? Is this what the Prime Minister meant when he said this morning on Radio National, ‘I do think the whole thing has lost a sense of perspective’? Will the Prime Minister further aware that, according to an ATO press release in May 2002, a Queensland farmer who evaded $20,000 in fuel excise was jailed for two years? Is the Prime Minister further aware that, according to an ATO press release in May 2002, a small business owner in Sydney who evaded income tax—as did Mr Gerard, but in this case of $54,000—was jailed for 12 months? Is this what the Prime Minister meant when he said this morning on Radio National, ‘I do think the whole thing has lost a sense of perspective’? Will the Prime Minister further aware that, according to an ATO press release in May 2002, a Queensland farmer who evaded $20,000 in fuel excise was jailed for two years?

Mr HOWARD—I did say on radio this morning that this whole thing had lost its perspective. The point I was making then, and I will make it again very freely, is that it is in the nature of commercial life that from time to time companies, as do individuals, have disputes with the Taxation Office. The idea that there is something new, something sinister or something corrupt in a company having a dispute with the tax office simply betrays the total misunderstanding of the Australian Labor Party of normal commercial matters. Insofar as those particular transactions are concerned, the Leader of the Opposition referred to particular press statements and particular actions of the tax office. As the Leader of the Opposition surely should remember from his years in government, I think it is section 16 of the income tax act which contains the secrecy provisions. I do not recall in the 13 years that the Labor Party was in office it doing anything to alter those secrecy provisions. If the Leader of the Opposition has a problem with the administration of the act by the Commissioner of Taxation, he ought to take it up with Mr Carmody.

**Future Fund**

Dr WASHER (2.38 pm)—My question is addressed to the Treasurer. Would the Treasurer inform the House how the government intends to ensure that the Future Fund operates independently? Are there any alternative views?

Mr COSTELLO—I thank the honourable member for Moore for his question. I thank him for showing interest in the ageing of the population and what needs to be done to protect the Australian public against the costs and the pressures that that will bring. I will make this point again: the Labor Party will not show any interest in Australians’ jobs, they will not show any interest in Australians’ interest rates and they will not show any interest in the state of the national economy, because these are the things that govern Australians’ lives.

The last time the Labor Party were in office, we did not talk about how to invest a surplus budget. What we talked about under the then finance minister was how to fund a $10 billion deficit and how to service $96 billion worth of debt. After 10 years of coalition government, we are now in a position to recover from the damage that the member for Brand, the Leader of the Opposition, did to this country. It is forecast, by the end of this
financial year, that we will have reduced the $96 million net debt by $90 billion. In addition to that, we are now able to invest for the future with a Future Fund—which has never been done before in Australia and never could have been done before in Australia—to pick up a liability which the Commonwealth has never provisioned for and begin to fund it.

The government has put in place measures designed to protect this fund against raids from future governments because, whatever people think, it is possible that sometime between now and 2040 the Labor Party could get into office. That is why a fund which is being set up for 2040 has to be protected against the possibility of any future Labor government.

Mr Crean interjecting—

The SPEAKER—The member for Hotham is warned!

Mr COSTELLO—The Future Fund Bill provides the Minister for Finance and Administration and the Treasurer with the power to issue written directions on the investment. The intention is to guide the board and express government’s preferences for risk. But the investments will not be made by the government.

Mr Swan—Who’s going on the board?

The SPEAKER—The member for Lilley is warned!

Mr COSTELLO—The government will not be making specific directions or specific investment decisions. It will set out its expectations for long-term reforms and any restrictions on the board for policy reasons. The board will retain autonomy in choosing investments. Can I also say that the legislation provides that no money can be drawn out of this fund until the assets of the fund meet the liabilities for which they are being provisioned or until 2020.

Since the opposition seems so concerned about raids on the Future Fund, the only person, to my knowledge, who has yet made a promise to raid the Future Fund was none other than the Leader of the Opposition, the member for Brand, who has already promised his first raid to try to fund a promise in relation to the Pacific Highway.

Mr Tanner interjecting—

The SPEAKER—The member for Melbourne is warned!

Mr COSTELLO—The Leader of the Opposition has already made his first promise to raid the Future Fund, a fund which he never had the wit to set up and a fund which never would have been set up under him.

Mr Beazley—Mr Speaker, I rise on a point of order. The Treasurer is quoting the Lismore Northern Star. Doesn’t he read the Adelaide Advertiser as well?

The SPEAKER—There is no point of order.

Mr COSTELLO—I was not aware that he made a promise to raid the Future Fund in the Adelaide Advertiser as well, but I will go to the clippings for that as well. This is a bear who cannot keep his paws off honey. Wherever he finds money, he thinks honey, and he is doing it in relation to the Pacific Highway and you will find he is doing it in Adelaide as well.

Ethanol

Mr ANDREN (2.43 pm)—My question is to the Prime Minister. Is the Prime Minister aware that the Manildra company is planning to shed up to 50 jobs due, I am told, to a very slow market uptake of ethanol under current government policy? Given that the government’s biofuels target for 2010 is less than one per cent of our current fuel consumption, will the government reconsider its position on the mandating of 10 per cent ethanol in petrol?
Mr HOWARD—I would be concerned about any job losses in regional Australia. Let me say in relation to Manildra and ethanol that the difficulties in that industry are overwhelmingly due to the outrageous fear campaign run by the Labor Party two years ago. The Labor Party, under the leadership of the member for Hotham, aided and abetted by the then member for Werriwa and the current member for Brand, were trying to allude to some kind of corrupt association—that is what they were trying to do; they used parliamentary privilege to denigrate a decent Australian businessman, Dick Honan. It got so bad that, after the last election, the former member for Bowman and the now member for Batman went around the Labor Party saying, ‘You’ve got to change your policy on ethanol.’ That is what they did. What they did two years ago was an outrageous use of parliamentary privilege in trying to destroy the reputation of a decent, courageous Australian businessman, Dick Honan. It is all right to attack me or any of us under parliamentary privilege—we are fair game—but it is not all right to use parliamentary privilege to destroy the reputation of a businessman, which is exactly what they did. By their silence they testify to their guilt.

Avian Influenza

Mr SOMLYAY (2.45 pm)—My question is addressed to the Minister for Agriculture, Fisheries and Forestry. Would the minister inform the House of the initial results from the national bird flu simulation held last week? What steps has the government taken to improve Australia’s preparedness and response to bird flu?

Mr McGAURAN—I thank the honourable member for Fairfax for his question. As the honourable member well knows, avian influenza will be a disease that threatens the world, including Australia, for some time to come, even over a period of years. Australia’s front-line agriculture and health agencies are better placed than at any time previously to deal with an outbreak, however unlikely it is that it will occur. The simulation last week, under the banner of Operation Eleusis, involved some 1,000 people across all jurisdictions, including the major poultry industries. It was vital that those networks of all of those people be developed as part of the exercise if we are to deal to the greatest effect possible with any outbreak of avian influenza.

What we take away from the simulation is a much better understanding about how key decision makers from agriculture and health agencies can work together, especially in conjunction with those out in the field. The areas identified as part of Eleusis for further improvement will be improved so as to provide all Australians with the best possible defence and response to a bird flu incident of that kind, should it ever occur. Eleusis also showed that industry’s role is critical in the decision-making processes and in implementing response plans.

In summary, Eleusis was a success. It builds on progress achieved in this area over many years and remains an area of major focus for the government. What we learn from Eleusis will be captured and used to improve our response plans. I am confident that Australia has one of the best emergency animal disease infrastructures in the world, even as we strive to improve it even more.

Oil for Food Program

Mr RUDD (2.48 pm)—My question is addressed to the Deputy Prime Minister. I refer to the 41 contracts between the Australian Wheat Board and Saddam Hussein’s regime under the oil for food program. Given that the minister has refused to table these contracts—

Mr Pyne interjecting—
Mr RUDD—Friend of Saddam’s bagman.

Mr McGauran—Mr Speaker, I rise on a point of order: previously you have required the member for Griffith to withdraw an allegation of that kind directed at a member on this side. I would ask him to withdraw it again.

The SPEAKER—I did not hear this but if the member for Griffith would withdraw it would help—

Mr RUDD—I am happy to withdraw, Mr Speaker. As I was saying to the Deputy Prime Minister, I refer to the 41 contracts between the Australian Wheat Board and Saddam’s regime under the oil for food program. Given that the minister has refused to table these contracts despite my motion in the House this morning, will the minister now confirm that the secret contracts contain an inflated freight price which provided Saddam’s regime with $300 million? Doesn’t this copy of an Australian Wheat Board contract dated December 2002, which is formally certified with the seal of the Australian government mission in New York, demonstrate that the government approved the contents of these contracts before they were ever submitted to the United Nations?

Mr V AILE—As has been clearly identified on many occasions during the course of this debate, the Australian government did not negotiate the contracts; the AWB did. The AWB negotiated those contracts with the Iraqi Grains Board. The contracts were certified by the United Nations under the section 661 sanctions committee—

Mr Rudd interjecting—

The SPEAKER—Order! The member for Griffith has asked his question.

Mr V AILE—I am advised that the certification that DFAT did on the contracts was in terms of structure, not the content in terms of values. The mission in New York—

Opposition members interjecting—

The SPEAKER—Order! There is far too much noise.

Mr V AILE—I have been advised that the mission in New York certified that they had been appropriately filled out in terms of the conditions of the UN oil for food program. The department was not involved in the negotiations on the price or conditions of those contracts. As I said yesterday, that information was commercial-in-confidence and it was not made known to the government. The most important point to make in this debate is that all this information has been put through the Volcker inquiry—

Mr Rudd—Mr Speaker, I rise on a point of order: my question to the Deputy Prime Minister was whether that was his seal or not.

The SPEAKER—The Deputy Prime Minister is in order.

Mr V AILE—The member for Griffith produced information in the MPI yesterday about an inquiry into weapons of mass destruction which found some information. That has all been taken into account through the Volcker inquiry and the Volcker inquiry found no wrongdoing by the Australian government. The Australian government has now set up a commission of inquiry with wide-ranging powers. If the member for Griffith has allegations to make about the officers of the Department of Foreign Affairs and Trade, he should make them to that inquiry.

Family Law

Mr WAKELIN (2.53 pm)—My question is addressed to the Attorney-General. Would the Attorney-General update the House on the government’s efforts to reform the family
Mr RUDDOCK—I thank the honourable member for Grey for his question. Today I had the great privilege of introducing a bill containing the most significant reforms in the family law system in some 30 years. These changes are not about parents’ rights; they are about the right of a child to grow up in a safe environment with the love and support of both a mother and a father. This bill, along with an unprecedented injection of funding, is helping to change the culture of how we deal with family breakdown in Australia. We want to move away from the culture of Dreamworld dads and Movieworld mums and have parents who share the burden and the enjoyment of raising children.

I want to take the opportunity to thank the House Standing Committee on Legal and Constitutional Affairs, which produced an excellent report in a very short period of time on the exposure draft of the Family Law Act.

Ms Plibersek—Mr Speaker, on a point of order: Attorney, we have all read the press release; you do not have to go over it again in here.

The SPEAKER—That is not a point of order.

Mr RUDDOCK—In relation to the report on the exposure draft bill, the government will be implementing 53 of the 58 recommendations of that report. I thank the member for Fisher and his colleagues on this side of the House. But I also thank the member for Denison, the member for Lowe and the member for Chifley, who supported those recommendations. But I note that there has been a lone voice—and I hear it again—from the member for Gellibrand, who seems to have a dissenting view. Of course, she is the shadow Attorney, and this poses the question of what the Labor Party policy will be on family law. Will it be the view of the shadow Attorney, the member for Gellibrand, or is it going to be the view of the Labor members who supported the committee recommendations that are being implemented today? I hope—and I am going to give plenty of time for consideration of this measure—the members of the opposition will take the time to think constructively and work out a unified position on this matter. The government knows where it stands on this question. We are getting on with the business of implementing the biggest changes to family law in 30 years.

Government members interjecting—

Oil for Food Program

Mr GAVAN O’CONNOR (2.56 pm)—Well, we can’t decide which one of you we are going to support!

The SPEAKER—Order! The member for Corio will come to his question.

Mr GAVAN O’CONNOR—My question is to the Minister for Agriculture, Fisheries and Forestry. Is the minister aware that between July 2002 and January 2003 the contract price for Australian Wheat Board shipments to Iraq rose from €188 to €21 to €22 to €26 to €83 to €72 to €85 to €3 to €87 to €82 to €3 to €87 to €75 to €68 to €87 to €3. This price hike occurred after AWB visited Baghdad in 2002? Given the Wheat Export Authority deducts the insurance and freight component from the contract and converts it to free-on-board prices for comparison purposes, wasn’t the WEA aware of the extraordinary increase in the amount AWB was paying for freight within Iraq? Shouldn’t this increase, Minister, which we now know went towards funding Saddam’s war machine, have set off alarm bells within the Wheat Export Authority? Was the increase reported to the then agriculture minister in reports provided by the WEA to him, as required by the Wheat Marketing Act?

Mr McGAURAN—In response to the first part of the question, I refer to my earlier
answer on this almost exact question some weeks ago. I stand by that earlier answer. The Chairman of the Wheat Export Authority has addressed this issue in Senate estimates and advised that the WEA did not assess the internal transport costs of AWB’s contracts in Iraq. This is an issue that has been canvassed at length. It is like *Groundhog Day*. The opposition must truly be running out of questions. In regard to the latter part of the member’s question, asking about the WEA confidential reports to the minister for agriculture, in actual fact those confidential reports to the minister for agriculture say what is in the public report of the WEA and do not contain the sort of information implied in the honourable member’s question. They are confidential only because they contain some commercially sensitive data and not because of any conclusions that they contain. It is information and data that would be of comfort and support to AWB’s commercial rivals.

**Transport**

Mr SCHULTZ (2.59 pm)—My question is addressed to the Minister for Transport and Regional Services. Would the minister advise the House how the government is continuing to reform Australia’s transport and security network?

Mr TRUSS—It is certainly appropriate at the end of the parliamentary year to look back on some of the real achievements in transport reform over the last 12 months. The honourable member for Hume has been amongst the people who have been at the forefront of demanding additional expenditure on road projects and ensuring that we get our transport system working efficiently.

One of the highlights is the $12.7 billion AusLink agreement, for which we now have agreements with the ACT, New South Wales, Northern Territory, Queensland, South Australia, Tasmania, Victoria and Western Australia. Each of these jurisdictions recognises that by working together we can achieve some really worthwhile things in transport reform. A good example of what AusLink can achieve will be demonstrated when Westlink M7 opens in Sydney next week. That will be a very important occasion for Sydney. I know that local members, like the members for Macarthur, Greenway, Lindsay, Mitchell and others, will really notice the improvements that can be made to Sydney traffic flow when that road is opened.

It is interesting to note that that road, which is over 40 kilometres, will mean motorists will be able to avoid 48 separate sets of traffic lights. This project has been undertaken by the private sector with federal government support. In contrast to the sorts of projects that the New South Wales Labor Party government manages, this project was finished well ahead of schedule, months ahead of schedule. It is a quality job. The road has not fallen in. There have not been secret kickbacks on tunnels and all those sorts of things. It is a job that has been done well and done on time.

We have also been working very comprehensively on rail transport. For the first time, significant Commonwealth investment has been made in rail transport. Three Alliance contracts, totalling more than $900 million, will make a really big impact on the north-south rail network. I hope that in the year ahead we might be able to complete the negotiations to give us a seamless rail network from Brisbane to Perth, which will destroy one of the great pieces of Australian historic folklore—all the rail barriers that have got in the way.

The government have got on the job with road and rail transport. We have delivered the goods. By contrast, all Labor has been able to manage is a promise for a new bureaucratic organisation called Infrastructure
Australia. Where is it going to get its money from? It is going to raid the Future Fund. That is all Labor is able to do in relation to transport—raid a fund that it cannot touch for 40 years anyhow, so there will be an enormous pause in the delivery of rail and road transport projects under Labor.

Labor has nothing to contribute to the debate. We have got on with the job. We are delivering and we will do a whole lot more in the years ahead.

**Oil for Food Program**

**Mr Rudd** (3.02 pm)—My question is to the Deputy Prime Minister. I refer to the statement of Saddam Hussein’s regime in August 2002 that the Australian Wheat Board would lose its contracts with Iraq as a result of the warlike language of the Howard government in the lead-up to the Iraq war. I also refer to the trade minister’s statement to parliament in 2002 when he said that the outcome of the AWB’s mercy dash to Iraq to secure its contracts had:

... vindicated the federal government’s faith in the AWB and its ability to successfully manage its commercial dealings with the Iraqi Grains Board.

Minister, what was it that changed as a result of the AWB visit to Iraq in 2002, given that the government’s pro-war rhetoric on Iraq did not change? Is it not the fact that the only thing that did change was the massive increase in the contract price for Australian wheat, thereby increasing the kickbacks for Saddam Hussein to buy guns, bombs and bullets for later use against Australian troops?

**Mr Vaile**—I do not know what took place in the discussions between representatives of the AWB and the Iraqi Grains Board during that meeting. Can I say, though, that all of this trade was undertaken under the scrutiny of the United Nations both in New York and, I am advised, in Iraq, with UN customs people on the ground in Iraq as the product arrived. What took place in the discussions between AWB and the Iraqi Grains Board at the time is a matter that is best known to them.

**The Speaker**—Has the minister completed his answer?

**Mr Vaile**—Yes.

**Mr Rudd**—I seek leave to table this graph demonstrating that the Howard government is the best friend that Saddam Hussein has ever had.

Leave not granted.

**Business Innovation**

**Mr Johnson** (3.05 pm)—I have an important question for the Minister for Industry, Tourism and Resources. Would the minister outline to the Ryan electorate and the parliament the latest findings on Australia’s business innovation performance? How are government policies contributing to this performance? Are there any alternative policies?

**Mr Ian Macfarlane**—I thank the member for Ryan for his question and note the very high number of innovative businesses that are in his electorate and electorates right around Australia, including those of members on the other side. Under this government, Australia’s innovation performance is very impressive and growing. According to the latest figures from the ABS, business expenditure on research and development has reached a record $7.2 billion in 2003-04. It represents the fourth consecutive year where investment in R&D by business has increased.

This has not happened by accident. It has happened not only as a result of businesses being confident in the economy and being prepared to invest in R&D but also because, since 2001, the Howard government has committed an unprecedented $8.4 billion to science and innovation through two Backing Australia’s Ability programs. Importantly,
this investment has carefully targeted businesses to turn clever Australian ideas into commercial products.

We do not have to look any further than upstairs in the Mural Hall this week in Parliament House. We saw a great Western Australian company called QRSciences launch their revolutionary explosive detection system, developed with the help of two grants from the Commonwealth government totaling some $3.7 million. The machine developed by QRSciences can detect a range of explosives in airports that could easily go unnoticed with conventional scanning technology. Two of these machines have already been installed in Australia, and I am pleased to report that there is substantial interest in the technology from right around the world.

QRSciences’ invention is a great example of what can be achieved when Australian ingenuity is backed by practical government support. I suggest that it is also a useful case study for those who sit opposite, who seem incapable of coming up with any practical, commonsense solution on innovation policy. We all remember, but could not understand, the very complex flow charts of ‘noodle nation’. In last year’s election campaign, Labor was forced to dump its 150 per cent R&D tax concession plan because it feared that it could not control the cost blow-outs of that proposal.

While the opposition sit there and continue to confuse the innovative companies of Australia with a range of policies which they have to withdraw, this government, the Howard government, continues to get on with the job of helping clever companies to commercialise their inventions, earn export income and provide jobs for Australians.

**Oil for Food Program**

Mr Rudd (3.09 pm)—My question is to the Prime Minister. I refer to the foreign minister’s statement to the parliament, in the lead-up to the Iraq war, that Saddam Hussein’s regime:

... provides substantial financial grants, to the sum of $US25,000, to families of Palestinian suicide bombers.

I also refer to a report of the United States Congressional Committee on International Relations, which states that families of Palestinian suicide bombers were paid from the kickbacks Saddam Hussein illegally obtained from suppliers to his regime. Prime Minister, can you guarantee that no part of the $300 million the AWB provided to Saddam Hussein’s regime went to fund Palestinian suicide bombers?

Mr Howard—I commence my answer by pointing out to the member for Griffith that it has not been established that AWB paid any kickbacks. It has been alleged, but it has not been established. I make that the first point. Let me make it very plain to the House that at no stage has this government behaved improperly, wrongly or hypocritically in relation to this matter. That is more than can be said—

Mr Adams interjecting—

Mr Howard—if I may continue, Mr Speaker, it is more than can be said for the member for Griffith. It is very interesting. We have had a series of questions.

Mr Rudd—Mr Speaker, I raise a point of order on relevance. The Prime Minister is a member of the national security committee of the cabinet—

The Speaker—The Prime Minister is entirely in order.

Mr Howard—we have had a series of questions from the member for Griffith about the events of 2002, when the representatives of the Australian Wheat Board—and we all remember it—went to Baghdad to talk to the Iraqi Grains Board about a possible suspension of wheat sales to Iraq from Australia. At
that particular time, all of the blame for that hold-up was being heaped upon the heads of the government, particularly the foreign minister. When the Wheat Board successfully negotiated a resumption of wheat sales to Iraq, do you know what the reaction was?

Mr Beazley—Mr Speaker—

The SPEAKER—Order!

Mr HOWARD—Of course he is on his feet. The reaction—listen to this, Mr Speaker.

Mr Beazley—Mr Speaker, on a point of order: this is a very serious matter. A serious question has been asked of the Prime Minister. It relates to the relationship between any kickbacks which may have been paid by the Wheat Board and the bombers.

The SPEAKER—The Leader of the Opposition will resume his seat. The Prime Minister is in order.

Mr HOWARD—Mr Speaker, that issue having been resolved, do you know what the member for Griffith did? He issued a—

Mr Beazley—Mr Speaker, I raise a point of order. The Prime Minister is entitled to intervene on any minister's answer. He chose not to intervene on the minister’s previous answer, and he is now trying to answer that question. This was purely about the relationship of Wheat Board kickbacks to Palestinian bomber subsidies.

The SPEAKER—As the Leader of the Opposition would be aware, there is only one standing order that applies to answers, and that is relevance. The Prime Minister is relevant.

Mr HOWARD—This is what the member for Griffith had to say. I invite the House to listen carefully. He said:

The Federal Opposition welcomes the announcement by the Australian Wheat Board on the likely resumption of Australian wheat—

Mr Beazley—Mr Speaker, I raise a point of order. It goes to relevance. Unlike the Prime Minister, we, of course, did not know about the kickbacks.

The SPEAKER—That is not a point of order.

Mr McGauran—Mr Speaker, that allegation by the Leader of the Opposition reflects on the Prime Minister’s character, is out of order and must be withdrawn. It alleges knowledge of illegal behaviour.

Mr Beazley—Mr Speaker, to that point of order: the Prime Minister can reflect on the member for Griffith, apparently, but we are not allowed to put questions that reflect on the Prime Minister. Is that what is going on here now?

The SPEAKER—The Leader of the Opposition has been asked to withdraw an offensive—

Mr Beazley—Always, to progress the House; I withdraw.

Opposition members interjecting—

The SPEAKER—Order! The opposition is delaying its own member from taking a point of order.

Mr Price—Mr Speaker, I rise on a point of order. You often remind us about the people of Australia, and they would have thought it was a very serious question to ask whether $300 million the AWB provided to Saddam’s regime went to fund services—

The SPEAKER—There is no point of order.

Mr HOWARD—This news release by the member for Griffith goes on. Having welcomed the announcement by the Australian Wheat Board on the resumption of wheat sales, he goes on to say:

The Opposition congratulates the AWB for achieving a commercial outcome in the midst of the difficult foreign policy environment, which
had been delivered to them by Foreign Minister Downer.

In other words, in 2002, you, having blamed the government for the difficulty—

Mr Bevis—You’re the ones who had the contract!

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

Mr Beazley—Mr Speaker, I raise a point of order going to relevance again. What the heck has this got to do with the blood money to the Palestinian suicide bomber families and the possible involvement of—

The SPEAKER—The Prime Minister is relevant.

Mr Howard—The basis of the allegation made by the opposition is that a corrupt outcome had been achieved between the AWB and the then government of Iraq, yet in 2002 the member for Griffith said it was a sound commercial outcome. So what was a commercial outcome in 2002 has become a corrupt outcome in 2005.

Opposition members interjecting—

Mrs Irwin interjecting—

The SPEAKER—Order! The member for Fowler is warned! There is far too much noise. The Prime Minister has the call and the Prime Minister is answering the question.

Mr Howard—In 2002, when these wheat sales were resumed, the member for Griffith applauded the resumption of the wheat sales.

Mr Beazley—Mr Speaker, I raise a point of order. How can this be relevant? The opposition is not in a position to know the unsound basis of contracts—

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

Mr Michael Ferguson—Mr Speaker, I raise a point of order. Without wanting to tell you your job—

Opposition members interjecting—

The SPEAKER—Order! I am listening to the member for Bass, and the member for Bass is going very close to reflecting on the chair.

Mr Michael Ferguson—Mr Speaker, I rise on a point of order and simply point out to you that it appears to members on this side of the House that the answer to the question asked by the member opposite is being deliberately frustrated.

Mr Beazley—Mr Speaker, I raise a point of order. If one of our number on this side of the House addressed a question to you with those remarks you would rightly throw them out.

The SPEAKER—The member for Bass raises a valid point of order. The Prime Minister has been ruled as being relevant and I have called the Prime Minister to answer the question.

Mr Howard—The questions asked by the member for Griffith are a classic demonstration of the reality in public life that sometimes you can talk too much.

Human Services Agencies

Mrs Draper (3.19 pm)—My question is addressed to the Minister for Human Services. Would the minister advise the House of steps taken to make it more convenient for Australians, and constituents particularly in my electorate of Makin, to deal with Centrelink and other human services agencies?

Mr Hockey—I thank the member for Makin for her question. I will give it my best shot. I want to wish the member for Makin a very merry Christmas and a happy new year. It is the season of goodwill.

Honourable members interjecting—

The SPEAKER—Order!

Mr Murphy—Joe knows it’s Advent!
The SPEAKER—The member for Lowe will remove himself under standing order 94(a). When the Speaker is on his feet, he will not interject.

The member for Lowe then left the chamber.

Mr HOCKEY—As David Gower said, it is all about timing! As part of the goodwill of the season, the Minister for Workforce Participation just had a baby. He complained to me about the form—

Mr Beazley—It’s a miracle!

Mr HOCKEY—It is a Christmas miracle! His wife had the baby, I should say. But it did not stop the minister from complaining about the form he had to fill out to claim the maternity payment. We listen to those concerns on this side of the House. That is why, from March next year, we are abolishing a form that is nearly 29 pages long and replacing it with a three-page form and a simple question—so it is easier for people to claim it. Abolishing those seven million pages of forms is part of the Christmas present from the coalition to the Australian people—cutting red tape. But we can go further.

Opposition members interjecting—

Mr HOCKEY—There is more! It is Christmas time. No-one can explain to me why, if you lose a credit card, you can just ring up the bank and get a new card, but, if you lose your Medicare card, you have to go into the Medicare office, fill out a form and send it somewhere else. From next year we are going to abolish two million forms. If people are going to change their address, we are going to abolish another one million forms for that as well. Abolishing 10 million pages of forms, cutting red tape—that is what Christmas is about: goodwill to all, goodwill to Australians!

Oil for Food Program

Mr BEAZLEY (3.23 pm)—My question is to the Prime Minister. I refer the Prime Minister to the CIA report on the search for Saddam’s weapons of mass destruction, which found that kickbacks to Saddam Hussein under the oil for food program totalled approximately $1.5 billion. I also refer to the report’s findings that, through these kickbacks, ‘Saddam generated enough revenue to procure sanctioned military goods and equipment, dual use industrial material and technology.’ Can the Prime Minister guarantee that no part of the $300 million that the AWB allegedly paid to Saddam has been used against Australian troops in Iraq? Given that the Deputy Prime Minister has invited us today to make submissions to the Cole inquiry about our concerns over the conduct of Australian officials, and therefore the knowledge of the government, will he widen the Cole inquiry to allow it to produce a complete report on both the Wheat Board and government responsibilities on this matter?

Mr HOWARD—The Cole inquiry has been established as a result of the findings of the Volcker inquiry. The Volcker inquiry—

Mr Rudd—Had no terms of reference to—

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

Mr HOWARD—found that there was no evidence to support the allegations against the AWB. There is no proof that the AWB was involved in giving kickbacks. The rhetoric of the opposition is therefore totally unjustified. The terms of reference of the Cole inquiry are that there should be an investigation as to whether any of three companies named by Volcker in fact breached any aspect of Commonwealth or state law. I do not believe that the terms of reference should be widened, because there is no basis on which to justify widening those terms of reference.
Mr Stephen Smith—It’s a cover-up!

The SPEAKER—Order!

Mr HOWARD—Not only was there an acknowledgement in the Volcker inquiry that there was no evidence that the AWB had been involved in kickbacks—

Mr Stephen Smith interjecting—

The SPEAKER—Order! The member for Perth is on very thin ice.

Mr HOWARD—but there was absolutely no adverse reference to the Australian government or any official—

Opposition members interjecting—

Mr Stephen Smith interjecting—

The SPEAKER—Order! The Prime Minister will resume his seat. The member for Perth will remove himself from the chamber under standing order 94(a).

The member for Perth then left the chamber.

Mr HOWARD—As I demonstrated earlier in question time, three years ago the member for Griffith applauded the commercial good sense of the AWB. Three years later, because of the opportunist he is, he is seeking through false allegations to blacken the reputation not only of the members of my government but also the members of the Australian Wheat Board.

Mr Rudd—Mr Speaker, I rise on a point of order relating to relevance. The Leader of the Opposition asked for a guarantee as to whether the $300 million—

The SPEAKER—Order! The member for Griffith will resume his seat. The Prime Minister has concluded his answer.

Superannuation

Mrs MAY (3.27 pm)—My question is addressed to the Minister for Revenue and Assistant Treasurer. Would the minister advise the House of the progress of the government’s initiatives to introduce greater choice in superannuation? Are there any alternative policies?

Mr BROUGH—I thank the member for McPherson for her question on something relating to the economy. For the last two weeks we have been in here—we are supposed to have 10 questions a day—the Labor Party has made it through without asking a question on the economy, on interest rates, on industrial relations or on jobs. You’ve made it: you’ve got to Christmas without having to say anything relevant to the Australian population—merry Christmas!

Today we are here to talk about choice. We heard earlier on, and we have heard over the last two weeks, about how industrial relations was going to be a nightmare for the Australian population. We have heard how kids were going to be without families and how families were going to break up. We heard the same when the government brought in the first round of industrial relations reform. Those of us who were here remember the same with the GST. And when we brought in choice, having made this a coalition policy in 1995 and implemented it in July 2005, Kim Beazley, the member for Brand, the Leader of the Opposition, put a little flier out saying, ‘Small business faces superannuation chaos’. He also said things like, ‘No-one has acknowledged what a red-tape nightmare this will be’. He went on to actually lambast superannuation choice, because he believes the choice that the Australian worker should receive is a choice determined by a union and an industry fund. That is choice in Labor’s terms: not letting the workers of Australia choose. This side of the House actually believes they have the capability to choose for themselves, and they have done so.

It was interesting to read the Financial Review today. Unlike the little fliers—the little bits of bad news signed by the Leader
of the Opposition—we have the headline: ‘Everyone’s a winner in transition to choice era’. That is the Financial Review giving it the thumbs up. Why are they a winner? They are a winner because people have lower fees, better service, greater choice and a greater return on their savings, which means they can have the sort of retirement they deserve, rather than the sort of retirement the Labor Party would inflict upon them, without choice. It has also meant that we have new entrants into the superannuation market—low-cost entrants like Virgin Money and max Super, two great examples of companies which are providing greater choice to Australian workers. So, as the Australian people head into Christmas time, they will know that this government will continue to provide choice, low interest rates, more jobs and a stronger economy, and they will know that the Labor Party will never talk about the issues of concern to them.

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

PERSONAL EXPLANATIONS

Mr Kerr (Denison) (3.30 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr Kerr—I do, Mr Speaker.

The SPEAKER—Please proceed.

Mr Kerr—Today in question time the Attorney-General put to the House a proposition that there was a difference between the position that I adopted, shared by my colleagues the member for Lowe and the member for Chifley, which he put forward as supporting the government’s position in relation to legislative changes that the government is making in family law, and that put forward by the member for Gellibrand, the shadow Attorney-General. Might I make it clear that all members of that committee participated with enormous goodwill but that the three non-government members—me, the member for Lowe and the member for Chifley—also submitted a report which was in addition to the recommendations of that committee. It differs from and dissents from some aspects of the government’s position—

The SPEAKER—Order! The member will confine himself to where he has been misrepresented, and not debate the issue.

Mr Kerr—It supports a number of the criticisms made specifically by the member for Gellibrand. It was completely misleading—

The SPEAKER—Order! The member has made his point.

Mr Kerr—and misrepresents my position in relation to the matter to suggest support of the government’s position and difference from the member for Gellibrand.

QUESTIONS TO THE SPEAKER

Committee Reports: Government Response

Mr Wilkie (3.32 pm)—Mr Speaker, I have a question to you. As you and honourable members are aware, there has been a longstanding practice in this House, as expounded on page 689 of House of Representatives Practice, that governments respond to committee reports within set time limits of the tabling of such reports. As House of Representatives Practice makes clear, the original commitment was for governments to respond within six months of tabling of reports, but in 1983 this period was reduced to three months. Mr Speaker, I draw your attention to the fact that the government has so far failed to respond to the report of the Joint Standing Committee on Treaties on the Australia-US Free Trade Agreement, Report 61, which was tabled on 23 June 2004, some 18 months ago. I also point out that the docu-
ment circulated yesterday by the Leader of the House, Government responses to parliamentary committee reports, is misleading in its content in that it states that a government response to report 61 has been provided:

The response was given in the response to the Speaker’s schedule of outstanding government responses tabled on 23 June 2005.

However, the report of 23 June 2005 states:

Consultations with relevant portfolios are still proceeding. The response will be tabled as soon as consultations have been completed. No government response to the committee’s report has been provided.

Mr Speaker, I ask you to investigate options which would ensure that the government responds to committee reports according to the set time lines and reports back to the House.

The SPEAKER—I thank the member for Swan. I will make a couple of points. First of all, I will be tabling a schedule of outstanding government responses to reports shortly—today. The other matter is a matter more for the House, but I will get back to the honourable member as appropriate.

Naming of Constituents

Ms ROXON (3.34 pm)—Mr Speaker, I have a question to you. Given your concern not to name constituents inappropriately during question time, is it appropriate for a member of parliament to reveal the workplace of a constituent in the local paper when responding to criticisms published in that paper? Furthermore, are you aware of letters published in the Hamilton Spectator under your name which publicly revealed the workplace of a critic of this government’s workplace relations legislation? Are you aware of any remedy that is available in this situation for a breach of privacy by an MP?

The SPEAKER—I thank the member for Gellibrand. I certainly do recall the incident that she is referring to. As I recall, it did not specify the precise workplace of that constituent. Therefore, I do not think the question is based on a solid foundation.

Ms ROXON—I am sorry, Mr Speaker, I do not have a copy with me but I can provide you with one. Perhaps you will reflect on this matter when I provide you with the article, which clearly does specify the workplace of your constituent.

The SPEAKER—I can recall the letter. It did not specify the precise workplace, but I am happy to look at it further.

Reflections on the Chair

Ms GILLARD (3.35 pm)—Mr Speaker, I have a question to you and it relates to the statement you made at the commencement of question time in response to the question I raised with you about reflections on the chair and their withdrawal inside and outside the House. Mr Speaker, can I ask you to reflect on what happened in question time with the reflection on the Speaker contained in the words used by the member for Bass, and how that accords with what you outlined as your guidelines at the start of question time? Am I to assume that, because the member for Bass was not required to withdraw those words, those words used by any member of the House in preface to a point of order will now be ruled in order, that you will not see them as a reflection on the Speaker and that you will not require any other member to withdraw them, or a comparable form of words?

The SPEAKER—I thank the honourable member for her question. As I recall—and I am happy to check the Hansard—the member for Bass made it quite specific that he was not reflecting, rather than reflecting, which is the complete opposite of what you are suggesting.

Ms Gillard—That is not what he meant.

The SPEAKER—That was quite clear.
Mr McGauran—Mr Speaker, on that point: we on this side would be very interested to know what the member for Perth said to you or alleged to you on his expulsion. So, whilst the opposition feigns concern for your standing, we would like to know what the member for Perth actually said to you.

The SPEAKER—The member for Perth was asked to remove himself under standing order 94(a) and he did so.

Ms Gillard—Mr Speaker, can I ask you to view the tape involving the member for Bass during question time? I put to you the view that the use of those words in that tone could only constitute a reflection on the Speaker. If you are not of that view, Mr Speaker, I advise you that of course it will be the expectation of the opposition, when we resume, that the use of those words or any comparable words by members on this side prefacing a point of order will not be disturbed by you in any way and you will not seek their withdrawal. That is an indication of the need for even-handed treatment of both sides of the parliament.

The SPEAKER—I have responded to the specific point that the Manager of Opposition Business raises, but at no point should the Manager of Opposition Business think that threatening the chair will enhance the procedures of the chamber.

Committee Reports: Government Response

Ms ANNETTE ELLIS (3.38 pm)—Mr Speaker, I want to ask you a question that is a follow-up to the question put by the member for Swan in relation to committee reports. I refer to a report that was produced by the Joint Standing Committee on the National Capital and External Territories and, from memory, was tabled in the middle of 2001. It was called In the pink or in the red? and it was an inquiry into health services on Norfolk Island. I understand that the only response from the government has been a scheduled list saying, ‘We’re not going to respond to it, because we believe future inquiries into Norfolk Island will also have relevance.’ They still have not yet been responded to. In deliberating over the question from the member for Swan, I would be very grateful if you could also give some advice to me in relation to the outstanding committee report, which is now four-plus years old.

Questions in Writing

Mr KELVIN THOMSON (3.39 pm)—As the parliament prepares to rise for the end of the year, I have a series of questions on the Notice Paper which remain unanswered. I ask you to write to these ministers, pursuant to standing order 105: the Minister for Finance and Administration, concerning question No. 186 which was lodged over a year ago on 29 November 2004; the Minister for Citizenship and Multicultural Affairs, concerning questions Nos 810, 811 and 812; the Prime Minister, regarding question No. 1,673 on national water infrastructure which was asked on 14 June; various ministers, concerning questions Nos 1,958 to 1,976, lodged on 9 August; the Minister for Immigration and Multicultural and Indigenous Affairs, concerning question No. 1,985; and the Prime Minister, concerning questions Nos 2230 and 2231 on 5 September. I have a second question also.

The SPEAKER—I thank the member for Wills. I will certainly follow that up for him.
Parliament House: Security Arrangements

Mr KELVIN THOMSON (3.40 pm)—My second question relates to your letter of 6 December to senators and members concerning security arrangements surrounding the building and noting that the threat assessment for the building remains at medium. Can you advise the House when that assessment was initially issued and whether it related to Australia’s decision to join the coalition of the willing?

The SPEAKER—I thank the member for Wills. I will inquire on that matter and find out when the threat assessment was made.

Mr Kerr—Mr Speaker, I rise on a point of order referred to you earlier: in the spirit of Christmas—and may I take this occasion to wish you and everyone else the very best for the holidays—and as a way of meeting the opposition halfway, you might at least consider restricting those on the government side who might not seek to tell the Speaker how to do his job to the members for O’Connor and Mackellar.

The SPEAKER—I note the comments of the member for Denison.

DOCUMENTS

Mr McGAURAN (Gippsland—Deputy Leader of the House) (3.42 pm)—Documents are tabled 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 Finance and Administration—Reports—Former parliamentarians’ travel paid by the department for the period January to June 2005.
Parliamentarians’ overseas study travel reports for the period January to June 2005.
Parliamentarians’ travel paid by the department for the period January to June 2005.

Department of the Prime Minister and Cabinet—Expenditure on travel by former Governors-General paid by the department for the period 1 January to 30 June 2005.


Debate (on motion by Ms Gillard) adjourned.

Mr McGAURAN (Gippsland—Deputy Leader of the House) (3.42 pm)—I present papers on the following subjects, being petitions which are not in accordance with the standing and sessional orders of the House.

Relating to the Micah Challenge—from the member for Ballarat—770 Petitioners
Relating to the cost of petrol and diesel—from the member for Farrer—20,366 Petitioners
Relating to the government’s changes to the industrial relations systems—from the member for Chisholm—52 Petitioners

BUSINESS

Mr McGAURAN (Gippsland—Deputy Leader of the House) (3.43 pm)—I move:

That standing orders 31 (automatic adjournment of the House) and 33 (limit on business after 9.30 pm) be suspended for the sitting on Thursday, 8 December 2005.

Question agreed to.

Mr McGAURAN—I know members are anxiously awaiting some indication of the timing of the rising of the House. Sadly, the Senate is yet to conclude its business and I am unable to give an accurate estimate of the departure of members home. However, all is not lost. I understand that within a relatively short period we will have a better idea of the Senate’s more accurate estimate of its concluding of its business.

COMMONWEALTH OMBUDSMAN

Report

The SPEAKER—For the information of honourable members, I present the following document: Report for 2004-05 on the Com-
monwealth Ombudsman’s activities in monitoring controlled operations conducted by the Australian Crime Commission and the Australian Federal Police.

COMMITTEES
Reports: Government Responses

The SPEAKER—For the information of honourable members, I present a schedule of outstanding government responses to reports of House of Representatives and joint committees, incorporating reports tabled and details of government responses made in the period between 23 June 2005, the date of the last schedule, and 7 December 2005. Copies of the schedule are being made available to honourable members and it will be incorporated in Hansard.

The report schedule read as follows—

THE SPEAKER’S SCHEDULE OF OUTSTANDING GOVERNMENT RESPONSES TO REPORTS OF HOUSE OF REPRESENTATIVES AND JOINT COMMITTEES
(also incorporating reports tabled and details of government responses made in the period between 23 June 2005, the date of the last schedule, and 7 December 2005)

8 December 2005

THE SPEAKER’S SCHEDULE OF OUTSTANDING GOVERNMENT RESPONSES TO COMMITTEE REPORTS

On 8 December 2005, the Government presented its response to a schedule of outstanding Government responses to parliamentary committee reports tabled in the House of Representatives on 23 June 2005.

It is Government policy to respond to parliamentary committee reports within three months of their presentation. In 1978 the Fraser Government implemented a policy of responding in the House by ministerial statement within six months of the tabling of a committee report. In 1983, the Hawke Government reduced this response time to three months but continued the practice of responding by ministerial statement. The Keating Government generally responded by means of a letter to a committee chair, with the letter being tabled in the House at the earliest opportunity. In 1996, the Howard Government affirmed the commitment to respond to relevant parliamentary committee reports within three months of their presentation. The Government also undertook to clear, as soon as possible, the backlog of reports arising from previous Parliaments.

The attached schedule lists committee reports tabled and government responses to House and joint committee reports made since the last schedule was presented on 23 June 2005. It also lists reports for which the House has received no government response. A schedule of outstanding responses will continue to be presented at approximately six monthly intervals, generally in the last sitting weeks of the winter and spring sittings.

The schedule does not include advisory reports on bills introduced into the House of Representatives unless the reports make recommendations which are wider than the provisions of the bills and which could be the subject of a government response. The Government’s response to these reports is apparent in the resumption of consideration of the relevant legislation by the House. Also not included are reports from the Parliamentary Standing Committee on Public Works, the House of Representatives Committee of Members’ Interests, the Committee of Privileges, the Publications Committee and the Selection Committee. Government responses to reports of the Public Works Committee are normally reflected in motions for the approval of works after the relevant report has been presented and considered. Reports from other committees which do not include recommendations are only included when first tabled.

Reports of the Joint Committee of Public Accounts and Audit primarily make administrative recommendations but may make policy recommendations. A government response is required in respect of such policy recommendations made by the committee. However, responses to administrative recommendations are made in the form of an Executive Minute provided to, and subsequently tabled by, the committee. Agencies responding to administrative recommendations are required to

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provide an Executive Minute within 6 months of tabling a report. The committee monitors the provision of such responses. The schedule only includes reports with policy recommendations.

8 December 2005

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<td>Indian Ocean Territories—Review of the Annual Reports of the Department of Transport and Regional Services and the Department of the Environment and Heritage (Australia’s external territories)</td>
<td>31-08-04</td>
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<td>Difficult Choices: Inquiry into the role of the National Capital Authority in determining the extent of redevelopment of the Pierces Creek Settlement in the ACT</td>
<td>31-08-04</td>
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<td>No</td>
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<tr>
<td>Antarctica: Australia’s Pristine Frontier. Report on the adequacy of funding for Australia’s Antarctic Program</td>
<td>23-06-05</td>
<td>No response to date</td>
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<td>Norfolk Island Financial Sustainability: The Challenge—Sink or Swim</td>
<td>01-12-05</td>
<td>Time has not expired</td>
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<td>Description of Report</td>
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<td>Native Title and the Aboriginal and Torres Strait Islander Land Fund (Joint, Statutory) Nineteenth Report: Second interim report for the s.206(d) Inquiry—Indigenous Land Use Agreements</td>
<td>26-09-01</td>
<td>02-11-05</td>
<td>No</td>
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<td>The effectiveness of the National Native Title Tribunal</td>
<td>04-12-03</td>
<td>02-11-05</td>
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<td>Native Title and the Aboriginal and Torres Strait Islander Land Account (Joint, Statutory) Examination of Annual Reports 2003-2004 Procedure (House, Standing)</td>
<td>20-06-05</td>
<td>No response required</td>
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<td>Balancing tradition and progress: Procedures for the opening of Parliament Arrangements for second reading speeches House Estimates: consideration of the annual estimates by the House of Representatives</td>
<td>27-08-01</td>
<td>23-06-05</td>
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<td>01-12-03</td>
<td>No response to date</td>
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<td>No response to date</td>
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<td>Media coverage of House proceedings including the Chamber, Main committee and committees (Final report)</td>
<td>10-10-05</td>
<td>Time has not expired</td>
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<td>A history of the Procedure Committee on its 20th anniversary: Procedural reform in the House of Representatives 1985-2005 Procedures relating to House Committees Public Accounts and Audit (Joint, Statutory)</td>
<td>28-11-05</td>
<td>No response required</td>
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<td>22-06-05</td>
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<td>Science and Innovation (House, Standing)</td>
<td>21-06-04</td>
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<td>Science overcoming salinity: Coordinating and extending the science to address the nation’s salinity problem</td>
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<td>Transport and Regional Services (House, Standing)</td>
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<td>Regional aviation and island transport services: Making ends meet</td>
<td>01-12-03</td>
<td>No response to date</td>
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<td>National road safety—Eyes on the road ahead</td>
<td>21-06-04</td>
<td>07-12-05</td>
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<td>Ship salvage</td>
<td>21-06-04</td>
<td>No response to date</td>
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<td>Train illumination: Inquiry into some measures proposed to improve train visibility and reduce level crossing accidents</td>
<td>24-06-04</td>
<td>07-12-05</td>
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<td>Treaties (Joint, Standing)</td>
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<td>The Australia—United States Free Trade Agreement(61st Report)</td>
<td>23-06-04</td>
<td>No response to date</td>
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<td>Treaties tabled on 7 December 2004 (previously tabled in May and June 2004) (63rd Report)</td>
<td>14-12-04</td>
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<td>Treaties tabled on 7 December 2004 (3) and 8 February 2005 (65th Report)</td>
<td>20-06-05</td>
<td>No response to date</td>
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<td>Review of treaties tabled 7 December 2004 (4), 15 March and 11 May 2005 (66th Report)</td>
<td>17-08-05</td>
<td>No response to date</td>
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<td>Review into Treaties tabled on 21 June 2005 (67th Report)</td>
<td>12-09-05</td>
<td>No response required</td>
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<td>Treaties tabled on 7 December 2004 (5) and 9 August 2005 (68th Report)</td>
<td>07-11-05</td>
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<td>Treaties tabled on 13 September and 11 October 2005 (69th Report)</td>
<td>05-12-05</td>
<td>Time has not expired</td>
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<td>Treaty tabled on 9 November 2005 (70th Report)</td>
<td>06-12-05</td>
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These notes reflect the response circulated by the Leader of the House on 23 June 2005 entitled “Government Responses to Parliamentary Committee reports. Response to the schedule tabled by the Speaker of the House of Representatives on 8 December 2005”.

1. The date of tabling is the date the report was presented to the House of Representatives. In the case of joint committees, the date shown is the date of first presentation to either the House or the Senate. Reports published when the House (or Houses) are not sitting are tabled at a later date.

2. If the source for the date is not the Votes and Proceedings of the House of Representatives or the Journals of the Senate, the source is shown in an endnote.

3. The time specified is three months from the date of tabling.

4. On 18 November 2005 the government announced further reforms to the Act. This concludes the government’s consideration of the recommendations of the report.
A consolidated draft government response is being prepared following input from relevant agencies.

Outstanding issues arising from the interim report will be covered in the response to the final report.

The response is in the final stages of clearance and is expected to be tabled soon.

A response is being drafted for circulation to relevant agencies for comment.

The response is expected to be tabled shortly.

The response is in the final stages of clearance. It is expected the response will be tabled during the Autumn sittings 2006.

The government is finalising its response to the report in consultation with responsible agencies.

The government is continuing to consider its response in light of international developments, in particular, the review of the New Zealand Financial Reporting Act.

The government has responded in part to this report through changes to the Corporations Regulations and proposals to make further refinements to the regulation of financial services, which are currently being implemented. A combined response to this report and other reports by the Committee on certain financial service regulations, that takes into account these refinements, will be tabled following implementation of the changes of law.

The government is considering its response in the context of ongoing refinements to financial services regulation affecting the operation of managed investment schemes. A response will be provided in due course.

The government has responded in part to this report through changes to the Corporations Regulations. A combined response to this report and other reports by the committee on certain financial services regulations, that takes into account these refinements, will be tabled following implementation of the reforms to the law.

The response is being updated and will be finalised as soon as possible.

The response is to be combined with that for 'Money Matters in the Bush' and will be finalised as soon as possible.

The response is being prepared and will be tabled in due course.

The government will consider the recommendations of the Ministerial Council of Consumer Affairs working group investigation and a response will be tabled in due course.

A response is being redrafted and will be tabled in due course.

A draft response is currently being considered.

A response is being finalised and will be tabled in due course.

The Department of Health and Ageing is currently coordinating an updated draft response. The original draft response is being updated. The revised draft is expected to be considered by the government shortly.

The report is being finalised and will be tabled as soon as possible.

Statistical information for inclusion in the response is being reviewed and the response to the report will be tabled as soon as consultations have been completed.

The government is currently considering the amended draft response and it will be tabled as soon as possible.

The government indicated in the Response to the Speaker's Schedule of Outstanding Government Responses tabled on 23 June 2005 that it did not intend to respond to this report.

The response is in the final stages of clearance and is expected to be tabled shortly.
The response is expected to be finalised shortly.

A draft response is being cleared through government. Tabling is expected in the near future.

A response has been drafted and will be tabled in due course.

The government considers that the existing arrangements provide the opportunity for a significant debate on legislation and that they remain appropriate. Accordingly, the government does not support the recommendations of the report.

A response is being prepared and will be tabled as soon as possible.

The government is considering its response to outstanding recommendations and a response will be tabled in due course.

The response is in an advanced stage of preparation.

The government is currently considering its draft response.

The response will be finalised following completion of Australian Transport Council process, expected to be in November 2005.

Defence has implemented recommendations 6 and 7. No further response will be required.

A response is being considered and will be finalised shortly.

But let us consider the events of the last few weeks, starting with the performance of Australia’s most arrogant bridesmaid, the Treasurer. When the member for Lilley applies the blowtorch, the Treasurer heads for the hills in total surrender, head down and tail between his legs. But is this surprising when you consider his past? I asked our research team to do some digging and it has become clear that the Treasurer has never led anything. He campaigned for school captain and lost. Despite a concerted political campaign, the best he could do was vice-chair of the Liberal Party’s east metropolitan area conference. That is like losing to your grandmother in an arm wrestle. Later he was beaten by Michael Wooldridge for deputy leader of the Liberal Party. When I last heard, he was organising a Liberal Party think tank on Norfolk Island. Then perhaps the greatest indignity of all was serving as deputy leader behind ‘Lord Alexander of Adelaide’, Australia’s most out-of-touch aristocrat. Now he is jammed behind the Prime Minister, with nowhere to go. The jury is in on the Treasurer. He is a bloke who could not captain the Manly ferry—and this week we learned why.

MATTERS OF PUBLIC IMPORTANCE

Howard Government

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

The failure of the Government to exhibit the great Australian traits of fairness, honesty and decency.

I call upon those members who approve of the proposed discussion to rise in their places.

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

Mr BEAZLEY (Brand—Leader of the Opposition) (3.45 pm)—Fairness, honesty and decency are three great Australian values that are completely foreign to this government, with its Americanisation of the industrial relations system in this society and of our education system. Its drive is to create a dog-eat-dog Australia; or perhaps, given the events of this week, ‘rodent consumes canine’ is more appropriate.
The DEPUTY SPEAKER (Hon. IR Causley)—Leader of the Opposition, the motion moved is a broad motion and not a motion against the Treasurer.

Mr BEAZLEY—He does not know right from wrong and his colleagues know that. During the course of the last nine days, he has buried himself in deceiving us. He has treated the Australian people with contempt, with invention after invention after invention. On the invention front, he has form. My team discovered that, at a business function a few weeks ago, the Treasurer revealed his boyhood hero. The fellow he loved to watch and admire through his formative years, whose autograph he sought and whose battles inspired him was none other than the wrestler Big Chief Little Wolf. Let me come to the invention. The problem for the Treasurer is this.

Mrs Irwin interjecting—

The DEPUTY SPEAKER—The member for Fowler will remove herself under 94(a). She has been warned.

The member for Fowler then left the chamber.

Mr BEAZLEY—Big Chief Little Wolf retired at the same time the Treasurer was born.

Ms Macklin interjecting—

The DEPUTY SPEAKER—The member for Jagajaga will go the same way.

Mr BEAZLEY—Fair dinkum, it is a bit rich when you have to invent your childhood hero. It is a nice picture, though—Big Chief Little Wolf and his biggest fan, our Treasurer, Small Dog Retreating. Big Chief Little Wolf and Small Dog With White Flag really says it all. But enough of the Treasurer.

We all know what happened this week. Everybody can see the truth, even if the Treasurer cannot. We know the truth is this: there has been one rule for Liberal mates and another for hardworking Australians. We saw that in question time today. For small businessmen and farmers: two jailed for tax evasion worth severally $20,000 and $54,000. For evasion by a mate of the Liberal Party to the tune of $150 million: a seat on the board of the Reserve Bank. That is the contrast. There is one rule for small businessmen and farmers: minuscule amounts and jail terms. There is another rule for a mate of the Liberal Party: in hock to the tax office for $150 million and promotion to the board of the Reserve Bank.

We know all about the Treasurer and he cannot conceal that he and his office knew about this matter. There is no other explanation for the behaviour of his chief of staff for the initial comments of Mr Gerard—none whatsoever—and for the so-called failure of the Treasurer’s office to find what was out there and would be reported on throughout his department about the legal actions that had surfaced in public, vis-a-vis Mr Gerard and the tax office, but that they knew exactly what they were doing and they did not think it mattered. That is all there is to it. There is a double standard here and, inside that double standard, there is no room for decency, honesty or fairness.

Moving along now to VSU, today, at a press conference about the government’s intentions I said that this was not a policy that emerged from all the issues; it is the revenge of the nerds. It is Minister Nelson still fighting his old campus battles. What about his performance in this place yesterday? I honestly thought that honourable members would witness Australia’s first case of spontaneous combustion. Pieces of animated racoon would have been flying everywhere. The animated racoon would have given the appearance of a fruit bat in those circumstances, had he finally blown up.
I want to give him a bit of advice on the VSU matter: back off; give up your old obsession and turn your attention to the real problem facing Australia—your failure to train and educate young Australians so that they have a start in life and can help our country. Why won’t he focus on the skills shortage that is crippling our economy? The truth is that he has no solutions. All he has is nasty ideology and old vendettas. Minister Nelson, my advice for the Christmas break is this: lay off the nasty pills—none of us wants to see you lose your charming demeanour—and get back to the job that you are supposed to do.

You see, there is only one person in the front rank responsible for the fact that, in this country, skills training—particularly in traditional trades areas—has to all intents and purposes collapsed, in terms of the needs of the economy, and that person is Minister Nelson. There is only one person responsible for the way in which our universities have started to go backwards and for the massive cuts in their public funding which leave us at the bottom of the OECD—the industrialised world—table, just when everybody is competing on a knowledge basis, and that is Minister Nelson. There is an absolute obligation on Minister Nelson to get out there into the community, get out there among his cabinet colleagues and start to do his job—and not do everybody else’s. He has a view about how you ought to conduct the affairs of student unions. He has a view about the dress standards of Australian teachers. He has a view about the five-year-olds’ literacy. He does not have a view about his job and his personal responsibility for the collapse of the trade-training system in this country. He has to get on his bike and do something about it.

Turning to the Wheat Board scandal, which is a King Hell horror. Despite the extensive investigation by the United Nations, the Prime Minister decided he would try and deny in this place today that the Australian Wheat Board have been involved in kickbacks in relation to Saddam Hussein’s regime. I can understand why he would be in denial, because this is a very horrible story. If it is true, it reflects incredibly badly on this country. The government seem to think that the adjournment of parliament is going to save them from this scandal, but it will not. Our side of politics will expose this government for what they have done, and this is going to go on for a very long time.

The government have sanctioned the funding of the very tyrant they sent our young men and women to fight. The government have got to come clean, because, frankly, this stinks. They sent our troops to fight the same people that the Wheat Board was funding through kickbacks. We need a full royal commission on this, with a broad term of reference to find out the truth. The government do not want a full inquiry, because they knew about the kickbacks.

Mr Wilkie interjecting—

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Swan will remove himself under standing order 94(a).

The member for Swan then left the chamber.

Mr BEAZLEY—This is really very simple. They do not want a broad and full royal commission because this is a cover-up, pure and simple. But our people, especially our soldiers, deserve the truth, and we intend to uncover it. The minister, the Prime Minister, the Deputy Prime Minister and the Minister for Foreign Affairs have been like the three wise monkeys: hear no evil, see no evil, speak no evil—but you know all about the evil. You might not hear it; you might not speak it; you might not see it; but you knew all about it, which is why you have constrained the terms of reference to whitewash dimensions for this inquiry.
This is very serious. Other people are interested in this. If we are not going to inquire into this—and cleanse ourselves completely, with full knowledge of what the government knew and what officials knew—others will do it for us, and the consequences of us appearing to add to the sin of commission, in the first place, the sin of refusal to confront it, in the second, will make any punishment meted out by them that much more severe. We just put that down as a warning note. We will see what transpires from this over the next few months, because this, if it occurred, is an act of pure evil. We are going to make absolutely certain that, in this place, this government will answer for it.

Those are three areas, two of which are a smelly, stinking morass of government deception and deceit. Let me turn finally to the issue of their extreme industrial relations agenda. Yesterday's figures showed that our economy is slowing. The most fundamental difference between the opposition and the government on the economy is this: to drive our economy and pay our debts, in our belief, we need high skills, not low wages. This is a fundamental difference of approach. The opposition believe in and are putting policy forward for a nation of high skills, the basis on which we compete with the Indians, the Chinese and the others with whom we are now in competition in the global economy. The only way we can do that is to have a highly skilled work force. That will drive productivity. That will drive inventiveness in our product, at the end of the day. That will drive a revival of our exports. The government have decided, decisively, in what they had to say in their legislation that they are going to try to compete with those two great nations on the basis of their wage levels. The decision has been taken decisively. The difference between the government and the opposition is now absolute. There is a very clear-cut choice now before the Australian people, and it is a choice that will be there for them at the next election. Labor will train and educate Australians, not cut their wages.

The cowardly new world of this government's industrial relations system embodies the ideological poison and prejudice that have driven this Prime Minister for three decades. Understand this: it has nothing to do with the economy. It is simply a long-standing ideological commitment that produces, in fact, a savage attack on the lives of Australian families from a ruling elite that governs for itself and not for our country. It will eat away, over time, at the foundations of job security, family life and wage fairness.

We asked a question today about the experience of Western Australia. The verdict is in on exactly what this will do. It will destroy Australian values that have been sacred for generations: fair minimum wages for all workers, decent working hours so that families can spend time together, penalty rates and shift loadings and the right to bargain collectively. It is not a matter of theory; it will be done. It is a bridge too far. The government knows it, and so do the Australian people. It is not just some academic exercise. It is not a set of statistics. We are dealing with real people, real mortgages. These are the nurses, teachers, tradespeople and labourers whose mortgage repayments rely on penalty rates and shift allowances. We know this. They stand to lose $260 a week in lost shift and penalty rates in our hospitals, for example. The average overall is about $250 a month. It is not discretionary income; it is the money that pays their mortgages and feeds and educates their kids.

We are not talking about economic models or labour market supply curves; we are talking here about Australian families in our suburbs and our country towns who are already just treading water in the struggle to make ends meet. We are talking about the
kind of Australia we want for our children: workplaces where everyone is respected and valued, decent standards and conditions, security and dignity. That is what we stand for in the Australian Labor Party. The differences between us and our opponents are absolute. The government have abandoned those Australian values of fairness, decency and honesty. What they intend for ordinary Australians now is evil. The effect on their lives will over time—not immediately—be devastating, but we will deal with the government. We will fight them for the next two years and we will win. (Time expired)

Mr McGAURAN (Gippsland—Minister for Agriculture, Fisheries and Forestry) (4.00 pm)—Oh dear! Is that what the Leader of the Opposition has to show for 2005, in the last debate on matters of public importance for the parliamentary year—not for the parliamentary day, the parliamentary week or the parliamentary month but for the parliamentary year? Is that the case he makes against the government? Is that the result of 12 months endeavour? Are those the strongest arguments the Leader of the Opposition can make against the government of the day? If that is the best the Leader of the Opposition can do, and I believe it is, then his allegations in the matter of public importance fall away.

Essentially the Leader of the Opposition had three arms of attack on the government, if you can flatter his contribution with the description of ‘attack’. They were: the appointment of Mr Rob Gerard to the board of the Reserve Bank of Australia; the issues surrounding the oil for food program in Iraq; and the government’s reforms on industrial relations. They were the three stakes in the ground upon which the Leader of the Opposition based his criticism. With regard to the first two, the appointment to the board of the Reserve Bank of Australia and the issues surrounding the Australian Wheat Board, 80 questions have been asked in the last fortnight, many of them of a forensic, intrusive or exact type. With regard to industrial relations, on my estimates some 200 questions have been asked by the opposition. So, after almost 300 questions without notice to the Prime Minister and to various ministers, all the Leader of the Opposition can lamely do is accuse the government of unfairness and of lacking in decency and honesty.

The lack of decency and honesty comes from spokesmen in the Labor Party, especially the shadow minister for foreign affairs and the shadow minister for agriculture, who relentlessly, continually, inaccurately and without cause blackened the names of members of the Australian Wheat Board, both at the officer and director levels, and officials of the Department of Foreign Affairs and Trade. It was fascinating to hear the first qualifications by the Leader of the Opposition in respect of the allegations when, on a couple of occasions after he alleged that these were ‘evil’ acts, he said, ‘If it is true. I have not heard; I stand to be corrected.’ A qualification as stark and obvious as that will clearly follow the Prime Minister’s and other ministers’ explanations on those issues in question time today and previously.

Suddenly the Leader of the Opposition is attempting to build a platform on which he can crawl back from the wildest allegations—‘utterly unfair’, ‘cruel and destructive’ and even ‘dangerous’—by his colleagues. The shadow minister for foreign affairs has spent weeks now blackening collectively the names of the Department of Foreign Affairs and Trade and, more specifically, those officials who were involved in the area in question, as did the shadow minister for agriculture with regard to the Australian Wheat Board. They are allegations at present; they are not proven. If the Leader of the Opposition wants standards of honesty
and decency, then he should start with his own shadow ministers.

When I read this matter of public importance this morning, which I will repeat for the House—‘The failure of the government to exhibit the great Australian traits of fairness, honesty and decency’—it had a ring of familiarity. I told my staff that I had heard it before and that someone else was a relentless user of this phrase. Sure enough, in the last debate on matters of public importance before the 2004 election—on Thursday, 12 August, the last sitting day before the 2004 election—these words were used by the Leader of the Opposition’s predecessor. I take deep offence at that gesture by the shadow minister for foreign affairs coming my way, but I am not so thin-skinned as to reply in kind. Mark Latham raised a matter of public importance on the last day before the 2004 election in much the same terms, and he finished up with that ringing cry. I quote from the Hansard of 12 August:

That is why he—

Prime Minister John Howard—

must go at the next election—to restore some decency, some fairness and some honesty to Australian government ...

I repeat that:

... to restore some decency, some fairness and some honesty to Australian government ...

These are the exact words of today’s MPI. I find it quite fascinating, as would others, that the Leader of the Opposition takes his inspiration and his guidance from the former Leader of the Opposition, Mr Mark Latham. In fact, Mr Latham uses the words ‘decency’ and ‘honesty’ in relation to the member for Brand—the Leader of the Opposition, himself—on a number of occasions through his momentous, seminal work The Latham Diaries. He described the member for Brand as giving the appearance of jocularity and friendliness but in fact lacking decency, which he repeated on a number of occasions.

It is a phrase that I also sought from further afield. It is a phrase that others have used, but they have now been, dare I say, plagiarised by the Leader of the Opposition. Mark Latham himself appeared to have plagiarised works to contribute to his own writings, but, in this case, the Leader of the Opposition is plagiarising the plagiariser. This phrase has also been used by Senator John Faulkner, the veteran senior Labor figure—the elder statesman who, supposedly impartially, decides on issues and is the oracle and the repository of all wisdom and experience in the Labor Party—who had this to say about the state of the Labor Party under the current Leader of the Opposition when he launched a biography on Mark Latham:

When—

the Labor Party are—

maintaining factional power ahead of civility, decency, honest, humanity or even legality, then bullying and thuggery become lazy substitutes for debate.

Consequently, John Faulkner himself uses the phrase ‘decency and honesty and humanity’ in place of decency, honesty and fairness to criticise the Labor Party’s factional system. Incidentally, whilst I think of Mark Latham, you have to admit that in December 2005 things are very different from 12 months ago, when he was still reigning supreme over the Labor Party with the support of and, indeed, the active number counting by the member for Lalor, who was a great supporter of the former member for Werriwa when he was leader and since then.

I was doing some research on animal welfare issues. I know that must appear initially unrelated to the matter at hand, but I checked the PETA site, a very radical animal liberationists’ site maintained by the People for Ethical Treatment of Animals. On more than
a couple of occasions, they call on people on their web site throughout the world to lobby the Australian Prime Minister, John Howard, and also Labor leader Mark Latham, on a number of animal welfare issues. The site says:

Many prominent Australians have recently joined with Animals Australia to call on Prime Minister John Howard and Labor leader Mark Latham to end live animal exports. You can help. Write to John Howard and Mark Latham asking that they put an immediate end to mulesing ...

So the influence and profile of the position of Leader of the Opposition has spread far and wide internationally—and remember, PETA has an Australian representative body here, Animals Australia—so the Leader of the Opposition has a fair bit more to do. The problem for the Leader of the Opposition is that he equates leadership with following. He will never understand the Australian electorate unless he first understands that they want a leader to make decisions that are explained and justified.

Ms Gillard—Have you seen the topic?

Mr McGauran—I want to come to that exact point, because the allegation is that the government lacks fairness, honesty and decency.

The DEPUTY SPEAKER (Hon. I.R. Causley)—It is a very wide-ranging topic, the member for Lalor.

Mr McGauran—As the leader of a major political party in this country, you need honesty to state what you believe and to defend it. I can remember back to the early days of the Howard government, in 1996-97, when the accusation by the member for Brand was that we were continually poll driven and we were simply responding to what pollsters told us; whereas, in fact, over the years the Prime Minister and the government have been well ahead in the polls or in defiance of the polls on numerous occasions, whether it was about a goods and services tax, a commitment to the Iraq war or industrial relations. But over that same period of time Australians have recognised the honesty, the public decency, of the Prime Minister.

So long as the Leader of the Opposition equates leadership with evasion and abdication of responsibility, he will surely be confined to the opposition benches. The finest standard of honesty in public life is to tell people openly and transparently what you believe and what you will do. Nothing could be further from the truth with the Labor Party. We do not know what they believe on a number of issues. And when we do decipher or accidentally stumble across a policy statement, Labor demonstrate no honesty in explaining it and defending it—for instance, Medicare Gold. I ask the member for Lalor: will you go to the next election with a policy on Medicare Gold? My heavens, she is nodding; she is affirming it.

Ms Gillard interjecting—

The DEPUTY SPEAKER—There is no need for a debate across the table.

Mr McGauran—She is affirming that Labor is going to the next election with Medicare Gold. That is significant. Will Labor go to the next election talking of honesty? I will ask the member for Lalor.

The DEPUTY SPEAKER—The minister will address his remarks through the chair.

Mr Griffin—Mr Deputy Speaker, I rise on a point of order.

The DEPUTY SPEAKER—I have already dealt with the minister.

Mr McGauran—I ask again: will the Labor Party go to the next election with a policy of maintaining the private health insurance rebate? There is no response from the member for Lalor this time. The Labor Party are not honest. They are berating the
government for a lack of honesty but they will not tell the Australian people whether they are committed to Medicare Gold or whether they will maintain the private health insurance rebate.

Ms Gillard—Mr Deputy Speaker, I rise on a point of order. Can I ask you to clarify your ruling that it is not in order for the Deputy Leader of the House to ask me questions during the MPI debate? If it is not in order then surely it is inappropriate for him to berate me for not answering them.

The DEPUTY SPEAKER—The member for Lalor clearly understands that you cannot ask questions across the table; you have to address your comments through the chair.

Mr McGauran—I also ask the Labor Party: will you go to the election with the hit list of private schools, as you did at the last election? You want honesty and Australians demand honesty but, collectively, you are dishonest. You will not tell Australians what you believe in. On this side, people will disagree with us, but they will not necessarily vote against us due to their difference of opinion, because they respect the Prime Minister and the coalition government. They respect our honesty, and consequently they respect our decency in putting our political lives on the line. That is the problem with the Labor Party: they do not have the courage of their convictions. They will not stake their political careers on trusting the Australian people to fairly, and in a balanced way, make a judgment. Many times the Australian people will disagree with the policy of the government or even the opposition, but it is not sudden death. It does not mean they automatically then vote against you. But that is lost on the opposition. No, with the first whiff of gunshot they run away from a policy. They lack total honesty and therefore they lack total decency. Let us now turn to the issue of fairness. What is fairer than a coalition policy that gives a family with two children under the age of 12 years—

Mr McMullan—Mr Deputy Speaker, I rise on a point of order. On a number of occasions you have required members to withdraw a statement about bribes to the National Party.

The DEPUTY SPEAKER—Where was a bribe mentioned?

Mr McMullan—With respect, Mr Deputy Speaker, I am trying to use that as background to ask: how can you say that and then allow the minister to say that, collectively, people on this side of the House are totally dishonest?

The DEPUTY SPEAKER—I have been in this chair on numerous occasions and heard worse than the term ‘dishonest’ mentioned from the Labor Party side. It is not claiming someone to be a liar. I have heard the term used dozens of times.

Mr McMullan—The member for Fraser will be dealt with if he tries to trivialise with the chair.

Mr McMullan—I assure you I am not.

The DEPUTY SPEAKER—What is the point of order?

Mr McMullan—I wish to continue with the point of order I was making. I do not actually agree with your interpretation of that—

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Fraser will remove himself from the House under standing order 94(a).

The member for Fraser then left the chamber.

Mr McGauran—Mr Deputy Speaker, that was a deliberate tactic by the member for Fraser to take what remaining time was available to me. I want to address the issue
of fairness—jobs and low interest rates for farmers, for small business and for home buyers. This government has brought a degree of economic prosperity with record low interest rates and record employment, and therefore that is fairness.

Mr GARRETT (Kingsford Smith) (4.15 pm)—The Deputy Leader of the House refers to the number of questions that have been asked in this House on the Wheat Board affair and other matters. What he does not acknowledge is the failure to answer those questions. There is a reason these issues are alive and kicking, and they will be pursued until the truth is out. The charge made by the Leader of the Opposition today is that the government has forgone the much needed traits of fairness, honesty and decency. It comes at the end of a year that has seen the government engage in the brute exercise of power since taking control of the Senate, and the result has been a whittling away of the proper exercise of functions of the parliament and the rivers of arrogance that have flowed in excess from portfolio to portfolio.

Here is what we have witnessed in this House: debates have been gagged, time for adequate consideration of significant legislation has been cut short, massive pieces of legislation have been dumped into the parliament, and parliamentarians elected to the duty of scrutinising that legislation have been prevented by this government from doing their job properly. That has been the effect of the government taking control of the Senate and of the government introducing big pieces of contentious and complex legislation into this House. The effect of that has been that we as parliamentarians on this side of the House have been unable to do our job properly. As a consequence, the Australian people have been denied, as their representatives are denied, ultimately a democracy is denied, and that is what the charge is in the House today as we close our business for the year 2005—that democracy under this government has been denied by its exercise of power and its curtailing of debate.

The claims made by the Deputy Leader of the House were trivialising the charges that have been made in this debate, so I invite people to consider his claims and the substance of what has been put in the House at this point in time. There has been no fairness here and no fairness either in the substance of the government’s legislation, including the so-called notorious Work Choices bill. Working Australians have been stripped of their rights and denied the opportunity to join and organise together. In this House this year, the Prime Minister has refused time and time again to guarantee that no employee would be worse off and, as it turned out, fairness was literally removed—excised, we might say—from future determinations by the so-called Fair Pay Commission. That was made clear in this House.

All of us on this side of the House and most Australians too understand that fairness is a value to be taken seriously. It is an abiding value for Australians over generations, but it has also been an organising principle for our society. For Australians, fairness has meant that rights were seen to be in balance—in industrial relations, the rights of employer and employee, mediated through a duly constituted court; fairness in the provision for those less fortunate; and the rights as balanced between governments and citizens—yet, in the Welfare to Work legislation, people find that they receive less money as they travel from one welfare situation to another. It was fairness as embodied in the system that characterised the Australian way,
but this year, under this government, fairness
has been torn out of the heart of Australians.

Has there been any decency on display
from the government? ‘Indecent’ probably
describes the haste with which legislation
has been forced through the parliament this
week. Indecent were the amounts of hard-
earned Australian taxpayers’ money—some
$50 million plus—that were spent in the big-
gest advertising propaganda blitz the country
has ever witnessed. Indecent were the
amounts of money spent in regional rorts—
some $506 million, at last count, scattered
pre the last election around the country by a
government that sought to buy itself into
power. Who could forget—and I am sure
members will remember—that the govern-
ment’s actions became literally indecent
when a North Queensland hotel received half
a million dollars for a strip joint while the
town’s water supplies were left without suf-
ficient funds for repair. The guardians of
moral rectitude on the government benches
were strangely silent over this small matter
of indecency.

But decency is also about the nature of the
arguments and the way in which they are put
in the people’s House. Again and again, sen-
ior government ministers—with the Minister
for Foreign Affairs a serial offender—
impugn a lack of genuine concern by opposi-
tion members, for example, for the fate of
our armed service personnel overseas, at
times veering into catcalls, claiming a lack of
patriotism on the part of members present. It
is cheap; it is baseless, but no better example
of personal indecency need be offered. But
perhaps it can. Only yesterday the Minister
for Education, Science and Training was at it
again, wasting time and insulting the intelli-
gence of those who were listening, drawing
the longest possible bow on patriotism. Peo-
ple inside and outside the parliament would
have considered the remarks of the minister
indecent—and then his troubled VSU legis-
lation went south for the Christmas break.
There is a god after all.

I return to where a number of us started
this morning. We were singing A Christmas
Carol then but now, more seriously and re-
flecting on another Dickensian title, we take
not A Tale of Two Cities but ‘A Tale of Two
General Incompetencies’—gross incompe-
tencies concerning the appointment by the
Treasurer of a senior Liberal Party supporter
with serious tax issues to the board of the
Reserve Bank and the payment of commis-
sions under the watch of the Minister for
Foreign Affairs and the Minister for Trade of
$300 million to Saddam Hussein’s regime
and the use of those funds.

In both of these cases the truth remains
under a cloud of denial and half-baked proc-
esses, with the subtext, a career—namely,
that of the Treasurer—in abeyance. The facts
of these two matters are at hand and have
been put by the Leader of the Opposition, the
member for Lilley and the member for Grif-
fith. They go past issues of competency to
issues and questions of honesty. They are
questions that have not been satisfactorily
answered in this House and, until they are,
the charge of honesty being absent from this
government is a charge well made.

There is another word to be used in this
context in this debate along with expressions
like ‘decency’ and ‘fairness’ and that is ‘re-
spect’. For what I have spoken about today
in this matter of public importance shows
clearly that the government actually has very
little respect for the Australian people. Oh,
yes, platitudes are in abundance. But when
you listen closely and watch the govern-
ment’s actions you find that respect for peo-
ple—for their intellect, for their ability to
discern arguments or for their aspirations—is
in short supply.

This government talks of family values
and Australian values—talk that has recently
fallen on deaf ears as the public reaction to the current legislative program shows. But it is really just thoughtspeak politics. They do not mean it. This government just mouths the words of family values and then, with harsh industrial relations legislation, puts the squeeze on the family unit as never before. This government talks up big on family values. In the election campaign—aiming for those Family First preferences—it made much of family impact statements. It has all come to nought. Senator Fielding must be gnashing his teeth in the Senate—‘But they promised me.’ Memo to Senator Fielding: welcome to the world of core promises. There is history here. There is form and there is a track record.

This government does not practise family values; it just talks about them. So too when it comes to political values. Freedom and democracy, the bywords for a war in Iraq now made the sacrificial lambs by a government intent on imposing sedition laws on Australians—Australians whose very freedoms have been compromised by the deliberate actions of a government intent only on securing political advantage where it thinks it can.

What are we left with at the end of this year? Father Time stops for no-one and, as we go back to our communities and our families and express as we will those Christmas wishes, as we do to people in the House—wishes of goodwill, wishes for a peaceful future—so too will we make clear the failure of this government in this parliament to display that which remains essential to the health of our body politic. Many bemoan the ebbing respect people have for the political process and those involved in it. But this government bears a primary responsibility. The traits of fairness, honesty and decency will always be needed in this House, but they are nowhere to be seen from the Howard government.

Mr LAMING (Bowman) (4.25 pm)—They say in leadership that there is a time to act and a time to hold firm. I say to the member for Kingsford Smith, supported by his dozen allies, who I am sure in each of their public lives have made a significant contribution to this country: once you step into this chamber, you suddenly circulate in some sort of mad frenzy of frothing Toastmaster practice, convincing yourselves that providing no policy alternative, simply bringing up a completely non-substantive MPI today, is some way to round out 2006. It has been a disgraceful performance.

Mr Griffin—It isn’t 2006, you idiot!

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Bruce is warned!

Mr LAMING—It has been dissembling, it has been pointless. You have had a chance today. You had 20 minutes on the other side of the chamber to encapsulate what you have offered this country in 2005, and what have we had? We have had some attempt, Mr Deputy Speaker, to convince you and this nation that there is some gradient of moral ascendancy of one side of the chamber—that the 150 members in here are perhaps not working hard, honestly, decently and fairly, but that there is some party related gradient of these attributes on the left side of the Speaker. It is a ridiculous MPI to waste parliamentary time with. I am not going to—honour it by listing what this government does that is fair and honourable and noble and decent. That would actually be to attend to such a ridiculous MPI in the first place.

The Leader of the Opposition, in the last sitting period, referred to me as a child of privilege. I can only remind the Leader of the Opposition that, true, I am in fact the child of a mother who struggled in the world when interest rates were in double figures; I am in...
fact the child of a mother who had to go back to work to pay the high interest rates to keep our family home; I am in fact the child of a mother many of whose colleagues wanted so much to enter the work force but could not in a time of double-digit unemployment rates; yes, I am the child of a mother who had to work under extraordinarily tough small business conditions in times of downsizing, unemployment and bankruptcy to find a future for her kids; and, yes, I am the child of parents who had hoped for so much more in the generation under your watch at the helm than we ever had. That will be something that will never be excised from my mind.

For the member for Kingsford Smith to take on an MPI today does surprise me. If I were him I would have said, ‘Thanks, but no thank you.’ To follow the Leader of the Opposition in such a purposeless MPI was a complete and utter waste of time. For a person probably brighter than half of his own frontbench to come in and pick up this MPI and run with such purposeless drivel is a great shame, because we could have used this parliamentary time so much better.

What has this government done? We, unlike the other side, do not have to convince anyone in here. We have convinced the Australian people on a number of occasions. I put to those on the other side: come up with policy alternatives at the end of 2005 and let us reflect on the comparison as a battle of ideas. There has been no battle because from the other side there have been no ideas.

There was some reflection from the other side about scare campaigns and dishonest practices. Labor commented that during the election campaign there had been dishonest practices and, particularly in 2001, that all had not been fair and honest with the Australian people. Those claims have been tried and tested. They achieved no traction then and they are achieving none now. Instead, what we have is serious policy options from this side of the chamber in health, bulk-billing, immunisation, employment and workplace relations, and in family policy with family tax rebates. These are fair, decent and honest policies.

We are not seeing alternatives from the other side. What have we seen? We have seen them vote against our tax cuts earlier in the year. We have seen members of the opposition sit back with nothing, wait until the tax cuts were announced and then add $1 to the lowest decile, take $1 off the top decile and call it a fairer tax package. That is the best that they could provide and the best that they could offer. They presided over 20 per cent small business interest rates, but the moment interest rates are mentioned in an election campaign it is called a scare campaign. It is not a scare campaign at all; it is reality. They were the interest rates under the former government. For those in the chamber who are not aware why interest rates were so high, they do not just move up and down by chance or cycle; it is a deeply inherent element of the opposition’s policy. (Quorum formed)

This MPI bespeaks to the laziness of the opposition. The best they can do is talk about decency and honesty, because this is the place in which we are meant to be talking about policy. For them to assume there is some gradient of moral supremacy that starts on the left side of the Speaker is completely ridiculous. Many of the first-timers of 2004 from the other side of the chamber were good enough to come out and have dinner at a combined first-timers’ dinner, which was organised by the member for Kingston. At that dinner, I never would have thought this would have fallen and eroded to an MPI of such ordinary quality. We are completely and utterly underwhelmed, because the future leaders on this side of the House would not
have supported such a trivial and purposeless MPI.

I say to the first-timers on the other side of the House: let us be fair with the Australian people. Talk to your opposition leader over the Christmas holidays, take a Bex and spend a couple of moments with that man. Say to him: ‘When we come back in 2006, let’s be honest with the Australian people and give them an alternative on how to keep the economy strong. Let’s tell them how we are going to put the nation’s interests ahead of union interests.’ That would be nice to hear. ‘Let’s really talk to them about how we’re going to protect AWAs and control unlimited strike action.’ What would we have done with six different IR systems between the states had this legislation not been passed? How are we going to protect workplaces from secondary boycotts or from pattern bargaining? Let us have some ideas.

The truth is that there have been no ideas this year. It has been a shameful year for the opposition. There has been no battle of ideas. This government has long said that our guarantee is our record. On the other side of the chamber, there are no guarantees at all, because there is no strong record. We all have some memory of how it was before 1996, but they have lost the contest of ideas. It was lost long ago under this leader, it was lost under the previous leader and you had a leader before that who was strong enough to stand up and shine some light on the 60/40 rules. What did you do? You cut him off, rendered him impotent and left him in the corner of the front bench. That is shameful, because you need leadership on the other side. You need policy. I ask that the opposition reflect upon that over the Christmas holidays. I wish everyone in this chamber a merry Christmas.

That so much of the standing and sessional orders be suspended as would prevent private member’s business notice No. 2 standing in my name being called on and debated forthwith.

Mr Robert Gerard is gone, but the process which put him there is still in place. Today I am giving the House of Representatives an opportunity to give a reference to the House of Representatives Standing Committee on Economics, Finance and Public Administration to inquire into the most appropriate models for introducing greater transparency into the process of appointing members to the Reserve Bank board.

The Reserve Bank board is one of Australia’s most important financial institutions. We need to ensure that the public has confidence in that institution. This is a bipartisan motion—an invitation to members of this House—

Mr NAIRN (Eden-Monaro—Parliamentary Secretary to the Prime Minister) (4.36 pm)—As we have business to deal with, I move:

That the member be no longer heard.

Question put.

The House divided. [4.40 pm]

(Assistance given—Hon. BK Bishop)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
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<tr>
<td>74</td>
<td>51</td>
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Majority 23

AYES

Anderson, J.D. Andrews, K.J.
Bailey, F.E. Baird, B.G.
Baker, M. Baldwin, R.C.
Bartlett, K.J. Bishop, J.I.
Broadbent, R. Brough, M.T.
Cadman, A.G. Causley, I.R.
Ciobo, S.M. Cobb, J.K.
Costello, P.H. Draper, P.
Dutton, P.C. Entsch, W.G.
Farmer, P.F. Fawcett, D.
Ferguson, M.D. Forrest, J.A. *
Gambaro, T. Gash, J.

CHAMBER
Thursday, 8 December 2005  HOUSE OF REPRESENTATIVES 113

The DEPUTY SPEAKER—Is the motion seconded?

Dr EMERSON (Rankin) (4.47 pm)—I second the motion. This government is the best friend tax cheats have ever had and the worst enemy of working Australians—

Mr NAIRN (Eden-Monaro—Parliamentary Secretary to the Prime Minister) (4.47 pm)—I move:

That the member be no longer heard.

The House divided. [4.48 pm]

The Deputy Speaker—Hon. BK Bishop

AYES

Anderson, J.D.  Andrew, K.J.
Beasley, K.C.  Baird, B.G.
Beazley, K.C.  Baker, M.
Bird, S.  Bartlett, K.J.
Burke, A.E.  Broadbent, R.
Byrne, A.M.  Cadman, A.G.
Danby, M. *  Ciobo, S.M.
Elliot, J.  Costello, P.H.
Ellis, K.  Dutton, P.C.
Ferguson, L.D.T.  Farmer, P.F.
Fitzgibbon, J.A.  Ferguson, M.D.
Georganas, S.  Gambaro, T.
Gibbons, S.W.  Georgiou, P.
Griffin, A.P.  Hardgrave, G.D.
Hayes, C.P.  Henry, S.
Jenkins, H.A.  Hull, K.E.
King, C.F.  Jensen, D.
Livermore, K.F.  Keenan, M.
Melham, D.  Laming, A.
O’Connor, B.P.  Lindsay, P.J.
Owens, J.  Macfarlane, I.E.
Price, L.R.S. *  May, M.A.
Ripoll, B.F.  McGauran, P.J.
Rudd, K.M.  Moylan, J.E.
Sercombe, R.C.G.  Nairn, G.R.
Snowdon, W.E.  Panopoulos, S.
Prosser, G.D.  Thompson, K.J.

McArthur, S. *  Vanuikinou, M.
* denotes teller

Question agreed to.

The DEPUTY SPEAKER—Is the motion seconded?

Dr EMERSON (Rankin) (4.47 pm)—I second the motion. This government is the best friend tax cheats have ever had and the worst enemy of working Australians—

Mr NAIRN (Eden-Monaro—Parliamentary Secretary to the Prime Minister) (4.47 pm)—I move:

That the member be no longer heard.

The House divided. [4.48 pm]

(The Deputy Speaker—Hon. BK Bishop)

Ayes……….. 73

Noes……….. 53

Majority……. 20

NOES

Adams, D.G.H.  Andrews, K.J.
Bevis, A.R.  Baird, B.G.
Bowen, C.  Baldwin, R.C.
Burke, A.S.  Bishop, J.I.
Cream, S.F.  Brough, M.T.
Edwards, G.J.  Cauley, J.R.
Ellis, A.L.  Cobb, J.K.
Emerson, C.A.  Draper, P.
Ferguson, M.J.  Entsch, W.G.
Garrett, P.  Fawcett, D.
George, J.  Forrest, J.A. *
Grierson, S.J.  Gash, J.
Hatton, M.J.  Haage, B.W.
Hoare, K.J.  Hartsguyker, L.
Kerr, D.J.C.  Hockey, J.B.
Lawrence, C.M.  Hunt, G.A.
Macklin, J.L.  Johnson, M.A.
Murphy, J.P.  Kelly, J.M.
O’Connor, G.M.  Ley, S.P.
Plibersek, T.  Lloyd, J.E.
Quick, H.V.  Markus, L.
Roxon, N.L.  McArthur, S. *
Sawford, R.W.  Moylan, J.E.
Smith, S.F.  Neville, P.C.
Tanner, L.  Pearce, C.J.
Vanuikinou, M.  Pyne, C.
Ayes............ 53
Noes............. 72
Majority......... 19

AYES

Adams, D.G.H. Beazley, K.C.
Bevis, A.R. Birch, S.
Bowen, C. Burke, A.E.
Burke, A.S. Byrne, A.M.
Crean, P.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.
Grierson, S.J. Griffin, A.P.
Hall, J.G. * Hatton, M.J.
Hayes, C.P. Hoare, K.J.
Jenkins, H.A. Kerr, D.J.C.
King, C.F. Lawrence, C.M.
Livermore, K.F. Macklin, J.L.
McClelland, R.B. 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. Sercombe, R.C.G.
Smith, S.F. Snowdon, W.E.
Tanner, L. Thomson, K.J.
Vanvakinou, M.

NOES

Abbott, A.J. Andrews, K.J.
Bailey, F.E. Baird, B.G.
Baker, M. Baldwin, R.C.
Barrett, K.J. Bishop, J.I.
Broadbent, R. Brough, M.T.
Cadman, A.G. Causer, I.R.
Ciobo, S.M. Cobb, J.K.
Costello, P.H. Draper, P.
Dutton, P.C. Entsch, W.G.
Farmer, P.F. Fawcett, D.
Ferguson, M.D. Forrest, J.A. *
Gambito, 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.
Keenan, M.  
Laming, A.  
Lloyd, J.E.  
Markus, L.  
McArthur, S.  
Moylan, J.E.  
Neville, P.C.  
Pearce, C.J.  
Pyne, C.  
Robb, A.  
Schultz, A.  
Smith, A.D.H.  
Stone, S.N.  
Ticehurst, K.V.  
Truss, W.E.  
Turnbull, M.  
Vasta, R.  
Washer, M.J.  
Kelly, D.M.  
Ley, S.P.  
Macfarlane, I.E.  
May, M.A.  
McGauran, P.J.  
Nairn, G.R.  
Panopoulos, S.  
Prosser, G.D.  
Richardson, K.  
Ruddock, P.M.  
Scott, B.C.  
Slipper, P.N.  
Somlyay, A.M.  
Thompson, C.P.  
Tolner, D.W.  
Tuckey, C.W.  
Vale, D.S.  
Wakelin, B.H.  
Wood, J.

* denotes teller

Question negatived.

COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT BILL 2005

Consideration of Senate Message

Bill returned from the Senate with amendments.

Senate’s amendments—

(1) Clause 3A, page 4 (after line 7), after sub-clause (1), insert:

(1A) The Chief Minister of the Northern Territory must not nominate land under subsection (1) unless the Chief Minister has, at least 3 months before making the nomination, given written notice to the Land Council for the area in which the land is situated of the Chief Minister’s intention to nominate the land.

(2) Clause 3B, page 4 (after line 27), after paragraph (1)(f), insert:

(fa) if the land is nominated by the Chief Minister of the Northern Territory and there is a registered native title claimant (within the meaning of the Native Title Act 1993) in relation to the land or any part of it—contain evidence of the consent to the nomination by the claimant; and

(fb) if:

(i) the land is nominated by the Chief Minister of the Northern Territory; and

(ii) the land or any part of it is the subject of an application of the kind mentioned in paragraph 50(1)(a) of the Aboriginal Land Rights (Northern Territory) Act 1976 that was made before 5 June 1997; and

(iii) the traditional land claim the subject of that application has not been finally disposed of;

contain evidence of the matters mentioned in subsection (1B); and

(3) Clause 3B, page 5 (after line 11), after sub-clause (1), insert:

(1A) The reference in paragraph (1)(f) to persons holding interests in land includes any registered native title body corporate (within the meaning of the Native Title Act 1993) in relation to the land or any part of it.

(1B) For the purposes of paragraph (1)(fb), the nomination must contain evidence that:

(a) the Land Council for the area in which the land is situated has consulted with the traditional Aboriginal owners of the land; and

(b) the traditional Aboriginal owners understand the nature and effect of the proposed nomination and the things that might be done on or in relation to the land under this Act if the Minister approves the nomination; and

(c) the traditional Aboriginal owners as a group have consented to the nomination being made (that consent as a group being determined in accordance with section 77A of the Aboriginal Land Rights (Northern Territory) Act 1976); and
(d) the Land Council has consulted with any Aboriginal community or group that may be affected by the proposed nomination and the community or group has had adequate opportunity to express its view to the Land Council, and that the Chief Minister of the Northern Territory has considered any such view.

Mr Nairn (Eden-Monaro—Parliamentary Secretary to the Prime Minister) (5.03 pm)—I move:

That the amendments be considered immediately.

Mr Snowdon (Lingiari) (5.03 pm)—This is a black day in the history of the Northern Territory and its relationship to the Commonwealth parliament. It is the first time since self-government was granted to the Northern Territory in 1978 that the federal government, as a matter of public policy, has deliberately chosen to intervene in the affairs of the Northern Territory to override the rights of Territorians and their interests and to overturn legislation passed by the Northern Territory Legislative Assembly. As Senator Crossin so graphically described last night in the Senate, this action has the simple effect of tearing up the Northern Territory (Self-Government) Act. Of course it is about a political decision to impose a nuclear waste facility in the Northern Territory, not because of any scientific rationale or environmental rationale but simply because it can.

You will recall that in 1992 a process was set up, with a group of experts recognised by the state and federal government, to identify a site for a nuclear waste repository. A site was chosen at Woomera and because of the opposition of the South Australian government and their use of the courts to prevent—

Mr Nairn—Madam Deputy Speaker, to assist the member for Lingiari, technically he is debating whether we should consider the amendments immediately as opposed to considering the actual amendments. My apologies. This will just get the technical aspect right.

Question agreed to.

Mr Nairn (Eden-Monaro—Parliamentary Secretary to the Prime Minister) (5.05 pm)—I move:

That the amendments be agreed to.

Mr Snowdon (Lingiari) (5.06 pm)—I have had the opportunity to have a practice, and I am grateful for it. As I said at the outset, this is a black day in the history of the Northern Territory and its relationship to the Commonwealth parliament. It is the first time since self-government in 1978 when the Commonwealth has, as a matter of public policy—

Mr Hunt—You were better the first time, Warren!

Mr Snowdon—And I’ll be getting better and better, comrade—don’t you worry about that. The federal government, as a matter of public policy, has deliberately chosen to intervene in the affairs of the Northern Territory and override the rights and interests of the Northern Territory community. As Senator Crossin so graphically portrayed last night in the Senate, the impact of this is to tear up the Northern Territory (Self-Government) Act, because the Commonwealth now, at its whim, can impose its view and its will upon the Northern Territory. For the first time since 1978, when self-government was granted to the Northern Territory, it has chosen to do so. Of course it was a political decision taken to impose a nuclear waste facility in the Northern Territory, not because of any scientific or environmental merit but simply because the Commonwealth decided that it could.

You will recall that in 1992 the Commonwealth set up a process in conjunction with the state and territory leaders to identify a
waste repository site in Australia. They found one at Woomera. It was opposed by the South Australian government. The Commonwealth then moved to have a site selection process across other parts of Australia and came up with a number of sites in New South Wales deemed most suitable as a nuclear waste repository. Not one of the sites chosen was from the Northern Territory.

The Commonwealth then did a desktop survey and asked the Department of Defence to identify a number of sites in the Northern Territory that it could possibly use as a nuclear waste repository. They chose three: one near Katherine and two near Alice Springs. The three of these were opposed by the Northern Territory community, opposed by the Northern Territory government and opposed by all of those with an interest in the community of the Northern Territory.

The Territory community has every right to be unhappy about the process because it is an absolute scandal. In this place, the Country Liberal Party members representing the Northern Territory—the member for Solomon and Senator Scullion—have walked away from promises made to the Northern Territory community, both prior to the last federal election and prior to the last Northern Territory election, that there would be no such waste facility in the Northern Territory. Senator Scullion said, ‘Not on my watch.’ Not on his watch, indeed.

Today we are looking at amendments which have been passed through the Senate to try to suggest that at some point the Northern Territory government will choose to identify a site. The Northern Territory government has made it very clear that it has no intention of identifying a site for a nuclear waste facility in the Northern Territory. It has done everything it possibly can to prevent the imposition of a nuclear waste facility in the Northern Territory. But, despite this opposition and the opposition of the Northern Territory community, the government has decided to pass this legislation and is now seeking to amend it in an absolutely redundant way which provides the capacity for some opposition, in the form of a limited veto on any future site which might be identified—but not to the three sites which the government itself has identified.

The hypocrisy is mind-boggling. They will not provide a veto for their own process, but they want to provide it for the process they think might happen in the future. But the Northern Territory government have said that they do not want a nuclear waste facility. The Northern Territory community have said that they do not want a nuclear waste facility. But what have the Commonwealth done? They have decided to impose their view and tear up the rights and interests of the Northern Territory in a most scandalous way. And the CLP representatives in this parliament have walked away from the Northern Territory community in a shameful way. There should be a national repository, and national leadership would find one. But the government have shown that they are bereft of any leadership and are totally incapable of dealing with this nationally important issue by bringing state and territory governments together. (Time expired)

Mr NAIRN (Eden-Monaro—Parliamentary Secretary to the Prime Minister) (5.10 pm)—On behalf of the Minister for Education, Science and Training, I comment that the amendments proposed by the Senate will enhance the position of Indigenous people in the Territory who may wish to have a say about land to be nominated for consideration as a site for the Commonwealth radioactive waste management facility. The amendments all relate to the rules for nomination by the Chief Minister of the Northern Territory of a potential site for the facility. They ensure that such nominations protect
any interests Indigenous people may have in the nominated site.

Senate amendment (1) provides that the Chief Minister of the Northern Territory must not nominate land for a facility without giving written notice to the relevant land council of the intended nomination. The notice must be given at least three months before the nomination is made. This will ensure that there are opportunities for Aboriginal communities or groups that may be affected by a nomination to express their views prior to a nomination by the Chief Minister.

Senate amendment (2) provides that, if there is a registered native title claim within the meaning of the Native Title Act 1993 over all or part of the nominated land, then the nomination has to contain evidence of the consent of the native title claimant. The amendment also protects the interests of Aboriginal land claimants where the nominated land is the subject of an application under the Aboriginal Land Rights (Northern Territory) Act 1976. Under these circumstances, the nomination must contain evidence, as provided for in Senate amendment (3), that the claimants have been consulted, that they understand the implications of the nomination and that they agree to it.

These are sensible amendments to the bill that protect and preserve the rights of Aboriginal people in relation to land developments in the Territory. I commend the constructive way in which the Northern Land Council has approached the government’s decision to establish a Commonwealth radioactive waste management facility in the Northern Territory. We acknowledge the genuine manner in which the council has sought a seat at the table for Aboriginal people in any decisions about sites that might be considered for nomination by the Northern Territory government or the land councils in their own right.

The Northern Land Council has demonstrated a very thoughtful and forward-thinking approach on this matter. The council raised a number of issues that were considered important to maintaining the existing rights of Aboriginal people in any process for considering alternative sites that might be nominated for the facility. Their leadership on this issue contrasts with that of the Martin Labor government, whose only response to the Commonwealth’s intentions to establish a facility has been a campaign of fear and disinformation. The Martin government’s approach is in stark contrast to the well-considered and informed position taken by one of our Legislative Assembly colleagues, Mr Gerry Wood. He stated before the recent Senate inquiry:

This is an Australian thing. It belongs to the Commonwealth. The Commonwealth represents all of us. As I said, I do not particularly want it in the Northern Territory but I am willing to say that I will put that aside to the extent that as an Australian I believe we should make some decisions in the national interest.

That is the type of leadership that should be evident but is lacking from the Northern Territory government and those who sit opposite me. As the minister has stated before, passage of the bill is essential if Australians are to continue to realise the benefits of the wide range of uses of radioactive materials in our daily lives. I commend the amendments to the House and urge support for them.

Mr SNOWDON (Lingiari) (5.14 pm)—I am pleased that the member opposite was reading the response from the Minister for Education, Science and Training, because I cannot believe he actually understands or believes what he said. It is clear that the Northern Territory government have no intention of identifying another site in the Northern Territory, because they do not want one. In fact, these amendments are absolutely superfluous and redundant. The mem-
ber for Eden-Monaro praised the work of the Northern Land Council. Let us ask what other Aboriginal interests in the Northern Territory think about these proposals. I refer to a press release from the Central Land Council dated 8 December, headed ‘Scullion sells out on dump legislation’. Let me quote it:

The Central Land Council today slammed the actions of Senator Scullion, who failed to deliver on his promise to cross the floor to vote against legislation designed to fast track the construction of a nuclear waste dump in the Northern Territory.

CLC Director, David Ross, said, ‘Senator Scullion has sold out and is trying to hide behind a package of amendments that do nothing to allay the concerns of traditional owners of the two Central Australian sites for the proposed waste dump, Mount Everard and Harts Range Alcoota. The amendments allow land councils to nominate a site for a waste dump on Aboriginal land. In reality, there is no time frame or proper process for nominating a site and, if a site is nominated, the minister does not even have to consider it.

Understand this: under these amendments, the minister does not even have to consider a site that might be proposed. What are we talking about here? At the end of the day, the three proposed sites in the Northern Territory are still listed in the legislation and are still the main targets. As I have pointed out, these Northern Territory sites, should they be chosen, have none of the protections that this amendment seeks to impose on other sites. Mr Ross then says:

The amendments are a total sham.

He continues:

Senator Scullion has let these traditional landowners down and is now trying to justify his actions by dismissing them. He is uneducated and misinformed about the waste dump proposal. His paternalistic attitude is highly insulting to landowners, who have weighed up the risks and benefits and made a clear decision about their country. It is also scurrilous, given that Senator Scullion knows that traditional landowners in Central Australia were briefed about the waste facility by ANSTO and DEST representatives.

Let us make it very clear: these people do not need to be patronised. They understood what was being proposed. They made a decision based on information they received from the scientists. It was an informed decision and not an ignorant decision. They do not need the patronising language of a CLP senator from the Northern Territory suggesting that they were not informed and had made an ignorant decision. The CLC goes on to say:

Despite the legislation being passed, the Central Land Council has vowed to continue the fight against the waste dump. ‘We will continue to fight against the waste dump being placed on either of the two sites in Central Australia,’ Mr Ross said. ‘Traditional owners do not want a nuclear waste dump on their country and the CLC will continue to represent their views.’

Let us go back to what was said prior to the last election. We know that the CLP representatives of the Northern Territory gave an undertaking to the Northern Territory community that there would be no nuclear waste facility in the Territory. What have they done? They have lied and the Northern Territory community is expected to cop it. They have misled the people of the Northern Territory into believing that, if they voted for the CLP candidates in the last federal election or at the last Northern Territory election—and thank God they did not—they would not see a nuclear waste facility in the Territory. We know what happened in the last Northern Territory election. Let us see the member for Solomon trump up to the next federal election, saying that he is advocating for a nuclear waste facility. Let us go back to the original premise here. The nation needs a nuclear waste facility.

Ms Macklin—The member for Solomon is going to speak next.

Mr Snowdon—The member for Solomon will actually open his mouth; that
will be interesting. We need to know how he can justify his position of lying to the Northern Territory community, as was done prior to the last two elections—the federal election and the last Northern Territory election—and how he can justify imposing this horrendous decision on the Northern Territory community, overriding the rights and interests of Northern Territory voters and decisions made by the Northern Territory Legislative Assembly, which was elected very recently with a landslide majority going to the Labor Party. We know that we need a national facility and we will only get one once the federal government sits down and works out what it needs to do, with proper community consultation and discussion.

Mr Hunt—Oh, you blinding hypocrite. You absolute hypocrite.

The SPEAKER—Order! The Parliamentary Secretary!

Mr SNOWDON—I do not mind. He is just a dill. He cannot help it. Let us make it very clear: the decision was taken before. (Time expired)

Mr TOLLNER (Solomon) (5.19 pm)—I feel I should respond to some of the allegations cast by the member for Lingiari and put some facts back into the debate. The member for Lingiari and his Labor colleagues in the Northern Territory, a couple of weeks ago, screamed loud and long about how they had collected 9,000 signatures on a petition to bring to Canberra to tell Senator Scullion and me that Territorians did not want a waste dump. Let us analyse this. Firstly, I also did a survey of Territorians’ views and overwhelmingly, on a two-to-one basis, I received phone calls, faxes, emails and responses to my survey in favour of this facility, with people understanding the science behind it.

What is more, earlier this week the member for Lingiari slid into this place in a sneaky sort of manner and tabled that petition. The 9,000 signatures suddenly turned into 5,383 signatures. To me, there is a difference between 9,000 and 5,383. They say this is a clear indication. Notwithstanding the fact that the Labor government in the Northern Territory would have spent in excess of $1 million collecting these 5,383 signatures, it received not that long ago 13,000 signatures from the township of Palmerston to establish a health precinct in Palmerston. What did the Northern Territory Labor government do with that? It ripped it up and ignored it—13,000 signatures. Here they turn up and say that there is overwhelming community opposition to this waste dump because they have 5,383 signatures.

Why can’t they get community support for this? The reason is simple: it is all misinformation that they have run. They have run a campaign based completely on lies and misinformation. A day or so ago, Clare Martin put out a press release saying that the Territory is now a terrorist target because of this facility. She suggests that terrorists will sneak into the Northern Territory, steal plastic gloves, bits of glass and other things that come out of hospitals and the like to use in smart bombs. This Labor Party in the Northern Territory has no support in the Territory. They have made themselves look like complete dills. In particular, the member for Lingiari and his colleague in the Senate, Senator Crossin, have made themselves look completely stupid—and you have absolutely ruined any chance you had of stopping this. You did not make a phone call to Mike Rann.

The SPEAKER—Order! The member for Solomon will not use the word ‘you’.

Mr TOLLNER—Sorry, Mr Speaker. The member for Lingiari did not put in a phone call to Mike Rann. He did not say, ‘Come on, Mike; you’ve made a mistake. You’ve got the best site in Australia. How about you
change your mind?’ No, he runs a misinformation campaign. Well, you get what you ask for: bring it on.

Mr SNOWDON (Lingiari) (5.22 pm)—I will just take up a couple of moments. There was, was there not, Member for Solomon, an election in the Northern Territory just recently? Could you tell me the result? And could you tell me whether or not—

The SPEAKER—Order! The same rules apply: through the chair.

Mr SNOWDON—Mr Speaker, would you ask the member for Solomon if he could inform us, through you, whether or not the CLP did well in the last Territory election and whether or not it is true that a matter of great public debate at the time was the proposition by the Northern Territory Labor candidates, led by Clare Martin, that they would oppose the establishment of a nuclear waste facility in the Northern Territory? Is that true or not? Of course it is true; they campaigned on it, and they said they would have no further uranium mines.

What was the result? Was it three members elected from the CLP? It was four; they did very well! How many ALP members were there? Was it 14? Was it 15? Was it 16? Was it 17? Was it 18? No, it was 19. I just wonder. The Northern Territory community made a decision about who they wanted to govern the Territory. They chose the Labor Party under Clare Martin. Clare Martin has a mandate to oppose the establishment of this waste facility on the Northern Territory. Let there be no doubt about it.

This legislation, the Commonwealth Radioactive Waste Management Bill 2005, says to the Northern Territory community, ‘That mandate is irrelevant,’ because the Commonwealth government have taken the decision that, despite the mandate given to the Clare Martin Labor government, despite legislation passed by the Legislative Assembly, they will override the rights and interests of the Northern Territory community. Despite legislation which would prevent the establishment of a nuclear waste facility in the Northern Territory, they will pass legislation in this place—this is what this bill will do—to override the rights and interests of the Territory community and legislation passed by the Northern Territory community. What they are saying is that self-government is not worth a bumper while ever this bloke and the CLP senator represent the Northern Territory here in this parliament, because they are not prepared to stand up for the interests of the Northern Territory. They are not prepared to advocate the interests of the Northern Territory. They are not prepared to own up to the fact that, at the last Territory election and the federal election prior to that, the CLP went to the election saying that they did not support the establishment of a facility, and they got undertakings from the federal government that there would be no such facility. That is the truth. It is not a question of making—

Mr Garrett interjecting—

Mr SNOWDON—Yes, in fact they said that they would put it offshore. This is not some fairytale. These are facts. And we now know that they have walked away from those facts and said to the Northern Territory community, basically, that they do not give a damn: ‘We do not give a damn what you think, what you say or what the Legislative Assembly makes decisions over; we’re going to override your interests every time we possibly can, because we just don’t care.’

Mr NAI RN (Eden-Monaro—Parliamentary Secretary to the Prime Minister) (5.25 pm)—I remind the House that we are debating amendments from the Senate to the Commonwealth Radioactive Waste Management Bill 2005, not the actual bill, which has been well and truly debated, and these
points have been put. But given some of the earlier comments by the member for Lingiari, where he seemed to call into question the support from the Northern Land Council, I thought it only proper that I should put on the record comments by the Northern Land Council. I know that the member for Lingiari and other members opposite, many times in the past, would have been very quick to very strongly support the views of the Northern Land Council in all sorts of matters. The Chairman of the Northern Land Council, John Daly, said:

“The storage of radioactive waste from medical treatment is clearly a matter of national importance.

“The Chief Minister knows full well that a waste facility may be safely built in some parts of the Northern Territory—but carefully says nothing about this issue ...”

The Chief Executive of the Northern Land Council, Norman Fry, said:

“The Chief Minister has set back Statehood for decades by playing short term politics with the national interest.”

... ... ...

“The Chief Minister has led her party, and the Parliament, into irrelevancy.

So they are the comments of the Northern Land Council, and we have certainly taken on board the comments and the views of the Northern Land Council, in the way in which virtually every part of the Labor Party and previous Labor governments would certainly have taken their views into account. We have done that, and that is why the amendments that have come from the Senate are being supported by the government. I think we should now move on to finalise this, rather than trying to redebate the bill as such. I suspect the Deputy Leader of the Opposition is going to say a few words, and then we shall work from there.

Ms MACKLIN (Jagajaga) (5.28 pm)—I thank the parliamentary secretary. I do want to say a couple of words on behalf of the parliamentary Labor Party. We are opposing these amendments because it is the responsibility of the federal government here in Canberra to find an appropriate site. These amendments are just a smokescreen.

Mr Tollner interjecting—

Ms MACKLIN—Of course we hear the member for Solomon interjecting. I just want to say one thing to the member for Solomon, because he claims that he has support for this nuclear waste dump to be located in the Northern Territory: why didn’t he have the guts to tell the people of Solomon that before the last election? Why was it that the Minister for the Environment and Heritage in the Howard government went up to the Northern Territory before the last election and promised that it would not be located in the Northern Territory? Of course, the only reason the government did that and the only reason the member for Solomon did not have the guts to go and tell his constituents that it was going to be located in the Northern Territory was that he knew they would not want it. He did not have the guts to go and ask them. He did not bother to consult. And of course now, in this legislation, we have this government riding roughshod over the people of the Northern Territory. They lied to them before the election, and now they are riding roughshod over them.

We had the most incredible farce when the Senate inquiry into this legislation did not even go to the Northern Territory. The committee met here in Canberra. So, of course, it was impossible for the Central Land Council to get here and put their point. It just defies belief. And where are the sites that have been located by the government? Two of them are in areas covered by the Central Land Council. You would have thought, if the govern-
ment were serious about consultation, they might have actually gone to the centre of Australia and provided the opportunity for the Central Land Council and other people there to have a say. The member for Solomon was just unbelievably gutless when it came to talking before the last election about what he was and was not prepared to do. If he and the minister responsible had told the truth to the people of the Northern Territory before the last election, I do not think the current member for Solomon would still be sitting here. Labor will be opposing this legislation and campaigning against it. We want a fair and open process to make sure we find a place for this nuclear waste dump that Australians support.

Question put:
That the amendments be agreed to.

The House divided. [5.35 pm]
(The Speaker—Hon. David Hawker)

Ayes............ 74
Noes............ 54
Majority......... 20

AYES
Anderson, J.D. Andrews, K.J. Macfarlane, I.E.
 Baird, B.G. Baker, M. May, M.A.
Baldwin, R.C. Bartlett, K.J. McGauran, P.J.
Broadbent, R. Broadbent, R. Panopoulos, S.
Cadman, A.G. Caupley, I.R. Prosser, G.D.
Cibolo, S.M. Cobb, J.K. Richardson, K.
Costello, P.H. Draper, P. Ruddock, P.M.
Dutton, P.C. Entsch, W.G. Scott, B.C.
Farmer, P.F. Ferguson, L.D.T. Slipper, P.N.
Ferguson, M.D. Fitzgerald, J.A. Somlyay, A.M.
Gamburo, T. Gibbons, S.W. Thompson, C.P.
Georgiou, P. Grierson, S.J. Tolner, D.W.
Hardgrave, G.D. Hall, J.G. Tuckey, C.W.
Henry, S. Hayes, C.P. Vaile, M.A.J.
Hull, K.E. Irwin, J. Vasta, R.
Jensen, D. Jull, D.F. Washer, M.J.
Kelly, J.M. Lloyd, J.E. Macfarlane, I.E.
Ley, S.P. May, M.A. Markus, L.
McGauran, P.J. Neville, G.R. McArthur, S. *
Nelson, B.I. Pearce, C.J. Nairn, G.R.
Panopoulos, S. Pyne, C. Panopoulos, S.
Prosser, G.D. Pyne, C. Panopoulos, S.
Richardson, K. Pyne, C. Panopoulos, S.
Ruddock, P.M. Pyne, C. Panopoulos, S.
Scott, B.C. Schultz, A. Pyne, C.
Slipper, P.N. Secker, P.D. Somlyay, A.M.
Smith, A.D.H. Stone, S.N. Somlyay, A.M.
Somlyay, A.M. Ticehurst, K.V. Somlyay, A.M.
Thompson, C.P. Truss, W.E. Somlyay, A.M.
Tolner, D.W. Turnbull, M. Somlyay, A.M.
Tuckey, C.W. Vale, D.S. Somlyay, A.M.
Vaile, M.A.J. Wakelin, B.H. Somlyay, A.M.
Vasta, R. Wood, J. Somlyay, A.M.
Washer, M.J. Somlyay, A.M. Somlyay, A.M.

NOES
Adams, D.G.H. Bevis, A.R. Adams, D.G.H.
Bird, S. * Bowen, C. Bird, S. *
Burke, A.E. Burke, A.S. Byrne, A.M. 
Burke, A.S. Byrne, A.M. 
Byrne, A.M. Crean, S.F. Byrne, A.M. 
Danby, M. * Edwards, G.J. Danby, M. *
Elliot, J. Ellis, A.L. 
Emerson, C.A. Ellis, A.L. 
Ellis, K. Ferguson, C.A. Ferguson, C.A. 
Ferguson, L.D.T. Ferguson, C.A. 
Fitzgibbon, J.A. Garrett, P. 
Georganas, 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. 
Plicherick, T. Price, L.R.S. 
Quick, H.V. Ripoll, B.F. 
Sawford, R.W. Sercombe, R.C.G. 
Smith, S.F. Snowdon, W.E. 
Tanner, L. Thomson, K.J. 
Vamvakinou, M. Wilkie, K. 
* denotes teller

Question agreed to.
QUESTIONS TO THE SPEAKER

Reflections on the Chair

The SPEAKER (5.41 pm)—I have had the opportunity to examine the point of order taken by the honourable member for Bass during question time. I did not take offence at the words as I heard them at the time. I do not know whether the honourable member intended some kind of reflection, but it is true that his words are open to that interpretation. My reaction may have been a little tolerant. I think, however, on quiet reflection that the honourable member for Lalor may feel that many members with greater experience than the member for Bass, including her good self, have often benefited from my tolerance.

PERSONAL EXPLANATIONS

Mr MURPHY (Lowe) (5.42 pm)—Mr Speaker, I seek leave to make a personal explanation.

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

Mr MURPHY—I do.

The SPEAKER—Please proceed.

Mr MURPHY—I am glad the Prime Minister is here because he will doubtlessly recall that during question time he asserted that he had no recollection that anyone on this side of the House had raised section 16 of the Income Tax Assessment Act, which deals with secrecy provisions. You will probably be aware, and perhaps the Prime Minister will be aware, that in the aftermath of the exposure of certain members of the legal profession using bankruptcy and family law to avoid their taxation obligations I brought this to the attention of the Treasurer, the Assistant Treasurer and the Attorney-General. In particular, there was a letter written by the then President of the New South Wales Bar Association, Mr Bret Walker SC, stating that section 16 was no barrier—

The SPEAKER—Order! The member for Lowe will not debate the point. I think the member has made it clear where he feels misrepresented.

Mr MURPHY—On indulgence, Mr Speaker: I am sure the Prime Minister would want to know that Mr Walker wrote a letter to the Commissioner of Taxation saying that section 16 is no barrier—

The SPEAKER—The member for Lowe has to show where he has personally been misrepresented.

Mr MURPHY—On indulgence, Mr Speaker—

The SPEAKER—No, the member for Lowe will not debate this.

Mr MURPHY—Can I say that this very week—

The SPEAKER—I will hear the member for Lowe, but he must say where he has personally been misrepresented.

Mr MURPHY—The most celebrated case of Mr John Cummins QC, who did not lodge a tax return for 45 years—

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

SPECIAL ADJOURNMENT

Mr McGauran (Gippsland—Deputy Leader of the House) (5.44 pm)—For the convenience of members, I will give something of an update on the business before the House of Representatives. It is our intention now, with the agreement of the opposition, to move to our customary and much anticipated valedictories. That will be followed by some business, including the Indigenous Education
(Targeted Assistance) Amendment Bill 2005, which I understand the opposition will not divide on, and then there will be a couple of reports from committees. At this stage, the business of the Senate is not concluded and we are unable to definitively state the next sitting date for the House, except to say it is very likely that, on the basis of the business I have just outlined, the House will rise at somewhere between 6.30 pm and 7 pm. However, it is a question of whether we are rising until tomorrow or until the beginning of sittings next year. I therefore move:

That the House, at its rising, adjourn until Tuesday, 7 February 2006, at 2 pm, unless the Speaker or, in the event of the Speaker being unavailable, the Deputy Speaker, fixes an alternative day or hour of meeting.

Ms GILLARD (Lalor—Manager of Opposition Business) (5.46 pm)—I indicate on behalf of the opposition the complete unacceptability of the government being unable to indicate at a quarter to six whether, when we adjourn tonight, we are adjourning until February or adjourning until tomorrow. It is completely absurd to keep this parliament sitting for no other reason than the government sorting out its internal disputation about the voluntary student unionism legislation. It is offensive to this parliament and it is a costly waste of taxpayers’ money. You ought to be able to advise the House now of the precise adjournment arrangements. It is just ridiculous!

Mr HOWARD (Bennelong—Prime Minister) (5.47 pm)—I rise to say a few words by way of valedictory—to the year, not to any of my colleagues on this side or any of my colleagues opposite. I hope all of us return in good health and good heart after the Christmas break to resume the political contest that we owe to the people of Australia. In looking back over the last year, I am struck very powerfully—as I know many members will be—by a series of events that saw the Australian spirit, and the quality of the people who serve this country, in the best possible light. The year began in the wake of the appalling loss of life and tragedy of the Indian Ocean tsunami, which saw a response from the Australian people that made me very proud to be fortunate enough to be Prime Minister at the time. The generosity of the Australian people in the tsunami disaster confounded even the most cynical in our community. In nominal terms Australia was second only in the scale of its combined private and public contributions to the tsunami and, given the size of our nation in proportionate terms, I think we exceeded the response of any country in the world. That is something for which we as a nation should be very proud. But it was not only the monetary response by the government on behalf of the people of Australia—made, I acknowledge very freely, with the total support of the opposition. Beyond the public and private generosity of people, there was the tremendous response of individuals.

When I spoke in an address to the nation in January about the response to the tsunami, I said the way in which the men and women of the Public Service freely gave up their Christmas holidays and hurled themselves into the task of organising help for Australians distressed or lost, and their families, and generally organising the relief effort was truly magnificent. We saw the Australian Public Service at its dedicated and professional best. I again record, by specific reference to that response, my thanks to the members of the Australian Public Service, in all its branches, for the tremendous work they did. In particular, I single out for mention the titular head of the Public Service, Dr Peter Shergold, the Secretary of the Department of the Prime Minister and Cabinet.

I was further moved by the compassionate and practical side of the Australian character on two occasions. One was very recently
when I went to Pakistan and the mountains of Kashmir and met some of the people in the medical team who were treating 150 people a day and winning the hearts and minds—forever, I believe—of the people of Pakistan not for any particular political ideology but for Australia. They are wonderful people, the men and women of our Defence Force, and they are doing a magnificent job. I single them out for praise at a time when I want to extend my thanks to all the men and women in the Australian Defence Force who are serving overseas. To those who will spend Christmas in Iraq, Afghanistan or elsewhere, I send my good wishes. I will, in the normal way, have an opportunity of recording a message for them. There is the quality of the work they do and the quality of the work that was carried out in Aceh. I had the privilege in February this year of visiting our medical team in Aceh. To experience the gratitude of the people of that tragic province who were being treated medically by our people made me once again incredibly proud to be an Australian and particularly proud to be the Prime Minister at that time.

We are a very compassionate people. When I had occasion to speak at the very moving memorial service for the 88 Australians who were killed in Bali in 2002, I spoke of the duality of the Australian personality. On the one hand, we pride ourselves on being as tough as tungsten when the occasion arises but, equally, when the occasion arises, Australians can be deeply compassionate, very warm and very outgoing. We have a capacity, which I believe is very precious, to relate to people not in an adversarial way but in a way that is both authoritative and compassionate. You will find that particularly amongst the men and women of the Australian defence forces, for whom I know all members of this House have unbounded admiration. So I take from this year, above everything else, a vivid memory of an open-hearted, compassionate, practical Australia at its best, as exemplified through those acts and deeds of which I have spoken.

This has been politically a very active year. This is not the time or the place to argue the merits of the government’s program; that belongs to a more acrimonious, different kind of debating atmosphere. This is an occasion when we should rise above political differences. We should celebrate only one thing, and that is the unique privilege of being in this chamber, having been chosen by people to represent them in their diverse political views. I do, however, record my thanks to my own colleagues for an incredibly busy and a very productive year. I especially want to thank the two leaders of The Nationals with whom I have served over the last 12 months. The member for Gwydir, John Anderson, is my friend, a person I admire very greatly and a person for whom—with his wife, Julia—I retain a great affection. I wish them well. I know they will spend their Christmas in the embrace of their very close and affectionate family. To Mark and Wendy Vaile: Mark has seamlessly assumed the leadership of The Nationals and become, by reason of that position, the Deputy Prime Minister. I have found in that brief period a wonderful friend and colleague and a mainstay of the government. His prodigious efforts to secure better trade outcomes for this country are yet of course to see their pinnacle at the Hong Kong gathering later in December, but I thank you, Mark. To you, Wendy, and your family I convey not only my gratitude but also my great good wishes.

To Peter Costello and his wife, Tanya: I thank you, Peter, not only for your contribution to the government but also for your great personal decency and the tremendous role that you have played in the framework and the architecture of this government since the moment we assumed office in March 1996. To you, Tanya and your three children
I send my very best wishes for a wonderful Christmas. I also want to thank Senator Robert Hill and Senator Nick Minchin for their leadership of the government in the Senate. I had some remarks to make about Senator Hill’s state of mind and exuberance over the past few months but I will not trouble the House with that and the remarks I made in another environment. To them I do express my very deep gratitude. To the whips, who have an unenviable job, and particularly to the Chief Government Whip but also to his great colleagues, the member for Gilmore, and my old friend and fellow campaigner on certain causes and issues the member for Corangamite: I thank them very warmly. I thank The Nationals whip, John Forrest, and also the government whips in the Senate.

I also want to extend my gratitude to those in my own party at an organisational level that are so important to me—Brian Loughnane, our federal director, and both Shane Stone and Chris McDiven, the two people who have served as national presidents of the Liberal Party of Australia over the last year. We each owe our places in these houses to the support of our party organisations. I have no delusions of grandeur: if I had not been the endorsed Liberal candidate for Bennelong in 1974, I would never have arrived here. There are some who are able to do that magical thing for a brief period of time, but not many. There are a few; there are not many, but that is part of the system. But I never forget what I owe to the Liberal Party any more than anybody on the other side should ever forget what they owe to the Labor Party. I respect that in somebody, and I despise those people who throw dirt in the faces of the people who brought them into public prominence. I will not pontificate further on that particular issue, but I think some people may know broadly what I am referring to. I actually feel that quite strongly.

Ms Gillard interjecting—

Mr Howard—Yes. Let me just say two other things. Christmas of course does mark our annual commemoration of the birth of Jesus of Nazareth. It is an occasion when we reflect on the values of our society. I want to say, as I think I did a year ago in these valedictories, that, of all the influences that have shaped Australian life, none has been more profound, none has been more beneficial and, in my view, none has been more enduring than the Judaeo-Christian ethic. The values that we learn from the story of the gospels of the birth of Christ are values that continue to condition us. We are a nation that respects its secular tradition. Religion and belief is not compulsory in this country, nor should it be. In that context, I do believe in a secular state but I equally believe that we should never be apologetic about our Christian tradition; we should never imagine that tolerance towards minorities is achieved by denying our own heritage. I have never believed that anything is to be achieved by that.

We are a strong, great country in no small measure due to the Christian influence and, although there are a variety of views about the different branches of the Christian church in this country, it can scarcely be asserted that it has not been a source of great moral sustenance over the years with all its imperfections. Like any institution run by humans, it is imperfect, it has failures and it has frailties, but it has some enduring truths and strengths which are very important to this nation. None are more important than its great capacity to care for the underprivileged and people in a state of suffering. We have been reminded in recent times of the importance of Christian faith and Christian belief at a time of great personal crisis for particular individuals.

So on this occasion I take the opportunity to say to those people who see in Christmas
in particular the relevance of our Christian beliefs that we have much to be grateful for in respect of that inheritance. Whether or not people have Christian beliefs, Christmas is a time to renew friendships and to think about how lucky we are—and we are an incredibly lucky country. Christmas is an occasion to think about the less fortunate and to do something for them in our own way. We collectively try to do things through the parliament and as individuals we should do so. I am very pleased that this country has become more philanthropic over the last few years. We are giving more. The per capita donations to charities are higher now than they have ever been. Far from the tsunami appeal producing donation exhaustion, according to a number of leaders of major welfare organisations to whom I have spoken it has in fact inspired people to give in greater volume. That is something that I am greatly encouraged and inspired by.

To you, Mr Speaker, thank you for your courtesy, your patience, your goodwill and your humour. I wish you, your wife and your family a very happy Christmas. To Ian Harris and Bernard Wright, who are unfailingly professional and courteous to both sides—unfailingly so—I thank them very warmly as I do all the other people in the House who make this show work. I want to thank my own long-suffering staff—Tony Nutt is here representing them—Arthur Sinodinos and all my other staff who have worked so very hard in very difficult but on occasions satisfying circumstances over the last year. To all of you, I hope you have a nice Christmas and that you spend a lot of time with your families. I extend that same courtesy to the opposition. I wish Kim Beazley, Susie and their families health and happiness. I know Kim could not be here tonight. When I was speaking to him, he explained why—he was making a call on the Prime Minister of Turkey.

Ms Macklin—He will be back shortly, John.

Mr Howard—I understand, and I wish him well. I know that he will have a break and come back refreshed, enthusiastic and reinvigorated. And we would not have it otherwise. We welcome the political contest. We celebrate a great democracy in this country, and we are very fortunate. We are one of the few countries that have been continuously democratic for more than 100 years. You can virtually count such countries on one hand. It is amazing what this country has been able to achieve, for all its blemishes and imperfections.

Ms Macklin—Two hands.

Mr Howard—Anyway, we will not argue about that. There are not many of us; that is all I can say. The very last thing I want to record is my gratitude, affection and love for my own family. Janette has been the greatest source of support and companionship that anybody in public or private life could possibly have, and I am very lucky to have met her some 35 years ago. I am very fortunate indeed, and I thank her for the three wonderful children that she has given me and for the joy we have had with our kids. My greatest achievement, if I have had any, is to have a wonderfully close relationship with three adult children. It is the greatest joy you can have in life. Your children grow up and the relationship changes over the years. To enjoy each stage of your children’s lives is very important. You never want to be fixated with the idea that they were nicer at one age than they were at another. They are challenging at different ages, but the important thing is that in the end you draw the greatest comfort from them.

As somebody sagely said once—I do not know whether it was firstly in the party room but it was said in the party room—at the end of it all, what you can hope for is that when
you depart this life you have your family around holding your hand. That is a reminder to all of us that having our children with us and having the support of our family is the most important thing.

A mobile phone having rung in the chamber—

Mr McGauran—The Speaker is going to have to throw himself out!

The SPEAKER—I must apologise.

Mr HOWARD—I can’t beat that; I would be surprised if that doesn’t end up in Matt Price’s column! To conclude, I say thank you and record my love and appreciation to Janette; Melanie and her husband, Rowan; and my two sons, Tim and Richard, for all they have meant to me and for all the support they have given me in public life over the years. I wish all of you a merry Christmas.

Honourable members—Hear, hear!

Ms MACKLIN (Jagajaga) (6.06 pm)—First of all, I wish the Prime Minister and his wife, Janette, a very happy Christmas. The Leader of the Opposition will be here shortly, and I am sure he will do likewise. However, in case you have to leave, on behalf of the opposition I wish you and all of your colleagues a very happy Christmas and a very safe New Year.

I join very much with the Prime Minister in recalling the terrible days of the end of last year and the beginning of this year. Like the Prime Minister, I was extraordinarily shocked at the breaking news of the tsunami. In fact, right at that time I was in a homeless shelter serving food to homeless men. As you know, it was just after Christmas and I was doing the sorts of things that many of us like to do at that time of year, which is go out and do a little for other people. First of all, I was overwhelmed with the size of the tragedy and the way the news just kept coming through that more and more people in so many countries had lost their lives and, of course, had lost their livelihoods as well.

As the Prime Minister has acknowledged, we offered our support and encouragement to everything that the government did. I particularly want to join with the Prime Minister in saying to the Australian people that it was the most extraordinary outpouring of generosity not only in terms of money, although that is absolutely right, but in feeling neighbourliness—that is the word that comes to my mind—in feeling a sense that these people lived very close to us. These people had been so devastated, and people did feel that they had to do everything that they possibly could. All of the volunteers both here in Australia and in all of the affected countries and, of course, the Defence Force made an extraordinary contribution—some, unfortunately, with their lives—not only in the immediate aftermath but in the months that followed. We do remember them and send our very best wishes most particularly to the families of those Defence Force personnel.

I might wait until the Leader of the Opposition comes into the chamber to say a few words about him and my colleagues. At this point I will move to the Speaker and the staff of the parliament. I know we have given you a bit of a rough time, Mr Speaker, but one of the great things about you is that you take it in the spirit in which it is meant. We often have to do formal things together, and even though many of us on this side might make your life a little difficult—or maybe a little bit more than difficult—some of the time, I know that you understand that it is part of the vigorous debate that is so much part of this parliament. I have said it to you privately and I will now say it publicly: we do not intend to stop. Nevertheless, I know that you are very aware that we do it in the spirit of democracy, and the wonderful thing is that you respect that.
Moving to the staff of the parliament: as the Prime Minister said, the clerks do give us extraordinary help. I do not know about the Prime Minister—I have not been here for as long as he has, although I have been here for a while—but we still need the advice of the clerks and their help in making sure that we are keeping up with where the debate is at. Of course we also get very good advice about how to skewer the other side occasionally. For that, we appreciate your help very much. There are so many people who work here in Parliament House who make the parliament work so smoothly and make our lives away from home that little bit more bearable, and we thank them very much. There are so many other staff to thank, especially the Comcar drivers who make sure we get safely from place to place.

The Leader of the Opposition is here now, so I might move my remarks immediately to him and the remarks I want to make about my own colleagues. I want to say to the Leader of the Opposition, first of all, that I wish him, Susie and his ever-expanding family well. I know that one of Kim’s great joys this year was to become a grand-dad. I have not become a grandma yet, but I can tell you that I am hanging out for it. I know what enormous joy it has given Kim, and I know that he wants to spend some time with his family over the Christmas break, especially with that little grandson. Kim, it has been a joy to work with you. It is one of those relationships that I know the Prime Minister understands only too well and that he has described with his deputy. These are very special relationships, and we have one of those.

To the Labor Senate leaders, Chris Evans and Stephen Conroy, I want to say that it is very important that the four leaders are able to work together effectively, and we certainly have such a team. I want to say to Chris and Stephen how much I appreciate their personal support as well as their political leadership.

To all of my colleagues in the caucus I want to say this: sometimes it is feisty. That is the nature of the Labor Party, that is for sure. I want to make particular mention of our whip, who somehow keeps everybody in order. In the Labor Party that is always a task and a half; nevertheless, Roger does it very well.

I want to make special mention of my staff. As each and every one of us knows, we could not possibly do these jobs without our staff, whether it is the staff we have here in Canberra or the staff in our electorate offices. It is the case that, as you get more senior in this game, you rely even more on your staff, especially your electorate office staff. I first of all mention my electorate office staff: Jessica, Vicki, Irene, James and Ann. They carry an enormous load and I thank them very much.

A couple of my Canberra staff have moved on this year, and I particularly want to thank Joanna Brent and Simon Kent. Both are wonderful people, great friends and top professionals, and I have no doubt that they will be back helping the Labor Party in the years to come. My new chief of staff, David Williams, comes with enormous experience, and I thank him very much for coming to join my staff and for providing the leadership that he does.

I want to say to my other staff here in Canberra, Nick, Ryan and Moksha—I call them ‘the young ones’—it is wonderful to see young people coming into politics and being prepared to dedicate themselves to parliamentary life in the way that they do. I think they are fantastic. One of the most extraordinary things to have happened to people in my office this year has been the rather amazing number of babies who have been born. Three babies have been born—little
Jimmy, Molly and Mia—and I congratulate their parents. It is wonderful to see these new youngsters coming along.

I would like to thank personally the national secretary of the Labor Party, Tim Garrell, a very close personal friend of mine, for everything he does for me and for the enormous amount of effort he puts in to the re-election of a Labor government. I know he will continue to do that over the years. I thank him and the staff at the national secretariat. Unusually, I want to move outside the parliament and the national secretariat of the Labor Party to thank the other wing of the labour movement. This has been an enormous six months for the labour movement, and I want at this time to pay a particular tribute to Greg Combet and Sharan Burrow. Up to date, they have run an amazing campaign. I wish them a very peaceful Christmas and holiday. They need it, because they have a very big campaign to come.

Each and every one of us has our families to thank and, at this point, I do not want to make life more difficult for him, but I particularly want to wish the member for Eden-Monaro a very happy Christmas. I will not go on about that, because you know what I will end up doing.

I might go onto the thing that I love the most about this time of year, which you are all very familiar with, which is, of course, getting into the surf. Unfortunately, my youngest child is overseas at the moment, so I do not have an excuse to head down to the South Coast, which I have to say is in my opinion the most beautiful part of the world. But do not worry; I will be down there sometime and maybe we can enjoy surfing on that glorious coastline.

I extend my thanks to my family, particularly to Ross, who does all the support for me and somehow manages to be unbelievably good-hearted and kind and brings up these wonderful children of ours in my absence. I also thank the kids—Josie, Louis and Serge. They are not all that young any more, but they still seem like kids to me. They are wonderful people. What the Prime Minister said is so true: one of the wonderful things about growing up with your children is how much you learn and grow yourself.

So I wish everybody a happy Christmas. I do not think it matters, really, if you are a believer or a non-believer; Christmas is a wonderful time for families to come together, and I wish you all the very best.

Mr BEAZLEY (Brand—Leader of the Opposition) (6.18 pm)—Firstly, I apologise to the Prime Minister for not being here for his remarks. It is probably the first time I have missed them for some considerable time, but I was seeing the Turkish Prime Minister. It was the one part of the day which the opposition had slotted in to see him—I am not complaining about that; that is just the way these things fall—and therefore was not able to be here. But I wish the Prime Minister and his family a happy Christmas. I know that he is a very devoted family man, and these periods of the year are periods of great importance to him personally. He has a view that everything goes quiet between Christmas and Australia Day and then the political season begins. I have to say that that is not my experience, but he has been around here longer than I have so it is obviously a good thing. If it is not true, then it is a useful fiction to maintain, because it means that you get a very useful period of time with family, which, if anything, is the failing of all of us in this place. It is the one thing that we never, ever get right. Any of us who get it right are blessed.

I want to join with the Prime Minister to extend my best wishes to all members of parliament and the parliamentary staff and families. For us in the Labor Party this pe-
period of time is tinged with some sadness, because the next thing that many of us on this side of the House will do will be to attend the funeral of Peter Cook. I have said many things about him in this place, and I do not need to add to them. I must say, though, that Senator Ursula Stephens from our side produced a booklet of everything that had been said by members on both sides in both chambers and it was extraordinary. What was said by members effectively was a biography. I read every little piece of it last night and I now know an awful lot more about a colleague I spent a very considerable time with. I did not believe there was any facet of his life which would surprise me, but that has not been the case. Many of us on both sides of the House saw aspects of him that I had not seen, and I know that our hearts will be with Barbara, her children and his children on Monday when his memorial service and the funeral process begins. I know many of my colleagues will be there. So there is that element of sadness. We have lost a colleague. I join with my deputy in extending the very best wishes for this Christmas to the member for Eden-Monaro, for whom this will be an exceptionally difficult Christmas. I try to understand what he is going through.

I also wish to thank the people who make this place work. Ian Harris and the clerks, the staff working in the library and the electronic media monitoring unit are such a vital resource to the opposition. They are part of what keeps democracy effectively functioning in this place. Broadcasting staff and the Department of Parliamentary Services should also be thanked; they convey us to the rest of the world. I thank the information and research staff of the Parliamentary Library, the security staff, the attendants, the Table Office, the bills and papers office and Hansard staff, who face an unbelievable challenge in this place. Many of us can be scarcely coherent but somehow or other we have always turned out as being coherent when we read Hansard the next day.

I want to thank the Serjeant-at-Arms and the office associated with the Serjeant’s job and the staff of the former Joint House Department, which includes the cleaning staff, the maintenance staff, the gardeners, the switchboard and health and recreation staff. They do terrific work for us. Associated with them, of course, are the staff of the cafeteria and Aussies, the shop attendants, the bank staff, post office workers, Qantas staff, hairdressers, florists and Comcar drivers, who have been particularly helpful to all members. Three thousand people work in this place. It takes an awful lot to get the wheels of democracy turning here, and those 3,000 I do sincerely hope will enjoy a useful and fruitful family period over Christmas.

Now to thank my own people. It is not possible for me to go through the frontbench and the backbench of the Australian Labor Party and thank everybody to whom I owe so much. The patience of the parliament would be sorely tested were I to try to do that. It would be impossible for me to say adequately anyway what they all mean to me, but they have been for 25 years part of my wider family. I have been wonderfully supported by them during the course of the year. But I do make a couple of exceptions. I do want to thank my deputy, Jenny. She is a person of enormous heart, as we saw here a moment or two ago: if she can get through a speech without crying, it is a major achievement! What is there is a very big heart, which extends to her lovely brood. She has a situation that sits well and truly in the hearts of all of us on this side of the House.

I want to thank, too, the Chief Opposition Whip, Roger Price. He has the appropriately gruff demeanour that goes with being a Chief Opposition Whip. But that gruff demeanour goes with a very rigorous defence of the
backbench in parliamentary tactics. If the backbench find him a persecutor by day, I can assure you that by night he is a devoted advocate of the backbench position.

I would like to thank, too, the Manager of Opposition Business, Julia Gillard. She has brought an interesting forensic mind to the way in which tactics operate in this place. She and Steve Smith worked out one or two parliamentary tricks that I had not thought through, and I have been here and concerned with the standing orders for a very lengthy period of time. All I can say is that I am glad that I did not have somebody like her on the other side when I was Leader of the House. It is a very good job indeed done by her. I thank my colleagues in the Senate—Chris Evans and Steve Conroy, the leaders—who have had to get used to a different ambience in the Senate over the course of the last six months. They have nevertheless buckled down and done things particularly well.

I will mention only two members of the backbench. I do so for no reason other than that the standard of the singing of the federal parliamentary Labor Party has improved light-years under the tender care of Peter Garrett, the member for Kingsford Smith, and also under the tender care of the member for Parramatta, who joined in and assisted him notably. I have to tell this story because it is the best story of the year about the caucus. It was the member for Kingsford Smith at the time of the ball that the press gallery runs on behalf of everybody in parliament in the middle of the year. You know the singing contests which go on. We parliamentarians sang better than we ever have before. But when the glee club was being formed Peter turned up. Only the Australian Labor Party could do this. There were at least 20 people there prepared to assist him with his singing capacities. As he said to some colleagues as he went out: ‘I love the Labor Party. They’re all telling me what to do and how to do it. I’ve only sold 20 million records.’ The virtues of that were seen on national television all today. So it is a terrific thing indeed. I should while mentioning the ball mention the press gallery. They are our adversaries and co-conspirators—and we all know what that means. The fourth estate are a vital part of the parliamentary process.

I have to thank, too, my staff. It is possible for the deputy leader to run through her staff but, because I am greedier, I have a much longer list. Again, it would be as invidious running through that list as it would be to run through the list of members of Parliament. But I do thank in particular John Whelan and David Fredricks, who basically head up the office, and I do thank all the rest of them. I have been the opposition leader, on and off, for quite a while and I have got to say that the staff I have now are as good as any I have ever had. They are really terrific in the contribution they are making to us and in the development of policy, which we are doing much earlier, as you will have noticed. We rely on volunteers, too, and I want to thank the volunteers who have assisted the opposition over the course of this year. They are not seen, but they are in there in many of the offices. They do a particularly good job for us. Like Jenny, I want to thank Tim Gartrell and all those over at the national secretariat for the sound work they do for the Australian Labor Party. That is immensely important to us and they are very good.

We have something of a challenge before us, or we perceive it this way on our side of the House. We are deeply concerned about what will happen with Australian families as the industrial relations legislation of the government works its way through the Australian system. We have drawn closer to the ACTU and the union movement—the other side, the industrial wing, of the total labour movement; Greg Combet and Sharan Burrow and many others in leadership of the union
movement. It is the closest relationship I have ever seen in my entire life in the Labor Party, which is now close to 40 years. I would never have believed that we could get so close, but we are there now and we will be there for a considerable period of time. I do wish all of them all the best for Christmas this year.

Since Tim Fischer left the House, there has not been the appropriate and detailed thanks at this time of the year to our service personnel serving overseas. Tim did this in his bachelor days and would then hike overseas and find a group of servicemen with which to have Christmas dinner. Tim Fischer was the greatest freeloader I have ever come across in the history of Australian politics, but he would not freeload unless the people off whom he was freeload wore a uniform. He was also very demanding in his standards. Tim has long since left this place, but the service personnel—the men and women—have not left our hearts.

Many of them are in harm’s way now. This will be a difficult and different Christmas for them. They will be on guard. They will be alert to the fact that this is the time of year when people may well mount attacks on them. The people in Afghanistan and Iraq will not be far from our hearts at this time. Service personnel are in many other places, but those two areas see them most exposed. Our hearts are also with their families. There will be a vacant place at the table for service personnel at Christmas dinner time. Explanations will have to be made to children, some of whom will understand and some of whom will not. All I would like to say to them is that they are very much in our hearts at this time.

That is enough from me. I am going home to my family for Christmas, and I thank them for all they put up with from me. Susie, my three daughters, my parents, my daughters’ husbands and my grandchild, who, whenever I walk into the room these days—I see him about once a month—bursts into tears at the biggest and hairiest thing that enters the room. It takes about half an hour of canoodling, persuading and all the rest to get the poor little blighter feeling civilised about me. The effort is made, and we do the best we can.

To all my colleagues, who are enormously precious to me, to the other side of the House, who are not so precious but whom I hold in respect, I wish you all and your families a restful and peaceful Christmas and New Year period. I look forward enormously to the contest next year.

Mr VAILE (Lyne—Deputy Prime Minister) (6.32 pm)—Mr Speaker, I join with the Prime Minister, the Leader of the Opposition and the Deputy Leader of the Opposition in passing on my best wishes and those of my party to you, the Deputy Speaker and the members of the speaker’s panel, who have adjudicated with great patience over the debates and discussions in this place during the last 12 months and done so very well. I acknowledge the comments of the Leader of the Opposition on the point that the democratic process in this country revolves around this place, particularly around the occupants of the chair and the way in which they deliver their good judgment on the debates in this chamber.

A former Labor politician coined the phrase that this is the great clearing house of ideas in Australia. It certainly is. We all come into this place with great genuineness in our hearts about what we are trying to achieve to improve things in the lot of the country, particularly for future generations. At this time of the year, we see the gracious and generous spirit that resides in us all, that we try to suppress during the year while we engage in political debate and the political competition
that I think all Australians love and revere so much and proudly defend as being important in the parliament.

I take this opportunity to wish the Prime Minister and Janette Howard a very restful Christmas period over the end of December and January. I am sure that he will pursue his favourite pastime and that in the first week of January he will be found sitting in the members’ stand at the Sydney Cricket Ground for about five days straight watching the test. I acknowledge the great job that he has done in leading the government and the nation during the last 12 months.

I extend to the Prime Minister and his colleagues, particularly the deputy leader of the Liberal Party, the Treasurer, Peter Costello, my gratitude for the goodwill and understanding that was extended to me and my party as we went through a transition in leadership during the middle of this year, when the former leader, the member for Gwydir, made some announcements that caused some changes in our party structure and the government structure. Our coalition colleagues were very gracious and understanding as we went through those processes of change. That has all taken place, and I appreciate the understanding and goodwill that has been expressed to me by all my colleagues. I wish them a very happy and restful Christmas period so we can come back refreshed for the political battles of 2006. To not just the Prime Minister but the deputy leader of the Liberal Party, Peter Costello, his wife, Tanya, and all our colleagues in the Liberal Party, I wish them all the very best for the Christmas period.

I turn to our leader in the Senate, the inimitable Senator Ron Boswell from Queensland. He has done a great job under different circumstances since the middle of this year in terms of the challenges of managing a Senate team—as have our Liberal Party colleagues in the Senate, Senator Hill and Senator Minchin, as the leaders in the Senate. I think it was acknowledged by the Deputy Leader of the Opposition that the changes that took place in July this year brought a different set of circumstances in terms of managing the processes of the Senate. I would like to acknowledge the extra workload that our Senate leader, Senator Ron Boswell, has undertaken in that regard.

In this chamber, there are the people that make it work and make sure that our colleagues are focused and know what is going on and when they need to be where. The National Party whips, John Forrest, the member for Mallee, and Paul Neville, the member for Hinkler, and the Liberal Party whips, Kerry Bartlett, Fergus McArthur—I do not know...
whether Stewart is in here—and Jo Gash, have done a great job during the year. They interact on a very professional and personal basis with the whips on the other side. I know that Roger Price has done that job very well on behalf of the Labor Party. I wish them well for the festive season.

To all my colleagues in the National Party: go home to your electorates and your families and enjoy their company and make up for the time that you have not been there. It is always just a tad more onerous for country representatives, because of the distances we have to travel, than for some of our colleagues from the metropolitan areas. I know that it pales into insignificance compared to members from Western Australia such as the Leader of the Opposition—

Mr Beazley—And the Northern Territory.

Mr VAILE—And the Northern Territory. Those of us who from time to time travel to those parts of Australia recognise what the members and senators from the Northern Territory and Western Australia in particular do every couple of weeks. Every couple of weeks they trapse across here to Canberra. It does seriously bite into and test family time and the patience of the family.

As others have done, I would like to acknowledge our party organisation. As the Prime Minister indicated, none of us would be here without the support of our party organisations and the work that they do to ensure that we are here to represent the interests of those who have elected us and the interests of the nation. This year we have had two federal presidents of the National Party: Helen Dickie, who retired as the federal president at our annual council meeting here in September-October, and the new federal president of the party, David Russell, from Queensland, who has taken over. I am looking forward to working with him. I would like to thank Helen for the contribution she has made over many years to the management of our party and I welcome David and look forward to working with him. I wish them both all the best for Christmas. And of course there is our federal director, who runs our federal secretariat here in Canberra, Andrew Hall. He has done a great job during a challenging year—a year filled with opportunity but also with challenges. I thank Andrew for that.

Probably most important in terms of us being able to do our jobs as effectively as we can in the parliament are all the staff in Parliament House in the varying departments: sound and vision, the broadcasting people, the Hansard people, the library—everybody that looks after us and our interests in this place during the year. In particular, at the head of that, I suppose, are the clerks, led by Ian Harris. I would like to acknowledge the great work that Ian and his colleagues have done—and also those equivalents in the Senate. I would like to wish Ian and his colleagues and all the staff in Parliament House the best and express our gratitude for their support during the year. I hope that they all have a wonderful Christmas with their families.

And there are those just outside this building who are very patient with us from time to time, the Comcar drivers here in Canberra and all around Australia. Often we get cranky when they are not there at the airport on time—because we are stressed and so on. We seriously appreciate—and I know I can speak on behalf of all my colleagues—the service that is provided to us by the Comcar drivers in Canberra and right across Australia.

Quickly and in conclusion, I want to recognise the great support that I have had, particularly in the last six months, from my staff here in Canberra, ably led by my chief of staff, Brad Williams. Since I became the
leader of the party, and with the responsibilities that come with the position, they have all moved into a new and far more hectic environment than the one we had in the trade portfolio. I thank them. I also thank particularly my electorate staff, who see much less of me these days than they used to, yet manage to keep the wheels turning in looking after the interests of my constituency on the mid-north coast of New South Wales. I particularly thank the two Kerries in my electorate office and wish them all the very best for Christmas.

Just before I come to family, in wishing all the members of the opposition and their families a wonderful Christmas, I want to thank everybody in this place who extended to me their best wishes when I was recently rushed to hospital. As I acknowledged in the comments I made about our friend and colleague Peter Cook earlier in the week, when I was rushed to hospital about four weeks ago with an illness that I needed to be attended to rather quickly—to get the cancer that I had removed—I sincerely appreciated the best wishes that were extended to me from everybody on both sides of the House. They were great to have. When I talk to the people of Australia I continue to say to them that there is a lot of graciousness and a lot of genuineness from both sides of politics. We just happen to be here to do a job, but we understand those personal aspects. I made my comments about my gratitude for the expressions of goodwill that the late Peter Cook delivered personally to me when I was in hospital in Sydney.

Probably most important is my family—my wife, Wendy, who has been down here for the week but who is on her way home now; my three daughters, Terri, Prue and Sarah; and my sons-in-law, the husbands of the elder two daughters, Jason and Nigel. The daughters have grown up with—and I am sure the Leader of the Opposition will recognise this—the impacts of being in a political family and what that does in their own community. But it is different when you marry into it; I do not think these boys knew what they were marrying into. In their workplace and in the broader community they get recognised for some of the things that I do in my political career. I sincerely appreciate their absolute support, particularly that of my wife, Wendy, and particularly during the last month or six weeks. We all would not be able to do this job without the support of our spouses and partners, and I look forward to having some uninterrupted time over Christmas at home with them.

With those few short words, I will conclude. I know the Prime Minister commented on this: next week I go to Hong Kong to represent Australia at the next round of multilateral negotiations in the WTO. I will give all of his colleagues in the Australian Labor Party an early Christmas present when I say I am going to take with us the member for Griffith as part of the Australian delegation. It will give you all a bit of space in the media next week! Merry Christmas.

Ms GILLARD (Lalor) (6.46 pm)—Mr Speaker, can I thank you for your formal indication to the House that you have shown me a great deal of tolerance during the year. Mr Speaker, I think that has been reciprocated; tolerance has flowed both ways between us during the year. I would like to thank you for the opportunity I have had to work with you this year and to take this opportunity to wish you the best for Christmas.

Mr Snowdon—What were you doing there?

Ms GILLARD—I was, amongst other things, at a civic reception attended by the
Speaker. I know we have not seen eye to eye on every sitting day—and, as the Deputy Leader of the Opposition says, I do expect that to continue—but I thank you for your courtesy as we work our way through what can be a very difficult process from time to time.

If the proceedings of this parliament were really a Hollywood movie it would be a B grade one, not a blockbuster. I am not sure it would be a big seller; it might, given the language and occasional incident, have an R rated component. But certainly the producers and directors of this Hollywood movie would be the clerks, and I would like to sincerely thank them. I would like to thank Ian and Bernie. I should take this opportunity to let the Australian people into a secret—that is, most of the time they are the only people in this place who have any idea whatsoever as to what is going on! That is the simple truth of it. Without them the rest of us would have absolutely no hope of knowing what is going on. Ian and Bernie, to you I give my very sincere thanks. If you could convey my thanks and the opposition’s thanks to the team—to David Elder, to Claressa Surtees, to Robyn McClelland and to Robyn Webber—I would be very grateful.

In this Hollywood movie we would probably have continuity and stage direction done by the director of chamber research, Judy Middlebrook, and her team. I would like to convey my thanks to them, to the serjeant’s office—to Rod Carn and his team—and to the parliamentary liaison officer. We have had two parliamentary liaison officers this year—currently we have Tony Levy, to whom I convey my thanks, and before that we had Gerard Martin. You might recall, Mr Speaker, that a crisis in Australian politics was almost caused by Gerard’s unheralded decision to leave the House of Representatives for the Senate. That anybody should make such a choice is a blow from which I think we are still reeling! Our best wishes go to Tony and Gerard for the work that they have done with us during the year.

In this Hollywood movie the script would be done in part by the library staff, because most of the good speeches in this place rely on the research of the library staff and on Hansard. We thank them very much for the contribution they make, and they do live up to the promise of putting in writing the speech you wish you had given, whether or not you did manage to give it. Thank you very much to Hansard. The set in the Hollywood movie would clearly be done by the Reps attendants, and to Bruce, Brian and Lupco I would like to convey my particular thanks as well.

Before leaving the people who assist the parliament and the theme of a Hollywood movie, every Hollywood movie has to have a villain and that brings me to the Leader of the House, Tony Abbott. On most days you can say about him that he is a ‘likeable rogue’ at his best. The Leader of the House and I obviously spend a fair bit of time talking to each other, organising things in the House and—

Mr Snowdon—Who has the love tryst in this film?

Ms GILLARD—Warren, that would be you and the member for Hotham, I think!

Mr Beazley—Come on. We legislated against that!

Ms GILLARD—I withdraw that. Obviously Tony is not here today. We do through dint of circumstance have to work fairly closely during the parliamentary sittings, and I can certainly say that he is easier to get along with outside this chamber than he is in the chamber. I think that is the limit of the compliments, but we do get on in our way outside of here.
I thank the people that I work most closely with during the sitting weeks. To the Leader of the Opposition and the Deputy Leader of the Opposition: thank you very much for your support and for your tolerance of the occasional error, which of course is always made in parliamentary tactics—on some days more than others. To the tactics committee, to my deputy manager of opposition business, Albo—

Ms Macklin—No, you don’t mean it!

Ms Gillard—I don’t mean thanks to Albo? No, I do. I do mean thanks to Albo. My thanks go to Wayne Swan, to Kevin Rudd and to Stephen Smith, who has a special status as a friend of the tactics committee, for their work each and every sitting day. The whips have been mentioned by others, but the job that they do is truly remarkable. I think it is one of the most thankless tasks that anybody in parliament does. To Roger Price, who is known to me affectionately as ‘Rogie’, to Michael Danby and to Jill Hall: thank you very much for everything that you do to make the parliamentary day work and to support me in the work that I have to do.

I convey my thanks to my personal staff, Kimberley Gardiner and Silvana Catalano, who are sitting in the advisers box. Kimberley came on board about a year ago as my media adviser and, in a workplace relations choice that will probably now be legal under the work choices act, I think she has worked 24 hours a day, seven days a week ever since. Her work performance has been truly remarkable, and I know that arrangement will now be legal! I thank Silvana Catalano for her work, particularly in doing questions for question time. She did get four weeks off to get married. I did think this was something that could have been completed in an afternoon if she focused, but she managed to talk me round and get four weeks off.

To Lesley Russell, who has been with me for some time: she is a fantastic health policy adviser and worth her weight in gold. If I had to pick someone, compared with a number in Tony Abbott’s office and the whole department, I would pick Lesley.

My particular thanks go to Angie Sidonio, who is in my office. She has been a long-time server in Parliament House. She is about to leave and go to Newcastle. She is certainly a very bright face in parliament and has been for many long years.

To Jack Lake and John Whelan, in the leader’s office: they are very important to us as we work our way through tactics each parliamentary day.

Also, my very sincere thanks go to my electorate staff—Fitzie, Vicki, Rhonda, Carlos and JB. My thanks go to them for everything that they do when I am not there—and I am very often gone.

I would also like to take the opportunity to thank the people who do the tasks around here that really make it work; often we are not as thankful to them as we should be: to the people in the stores, where we are particularly assisted by Alan; to Reps IT, where we are particularly assisted by Chris; to the cleaners throughout this building, where we are particularly helped by Ivka and Maria; to the Comcar drivers; to the security staff; to catering staff; to the Protective Services officers. All of them do an absolutely magnificent job and I convey my thanks.

I am one of the people who is more reliant on Aussies than, I suspect, almost anybody else in the building. It is a weakness that I share well and truly with the Leader of the House. I think between the two of us we are probably responsible for Aussies’ profits. I would like to thank them for the continuous supply of coffee, which gets us through the days as we go through them.
To all members of the House, to the people who have spoken, to the Prime Minister and the Deputy Prime Minister—I wish them compliments of the season and I trust that they do get the opportunity to have a great break.

I would like to thank very much all of my Labor colleagues for their support over the past year, but I would like to make particular mention of the member for Hotham for his ongoing wise counsel. Thank you very much. I would also like to make particular reference to the members for Banks and Scullin, who assist me with tactical advice—sometimes in louder tones and sometimes in softer tones. But their advice is always received, no matter what volume it is delivered in; and I thank them for the assistance that they have given to me.

To all of my colleagues: I trust that they have a very wonderful, safe and happy Christmas. I think people have worked for it and deserved it. My colleagues, in my view, certainly include Tim Gartrell and his staff at the National Secretariat; and Greg, Sharan and all of the team at the ACTU and in the broader labour movement.

Our thoughts in the coming few days and over this Christmas period are going to be with an absent friend, Peter Cook. Our thoughts will be with his family as they face what will be a very difficult time for them.

Mr BEAZLEY (Brand—Leader of the Opposition) (6.55 pm)—On indulgence, Mr Speaker, I suddenly realised I forgot to wish you a happy Christmas. You have a tough old job presiding up there, you and your various deputies. Your assistant presiding officers are also worthy of our thanks and best wishes for the year.

Mr McGAURAN (Gippsland—Deputy Leader of the House) (6.56 pm)—In the absence of the Leader of the House, I have been commissioned to represent him and to extend his traditional thanks and greetings to all who have supported him, his work and his office. That would involve a great many around Parliament House. At the outset I dissociate myself and the government from the description of the Leader of the House as a ‘likeable rogue’. In other circumstances we might have required that to be withdrawn. He is neither. He is loveable and he is a man of great integrity.

You have to ask yourself, when Tony Abbott really riles members of the Labor Party and provokes them to a point of apoplexy: why is he so popular amongst the government ranks? Why does he appeal to people of very different political philosophies and approaches? It is because he is such an attractive individual—he is so fair minded, open to ideas and eager to debate the great issues of our time, whether they be moral, philosophical or political.

The Labor Party gravely underestimates Tony Abbott, both as an individual and as a political operator, to its detriment. The Leader of the House, who cannot be here for personal reasons, is an immensely popular figure amongst the government. Even when people strongly disagree with a point of view he is espousing or a policy he is promoting, they still have an enormous respect and affection for him, as I do as his deputy. He is a tremendously inclusive individual who is generous in sharing responsibility and any acknowledgement or praise that goes with it. He is always at the forefront to cop the criticism. That is one thing he does not share: blame.

The Leader of the House, by the way, has rung in a couple of times today. He wanted to know whether the House had burnt down on my watch. However inadequate and inferior a performer I may be, nonetheless he trusted me with one last day. My reply to him was: ‘Tony, it’s a typical last day of par-
liam: emotions are heightened and the opposition is feral, unreasonable; but it will all be corrected with valedictories.’ As we get towards the end of the parliamentary sitting year we can express our genuine wish for a happy, restful and peaceful Christmas and New Year before returning on 7 February next year.

The Leader of the House has expressly asked me, Mr Speaker, to convey in his absence his best wishes to you and Penny for an enjoyable summer break and to thank you for your diligent leadership of the parliament in the time since you assumed the role. We hold you in the highest admiration. You have a manner that allows people to express themselves robustly but also come to order very quickly. You do tread remarkably well that fine line between allowing a free-flowing and vigorous debate in this place but at the same time maintaining order. Your Deputy Speaker, the member for Page, the Second Deputy Speaker, the member for Scullin, and the panel of deputy speakers are strong supporters of you in discharging the heavy responsibilities of speakership.

The Clerk, Ian Harris, and the Deputy Clerk, Bernard Wright, have been mentioned by all who have come to the dispatch box. I, along with the Leader of the House, add my personal thanks for their service and we jointly wish a happy holiday period for them and their families. They are unflappable; they cannot be panicked or provoked to anger—or at least on the surface during the course of a working day. We greatly appreciate the support we receive from Ian and Bernard and all their staff in the Clerk’s office. They work extremely long hours and they have cool heads, in and outside the chamber. They are always available to give advice, and we genuinely appreciate their 24-hour service to the Leader of the House and his office.

The staff of the Parliamentary Liaison Office are unsung heroes. I think you need a mathematician’s brain to operate the PLO successfully, with the capacity to juggle many different balls in the air at the same time. Our current parliamentary liaison officer is Tony Levy, who replaced Gerard Martin. Gerard Martin transferred—I hesitate to say that he was promoted—to Senate PLO. Gerard was a great fellow, and Tony Levy is shaping up in the same tradition. He always carries out his job with great professionalism and gives straightforward and independent advice at all times. Tony does not gild the lily; he tells it as it is. He is a credit to Prime Minister and Cabinet, and we want to put on record our thanks for the effort he invests in what is often a thankless and difficult task. He often has to bear the brunt of the criticisms or frustrations of the opposition for decisions that are actually made by the government. The assistant parliamentary liaison officer, Nathan Winn, replaced Helen Tudor, while the tabling officer, Sharyn Hayes, was replaced only this week by Alison Carson. All three do their jobs with great efficiency, good humour and endless patience.

I wish to thank the Chief Government Whip, the member for Macquarie, for the role he plays in so many ways. Until you act in place of the Leader of the House, you do not fully appreciate—and how can you be expected to—the calls on your time and the demand for information. That is a load that is shared by the Chief Government Whip on many occasions during the course of a single day. In that, the member for Macquarie is ably assisted by the other government whips: the member for Corangamite and the member for Gilmore in relation to Liberal Party and coalition business; the member for Mallee, Chief Whip for the National Party; and the member for Hinkler, who is a whip for the National Party as well. They are a very cohesive, experienced and longstanding
team of whips who have served their colleagues, friends and the government extremely well.

I thank the whip’s staff, particularly Cay, Stewart, Katrina and everybody in the whip’s office. They have to take into account different temperaments and personalities and changing moods and balance the requirements and demands of members who want speaking time allocated. Everybody has a cause, and you often see your own priorities on behalf of your constituents to the exclusion of others. They have to be extremely balanced and diplomatic in the decisions they make. Let us be frank: some members hassle, haggle and argue with them on sitting days to get space—but only because the members themselves are passionate about an idea or issue.

I wish to single out Gerrie Van Dam, the long-serving whip’s clerk in the National Party. Gerrie was here when I arrived in 1983, if my memory serves me correctly. She first served with Michael MacKellar in 1979-80, so she has been with the National Party for nigh on 25 years and yet looks as young and lovely as she was when she first started. She is a wonderful personality. She has seen everything, and she is a confidante of members of parliament and more than a steady hand on the dynamics of the National Party room. We are very fond of Gerrie and indebted to her for more than two decades of service.

Mr Crean—Does she run the show?

Mr McGauran—Does she run the show? Yes, I would not be surprised if Gerrie Van Dam largely ran the show!

I also thank the Manager of Opposition Business, the member for Lalor, not so much on my behalf but on behalf of the gracious, kind-hearted and big-spirited Tony Abbott. He insisted that I point out that the member for Lalor, on balance—all things considered, in the circumstances, placed in context—does a reasonable job of cooperating. And I understand that the Chief Opposition Whip, the member for Chifley, is an even more cooperative person to deal with.

The thing about Parliament House is that, while a lot happens on the surface that is visible to the naked eye, a lot also happens behind the scenes. We wish to acknowledge and thank the staff of the chamber research office for the many requests they fulfil and respond to for the Leader of the House and his office during the course of the year. That can also be said of the staff of the Parliamentary Library, who have to deal with unreasonable questions not only from the Leader of the House’s office but from all members of parliament, including ministers. They carry out their requests with precision and efficiency.

We thank the attendants, Hansard staff, telephone operators, gardeners, cleaning staff and those who work in the member’s dining room and the staff cafeteria. Largely we do not see them, but we know they are there. They are silent in their attendance to the requirements and needs of Parliament House but, whilst they may be unrecognised, they are never unappreciated. The staff at Aussies, the staff at the gym and the staff at TQ3 Navigant are more visible to us, and we also thank them. We wish all who work in Parliament House the very best for the coming season.

Finally, I thank the staff inside the Leader of the House’s office with whom I deal on a daily basis. I want to single out Paris Kostakos, the adviser on all matters dealing with Mr Abbott’s responsibilities as Leader of the House. She is a wonderful personality—so accessible to everybody and very patient, but still spirited and decisive. She is assisted by Allan Roche many times in the course of an ordinary parliamentary day.
In drawing my comments to a close can I say that for rural Australia it is a much more optimistic and hopeful Christmas than that of 12 months ago. Rain has come. Whilst we cannot officially put an end to the drought, the rain has given people a belief that rural Australia might be returning to its normal fortunes. Production of most crops is up substantially, but perhaps not yet to pre-drought production levels, and we do need follow-up rain. Nonetheless, country people far and wide have a new spring in their step and are looking forward to a Christmas free of the tension and even trauma of the past few Christmases because of drought. A merry Christmas to one and all.

The SPEAKER (7.07 pm)—I would like to start by thanking all those who have already spoken for their kind words and for their support during my first year as the Speaker. Just as those present have conveyed such kind words about the chair, I too would like to share my appreciation of those who also occupy the chair, in particular the two deputy speakers, Ian Causley and Harry Jenkins, and of all members of the Speaker’s panel, who do a lot of work not only in the chamber but behind the scenes, and that is very much appreciated. It comes as no surprise that there are plenty of people both in the House and outside who are happy to provide the Speaker with advice on standing orders and procedure. While I am always happy to receive such advice, I particularly want to convey my appreciation, as others have, to the Clerk, Ian Harris; to the Deputy Clerk, Bernard Wright; and to the clerk assistants, who, as has already been said, do a remarkable job in assisting us to make sure that this chamber continues to run smoothly.

I would also like to talk about the many other people who support the work in this building. There are many to whom we are indebted. I want to quickly list them, because there are so many. We have the Serjeant-at-Arms office, chamber research, parliamentary relations, liaison and projects, messenger services, finance, people strategies, information systems, printing and publishing, the Table Office and committees. The staff in all of those departments work extremely hard, extremely effectively and extremely professionally in making sure that this is the premier parliament in Australia and one that is respected and admired right around the world.

I would also like to send my best wishes to Hilary Penfold and her staff at the Department of Parliamentary Services. Many of these staff toil away in locations outside the building or down in the basement. But I wish to take the opportunity to let them know that, although they may spend much of their time out of sight, their work never goes unnoticed. My very best wishes to them. Also to the staff of Client Support, Broadcasting and Hansard; Information Technology and Communications Services; Building Management; Security and Facilities; corporate services; visitor services; the Nurses Centre; art services; the Parliament Shop; and the Health and Recreation Centre a big thank you on behalf of all members of the parliament.

To my fellow Presiding Officer, the President of the Senate, Senator Paul Calvert; his staff; and the staff of the Department of the Senate I send my best wishes and appreciation for the magnificent cooperation that we have with our friends in the Senate.

I am sure that all members would join with me in wishing our new Parliamentary Librarian the very best wishes for Christmas and for the big task that she is going to undertake in running the Parliamentary Library—one of our most valued institutions—and, most importantly of course, the very professional staff that we all appreciate so much in the work that they do, as has been...
said already, in assisting us to make some very important contributions both within this chamber and outside.

Also a special mention to the many others who look after us in so many ways. We have Tracey’s florist; TQ3; Hyatt catering; Limro Cleaning; as has been mentioned, Comcar, who do such wonderful work right around Australia; AUSPIC; Aussie’s; the post office; and Westpac. To all of those people a very big thank you.

I would also like to specially thank colleagues, in particular the Prime Minister, the Deputy Prime Minister, the Leader of the Opposition, the Deputy Leader of the Opposition and the Leader of the House and the Manager of Opposition Business, both of whom I rely on quite often for their support in ensuring that this House continues to function in the way we would like it to—or most of the time. Thank you to the whips on both sides, whose counsel and support is greatly appreciated.

Most importantly, I would like to say to all colleagues in the House that I do really respect the contributions people make here. I do understand the sacrifice that is often made. Most importantly, I respect the fact that people come here with a genuine intention to try and make our nation a better place. That is something that, while I am the occupier of this chair, I will continue to encourage people to do. I will continue to assist them, in what ways we can within the forms of the House, to be able to make that contribution. I am a very strong believer that it is only through this system that we do get the best outcome for the nation.

I would also like to say a very special Christmas wish to all colleagues. I believe that the opportunity to have that rest is more than deserved. I am sure that all of us will be looking forward to the opportunity to catch up with our families and to have a well-deserved break. Calvin Coolidge once said: Christmas is not a time nor a season, but a state of mind. To cherish peace and goodwill, to be plentiful in mercy, is to have the real spirit of Christmas.

In the spirit of Christmas may I wish all members of the press gallery peace and goodwill.

I would also like to thank my staff, particularly my staff in the Speaker’s office: Chris Paterson, my chief of staff; Lisa McDonald; Megan Campbell; Barbara Williams; Yvonne; and, of course, Luch, who is always very punctual and courteous in ensuring that the Speaker gets into the chamber at the right time.

To the people in my electorate of Wannon—who have been very understanding, as I have not been spending as much time with them as I used to—and particularly to my staff in my electorate office, led by Katherine, who do a wonderful job, as I know staff in all electorate offices do. They are a wonderful support to members of parliament, most importantly to ensure that we can do the work that is expected of us as local members as well as members of this wonderful organisation.

Finally, I thank my family and especially my wife, Penny, who has been just wonderful—particularly while I have been Speaker. She has spent so much time assisting me quietly behind the scenes or whenever needed on special occasions and I have certainly appreciated that. Also, as others have said, I appreciate the fact that, on many occasions, she has almost single-handedly brought up our four children. That is something that I greatly cherish and probably can never thank her properly for. But I think all of us in this place know and understand the contribution that is made.
Again, I wish everyone a safe and happy Christmas. We all look forward to a great New Year. I believe that the democratic processes will continue when parliament resumes. This will continue to be a robust chamber, as has been said. But I believe fervently that, through this process, we will see the contest of ideas leading to outcomes which will lead to a better nation. That contribution is so important for all those in Australia and we have the great honour of being able to contribute to it. I wish everyone all the best and look forward to seeing you back here in 2006.

I remind honourable members that the House at its rising will adjourn until Tuesday, 7 February 2006 at 2 pm, unless the Speaker or, in the event of the Speaker being unavailable, the Deputy Speaker fixes an alternative day or hour of meeting.

Question agreed to.

LEAVE OF ABSENCE

Mr McGauran (Gippsland—Deputy Leader of the House) (7.17 pm)—I move:

That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

I look forward to seeing all members on 7 February next year.

Question agreed to.

COMMITTEES

Members’ Interests Committee: Report

Mr Ciobo (Moncrieff) (7.17 pm)—As required by resolutions of the House, I table copies of notifications of alterations of interests received during the period 23 June to 7 December 2005.

Publications Committee

Report

Mrs Draper (Makin) (7.17 pm)—I present the report from the Publications Committee sitting in conference with the Publications Committee of the Senate. Copies of the report are being placed on the table.


INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2005

Consideration of Senate Message

Bill returned from the Senate with an amendment.

Ordered that the amendment be considered immediately.

Senate’s amendment—

Schedule 1, page 3 (after line 10), at the end of the Schedule, add:

Skilling Australia’s Workforce Act 2005
4 After section 10

Insert:

10A Condition of grant—skilling Indigenous Australians

Where appropriations are expended in accordance with this Act to provide targeted financial assistance to advance the education of Indigenous persons, the appropriation must be expended in a manner which advances the objectives set out in sections 5, 6, 7, 8 and 9 of the Indigenous Education (Targeted Assistance) Act 2000.

Dr Stone (Murray—Parliamentary Secretary to the Minister for Finance and Administration) (7.19 pm)—I move:

That the amendments be agreed to.

Changing the educational divide between Indigenous and non-Indigenous Australians remains one of the Australian government’s highest educational priorities. The government will provide a record $2.1 billion in funding for Indigenous education in 2005-08, which is an increase of 23.4 per cent over the 2001-04 funding. The John Howard government is proud of its achievements in Indigenous education. Outcomes have im-
proved significantly since 1996. Indigenous year 12 enrolments have increased to a record 3,200 in 2004, which is a 4.8 per cent increase from 2003. Six out of nine literacy and numeracy benchmark results in 2002 were the highest yet. Year 12 retention rates for Indigenous students were 39.5 per cent in 2004—up from 29 per cent in 1996. Indigenous enrolments in vocational education and training have increased by 80 per cent since 2003. In addition, there has been a 16.4 per cent increase since 2001 in the number of Indigenous students doing bachelor or higher degrees. This is a very significant improvement in outcomes for our Indigenous students.

Of course, we acknowledge that there is the need for very special targeted assistance, as this bill provides, for Aboriginal Australians. Many live in the most remote communities in Australia—often very small communities. English is not their first language. Often they are a very great distance from secondary education. We want to make our very best efforts when it comes to our first Australians, which this bill certainly attempts to do. From the statistics I have just read out, you will see that the Howard government has achieved some very proud improvements already; but there is a very long way to go.

Two initiatives that are targeted at students from remote areas were announced in the 2005 budget: the Indigenous Youth Leadership Program and the Indigenous Youth Mobility Program. These programs will provide scholarships and assistance for young Indigenous people from those very remote areas to access education and training in cities and regional centres, with the support of their families and communities. Often it is with very great difficulty that young students who have grown up in very small communities make that transition. We are determined to help them in every way—and their families—in making that transition.

Of course, we also have the Indigenous Education Direct Assistance program. It has been significantly reshaped for 2005 through to 2008. The changes will accelerate improved outcomes for Indigenous students based on the evidence of what works. The program reforms will better target tuition assistance for Indigenous students, particularly through whole-of-school approaches. IEDA will provide more than 45,000 students with in-class tuition, paid to state government and non-government schools. This tuition will particularly target Indigenous students who do not meet year 3, 5 and 7 national literacy or numeracy benchmarks, but schools will have some flexibility in the use of these funds for tutoring Indigenous students between years 1 and 9 who do not meet the relevant literacy and numeracy curriculum outcome levels for their ages. We understand in Australia that if you do not have literacy and numeracy and if that is combined with no English-speaking proficiency then, no matter what your advantages in terms of your natural capacities, it is very difficult for you to make your way in gaining employment and being able to reach the greatest opportunities or potentials that our society offers in a whole range of possible employment.

We also have intensive tutorial support in the first year for students who must leave their remote communities to attend schools. We have tuition for Indigenous students in years 10, 11 and 12 to improve retention rates and year 12 outcomes. That is mostly delivered after school. I have to say that even in electorates like mine, in Murray, we have problems where our Indigenous students still leave school often before year 12. When they do that, we know we are going to have to give special help to make sure that they can reach their full potential in our economy. We want to do all we can to see them finishing
year 12, doing well at year 12 and then having the whole world before them.

I commend this special Indigenous Education (Targeted Assistance) Amendment Bill to the House. I know that the opposition will now speak to the amendment—that has been agreed to—but I commend again the Howard government for understanding the needs of Indigenous students and investing in the appropriate resourcing and the best programs to make sure that our young Indigenous Australians can reach their maximum potential, no matter whether they are from remote communities, big regional centres or urban Australia. (Time expired)

Mr SNOWDON (Lingiari) (7.24 pm)—It is my pleasure to speak to this and support the amendment to the Indigenous Education (Targeted Assistance) Amendment Bill 2005 which has come back from the Senate, which after all was an initiative of the Labor Party. I commend the shadow minister for her part in ensuring that this amendment was put in the Senate. Its impact will be to ensure that there is appropriate assistance given to a number of independent education providers, principally among them the Institute for Aboriginal Development in Alice Springs and Tranby Aboriginal College in Sydney, two institutions which I know quite well. I am particularly concerned to ensure that IAD is guaranteed assistance through this process, so I thank the government for agreeing to this amendment and passing it through this parliament.

I want to just pick up on a couple of points which were made by the Parliamentary Secretary to the Minister for Finance and Administration, at the table. Whilst I have general agreement with the principle that the issue we must address is the inadequacy in Indigenous education, I am not sure that I always agree with the way in which the government goes about its business in this regard. I am certainly not approving of the changes it made to the Aboriginal Tutorial Assistance Scheme or the—

Ms Macklin—Parent support.

Mr SNOWDON—Or the parent support. In my electorate, this has caused a great deal of friction, in a sense, between the parents and school communities and the government. Whilst last year, prior to this funding being cut, we had special programs coming to Indigenous kids in schools across Northern Australia and particularly in my own electorate, as I say; this year we had the failure of these funds to be provided, so these courses were not available and the special assistance that students required was not available.

I asked the question of the minister, as I recall, in the consideration in detail stage, about where the money was going. What happened to it? We do not know where it has gone, but we do know that the programs which would have been operating had the government not changed their approach were not operating. As a result, Aboriginal kids across Australia suffered. That is not an appropriate way to deal, and it is certainly not an appropriate way to deal with Indigenous parents. Now we have a set of circumstances where, historically, Indigenous parents were engaged with school communities, and they have been disengaged. That is an issue which the government need to accept responsibility for, and there was no reason for that to happen except that they took it upon themselves to review this program. I do not recall the numbers exactly, but there were something like 600 of them around the country, and only 20 of them participated in this process of review. In any event, we do know that that was a sad and sorry affair and, as a result, communities which have Indigenous kids have suffered and the school communities have suffered.
I also want to make an observation about the other comments made by the parliamentary secretary about Indigenous education. I have no problem supporting the idea that Indigenous kids go away to school, but you will get the best results when you have education in the home communities. We know that, as a result of 27 years of indolence and disregard for their obligations, the previous conservative government in the Northern Territory failed to provide appropriate secondary education services to Indigenous kids across the Northern Territory. I estimate that there are somewhere between 3,000 and 5,000 young Territorians, Aboriginal kids, who have no access to any sort of educational services whatsoever between the ages of about 13 and 18. That is a direct responsibility of the failure of successive CLP administrations to provide for these students. As a result, there is a backlog of services which now need to be provided, and the Commonwealth needs to play a fair role in this game and provide the Northern Territory government with additional capital resources so they can provide adequate educational services to kids wherever they might live.

We do know that, since the 2001 election, the Northern Territory ALP administration under Clare Martin has put in place a number of secondary education services. We had the first-ever kids graduate out of high school to tertiary entrance only three years ago. Now there are larger numbers of kids coming out of secondary schools in Indigenous communities, and that is to be commended. I think that is a far more preferable way to deal with the problems of Indigenous education—that is, working with Indigenous parents and school communities in their home communities, rather than the children needing to go away.

Ms MACKLIN (Jagajaga) (7.29 pm)—I want to quickly thank the government for supporting Labor’s amendment that was moved in the Senate, which requires that any spending on Indigenous-specific vocational education and training in the Skilling Australia’s Workforce Act must comply with a range of principles. The important thing is that this will support those independent Indigenous vocational training providers that the member for Lingiari mentioned and, most importantly, it will ensure that appropriate and supportive vocational education and training can continue to be provided to Indigenous Australians. On the Labor side of politics, we felt that this amendment was needed to guarantee that support and I thank the government for providing it.

Question agreed to.

COMMITTEES
Intelligence and Security Committee
Membership

The DEPUTY SPEAKER (Hon. IR Causley) (7.30 pm)—Mr Speaker has received advice from the Hon. the Prime Minister nominating a member to be a member of the Parliamentary Joint Committee on Intelligence and Security.

Mr McGAURAN (Gippsland—Deputy Leader of the House) (7.30 pm)—by leave—I move:

That, in accordance with the provisions of the Intelligence Services Act 2001, Mr Ciobo be appointed a member of the Parliamentary Joint Committee on Intelligence and Security.

Question agreed to.

COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT (RELATED AMENDMENTS) BILL 2005

Returned from the Senate

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

House adjourned at 7.31 pm until Tuesday, 7 February 2006, in accordance with the resolution agreed to this day.
Thursday, 8 December 2005  

STATEMENTS BY MEMBERS

Fisheries: Bottom Trawling

Ms GEORGE (Throsby) (9.55 am)—I want to raise the issue of bottom trawling. Bottom trawling is a fishing technique which involves dragging heavy nets across the sea floor to catch bottom-dwelling fish. The practice results in severe changes to the seabed, a high rate of bycatch and a loss of biodiversity. Bottom trawling is in fact the most destructive practice against deep sea life, literally scraping the ocean floor and smashing everything in the path of the heavy nets, including precious corals and whole marine mountains, known as seamounts, as well as killing countless species other than the target catch. There are estimated to be 100 to 200 fishing vessels currently operating full time and year round bottom trawling on the high seas and a further few hundred part-time vessels. Only 11 nations take over 95 per cent of the high sea catch, the three biggest nations involved in this being Spain, Russia and New Zealand. The catch is then primarily sold to the European Union, the US and Japanese markets.

There is growing and unprecedented concern about the destruction of our deep seas. In early 2004, 1,136 eminent marine experts from 60 countries signed a public statement calling for a moratorium on bottom trawling in international waters. Such a moratorium, they argue, would provide the international community with the space to undertake the scientific research necessary to understand the nature and extent of that biodiversity as well as provide an opportunity to generate the internationally binding legal mechanisms necessary to effectively regulate this type of fishing on the high seas in a manner that is sustainable and equitable.

On Monday, 28 November in New York, the United Nations General Assembly discussed matters relating to oceans and the law of the seas. There were renewed calls from the scientific community and a growing number of nations indicating their support for a global moratorium on bottom trawling on the high seas. The General Assembly once again called on nation states to take urgent action to address the destructive impact of bottom trawling on biodiversity and urged the need for accelerated progress. They were unable, however, to advocate or propose any specific actions. A series of processes has been put in place for 2006 which will consider the adequacy of actions taken to date. Australia has indicated general support for the resolutions but noted that the UN should not limit its attention to bottom trawling. The end result of all this is really that, while governments ponder, the bottom trawlers keep on trawling. Deep sea creatures and their diverse habitats are being destroyed while the talks drag on. The Australian government should act rather than talk and ensure that 2006 is the year for the protection of deep sea life.

Gilmore Electorate: YWCA Shoalhaven

Mrs GASH (Gilmore) (9.58 am)—I want to say how pleased I am that the YWCA in the Shoalhaven in the Gilmore electorate has just been very successful in its application for funding under the Mentor Marketplace program. The funding is for $200,000 over 3½ years. One hundred quality applications were received and 14 were selected. I would like to mention the work that the YWCA does in the Gilmore electorate. Not only has it had success with this
particular program but it has just recently also been awarded $178,000 for an early intervention program in law and order with young people. Unfortunately, Gilmore has a large percentage of unemployed young people and we really do want to be able to assist them to continue with their schooling and therefore lower the risk of their becoming long-term unemployed. This is particularly a target for people between the ages of 14 and 19 who are either unable or unwilling to continue with schooling. I would like to say congratulations to Judith Reardon and her team of Myfy and Kerry. Again, well done. The YWCA has been established in the Shoalhaven for a number of years and I am really delighted to see them win this award.

**Pacific Highway**

Ms HALL (Shortland) (9.59 am)—I wish to raise some concerns I have about the federal government’s funding for the Pacific Highway. This issue has been raised with me by one of the local government areas in my electorate, the Wyong Shire Council. They are very concerned about underfunding by the federal government for the Pacific Highway. Whilst the New South Wales government has invested $1,660 million in the highway, the federal government has put in only $660,000. This is an absolute disgrace. All the time we hear about what the federal government is doing for roads in Australia, but what it is actually doing is underfinancing constantly.

The DEPUTY SPEAKER (Mr Jenkins)—Order! In accordance with sessional order 193, the time for members’ statements has concluded.

**COMMITTEES**

**Family and Human Services Committee**

Report

Debate resumed from 5 December, on motion by Mrs Bronwyn Bishop:

That the House take note of the report.

Ms GEORGE (Throsby) (10.00 am)—I rise to speak on the report tabled in the House entitled *Overseas adoption in Australia: report on the inquiry into adoption of children from overseas*. This report contains the result and recommendations of an inquiry by the House of Representatives Standing Committee on Family and Human Services. The committee received in the order of 274 submissions, and over 100 witnesses appeared before the committee. I want to put on the record my thanks to the chair of the committee, the member for Mackellar, and the deputy chair, the member for Fowler, who ably represented committee members from the Labor Party. I want to also thank the member for Franklin, who during the course of this inquiry took time off to go to China to see first-hand the conditions in orphanages in China and to look at means of strengthening the intercountry adoption program into the future. Sitting on committees as I do, I find that no report ever gets to be presented and tabled without the very hard work of the administrative staff assigned to that committee. I particularly want to thank James Catchpole, the secretary to the committee, and the committee secretariat for their wonderful efforts.

This was a very interesting inquiry that showed that, in Australia, we have seen a massive decline in adoptions in the last 35 years. Local adoptions dropped from a peak of over 9,000 a year in 1971-72 to only 73 in 2003-04. Interestingly enough, it is the intercountry adoptions in that huge drop that represent some three-quarters of total adoptions. Currently, there are in the order of 300 to 400 overseas adoptions each year, but there has been a huge drop in local
adoptions, down to about 73 a year. By contrast, while there has been a huge decline in the rate of adoptions, there are tens of thousands of children in foster care or other forms of out-of-home care.

As I indicated, intercountry adoptions have remained rather static while the local adoption rate has declined substantially. Australians are adopting 300 to 400 children from overseas every year. But when you look at Australia’s effort compared with comparable countries you can see that we are doing very poorly. Australia’s per capita rate of adoptions from overseas is less than one-third of the rate of most First World economies. I will give just one example: in 2003-04 there were 370 overseas adoptions in Australia, compared with 1,109 in Sweden, a country that has less than half Australia’s population. In fact, the table in our report shows that only the UK has a lower population per adoption ratio than Australia.

One of the issues we wanted to examine in our report was the answer to the question of why Australia’s adoption rate is so low, and we also wanted to examine the weight of evidence that came before us about the delays and hostility faced by the adoption community. In our view, that hostility was too great for the committee to ignore. I was most concerned that a number of witnesses were really quite nervous about going on the public record for fear, in their minds, that it might jeopardise their place in the queue or their chances of adopting from overseas.

Sadly, I think you have got to come to the conclusion that in Australia there is a general lack of support for adoption. It is not seen as a positive way of adding to family and family formation. This is a culture that is permeating through a lot of the departments that are responsible for looking after children and for ensuring that local and overseas adoption is taken up under the auspices of the resources that they have. We found that all the state units were underresourced and there were long queues. In fact, in the state of Queensland the program for overseas adoption was totally closed for a period of time. So you would have to think that adoption in Australia has become the poor relation of child protection. We wonder, when there are so many thousands of children in foster care and other care, why adoption has not been seen as a good outcome for a lot of children in our country.

The state units are underresourced, but I think the federal government bears some responsibility also because the federal government is the lead agency in terms of the Hague convention, which provides the framework to ensure due and proper processes for overseas adoption. I think the attitude of the federal government up to now has been hands-off, leaving it to the states to initiate and maintain the programs. My understanding is there is only one person at the federal level involved in overseas adoption, but in a country that is a signatory to the Hague convention the responsibility must surely be seen as one that would require a better and more proactive role by the federal government. We make recommendations to address that in the report.

The other reason for the low level of intercountry adoptions is the cost factor. We were able to get the figures on overseas adoptions in comparison to local adoptions and the price signals are set at a level that makes it very prohibitive for parents to adopt from overseas. There is a wide variation in the fees, ranging from $2,000 per child to $10,000 per child and yet, in a number of states, if you are adopting locally there is no charge at all. Many people told us of the struggle they had raising the money to adopt a child from overseas. Costs in the order of $30,000 were not unusual and were there on the public record.
There are price signals there that make it prohibitive for many low-income people and the variations between the states and between overseas and local adoption also need to be looked at. New South Wales, for example, recently increased its costs on a cost-recovery basis. The cost went up by about 300 per cent but it did not actually lead to any extra staff being allocated to handle overseas adoptions. As well as the initial costs, many adoptive families have told us that they feel that there is discrimination within the system in terms of the different entitlements and benefits that apply to adoptive parents in comparison to biological parents. That is also an area that we take up in our recommendations.

This raises the question: where to from here? We came to the conclusion that all is not well in this area and that for some decades now adoption has not been seen as a legitimate way of adding to families or forming families. We tried to address some of the cultural reasons for this. Our recommendations—27 in number—have come in a bipartisan way from the committee. It is always a good sign that we can secure agreement across the parties on issues that transcend party political positions.

In our recommendations, we have called on the federal government to renegotiate the agreement with the states so that we can secure improvements in existing practices. We believe there is a strong case for better harmonised, more efficient and more accountable processing of applications and we would like to see the states come to some understanding so that we do not have the absurd situation where parents are sometimes leaving one state to go to another state to enhance their chances of adopting. We do not let the federal government off the hook either. We have urged that they play a more proactive role and take greater responsibility at the federal level and that they be the body that is really responsible for the initiation and maintenance of a number of programs that we have with countries signatory to the Hague convention and with China.

A number of our recommendations address the inconsistencies between benefits and entitlements provided to families for biological children as against adopted children. For example, we believe that, where maternity leave provisions are available, exactly the same provisions should apply for adopting parents and that one should remove the age limit for maternity payments but require claims to be made within 26 weeks of a child being placed in the care of adopting parents. The criteria for the immunisation allowance should also be changed so that families who adopt children from overseas are still eligible to get access to the immunisation allowance two years after the child’s entry to Australia. There needs to be a genuine effort made to look at some of the current barriers for adopting parents in accessing a range of entitlements that apply to biological families.

We have also urged that the responsibility at the federal level be taken on by the Attorney-General’s Department and that the department establish and manage overseas adoption programs. We believe that the government should provide funding for a national peak adoption support group and provide funding to local groups so that the networks of adopted children and their families can be maintained as a support for one another and also as a means of ensuring that children adopted from overseas have the means to travel back to their original country of birth and maintain their cultural and familial ties with the country from which they were adopted.

It was a very interesting inquiry. As I said, we probably had 100 witnesses appear and there were 274 submissions, and I think it uncovered an area that has been neglected. I am very
confident that the recommendations of our report will chart a positive way forward. It is really important that we reiterate to the community that adoption, be it local or overseas, is a legitimate way of forming or adding to a family. It is the means of providing a better future for many thousands, if not millions, of children, many of whom are consigned, as we know, to spending their lives on the street or in orphanages. By far the most preferable option is where a child can be placed with a family in their own country of birth. But in many of these countries, as we know, children are left in cots in orphanages, stunting both their physical and emotional development. We had cases where parents advised us that, after adopting a child, it took some time for the child to begin to regain some of the motor skills that had been lost from when they had been left in a cot in an orphanage. Australia is a wealthy nation; there are a lot of parents in Australia who would like to adopt children from overseas. It is the role of this parliament and this government to ensure that the processes are such that that option is readily available to the many people who choose that as a means of family formation or adding to their families.

Mr CADMAN (Mitchell) (10.14 am)—The report of the House of Representatives Standing Committee on Family and Human Services entitled Overseas adoption in Australia: report on the inquiry into adoption of children from overseas is one of the most pleasing reports I have been involved with. There was unanimity amongst the members of the House of Representatives committee. We came to our conclusions fairly rapidly. There was always discussion about precise wording and, in particular, the role of the states and whether we had, in our terms of reference, a capacity to look into what state governments were doing. But it was a very pleasing inquiry because the results indicate—to all of us, I believe—that adoption within Australia, whether it is intercountry or not, deserves attention.

The constant claim by agencies around Australia was that they were looking at the best interests of the child. In many instances, particularly with internal adoptions, it only appeared to be the claims of parents that were considered and not what was in the best interests of children. It was a tragedy that we discovered over 10,000 fostered children across the nation—some of them moving from home to home, with a disruptive lifestyle and little prospect of settling and establishing continued supportive relationships. Often they are moved on because somebody felt they were disruptive or a departmental officer felt that things needed to be changed. Those children are never given the opportunity to be adopted.

But I have digressed from the report. It was a pleasing report, with two aspects. I will start with the internal aspect, as we considered it first, and then I will deal with the international aspect. It was my impression that many parents come to overseas adoption through a process where they may have children of their own and would like more but, because of age, feel that is not possible or not wise. Alternatively, they may have unsuccessfully been through the IVF process, realised that was not a course they wanted to pursue and tried domestic adoption within Australia. They are basically told, ‘Stop wasting your time; you have to go internationally,’ and they then look at intercountry adoption. Having done that, they are confronted with the cost as compared with the cost in Australia.

I have to say that, when one looks at the cost, one comes up with just a fee within the state administration, ranging from $9,700 in New South Wales and $8,377 in South Australia, which is the second highest, down to a couple of thousand dollars in some of the other states. There is a big range in the charges being applied by state governments. The impression that I
gained was there was a real resistance from states for intercountry adoption, but there was also a resistance for domestic adoptions. So adoption is off the agenda as far as state administrations are concerned. In my opinion this is a carry-on from the past, when adoption was not considered a reasonable thing.

It is strange when you look at this issue that the media can present surrogacy as a brilliant and wonderful thing when somebody is prepared to act as a surrogate mother for a couple and, through sacrifice, presents a baby to them. This is illegal in Australia, but overseas it is covered by television and the media as being a wonderful thing. Adoption is very little different to surrogacy, and it is only the attitudes of the people involved—the community, the public servants and those who wish to adopt—that need to change. There is only a need to change the ethos, and that is what this committee found. I was delighted that we discovered this. We uncovered it, and now I believe that we ought to have a far healthier attitude to adoption and the opportunities for children no matter what their origin, whether they are from within Australia—those thousands who are consigned to a fostering existence—or from overseas. The best interests of the child must dominate.

I note that some states allow single parent adoption. Given the huge number of couples wanting to adopt, to permit single parent adoption has doubtful advantage because I think there is not a sociologist in Australia that does not consider that, if possible, the best achievable result for children is to have parents—male and female—committed to that child and the child’s best interests rather than single parents. So I really think that the focus needs to be more on couples, because there are so many of them wanting to adopt. Queensland, who opened their adoption books for a short period, were inundated by over 700 couples wanting to adopt and then slammed their books shut. They were surprised that people actually wanted to do this and were horrified that adoption was popular, with couples wanting children. State governments around Australia need to reconsider their stance, their policy and their attitude and to review the ethos within their departments. The sections of departments that are looking at the way in which people behave in families and the sections that tend to represent the punitive aspect of family or community services departments—whatever they may be called—are those that are called upon to administer adoptions. Those roles need to be separated and a much better approach adopted.

The aspect of international responsibility caught the attention of the committee. There has been a general decision in Australia that we prefer to and will adopt in the future from countries which are signatories to and have ratified the Hague convention. The Hague convention deals with things such as the adoption and movement of people and the movement of families. The Commonwealth has signed off on the Hague convention. But what do we find in the administration of adoption? The Commonwealth has backed out. Because the states are the adopting agencies, the Commonwealth is really only supplying immigration services in the process. The Commonwealth has backed out completely, so state by state there is a state to foreign country agreement. I think there are lots of flaws in this process. The Commonwealth ought to be taking a more prominent role not only in negotiation of the Hague convention matters but also in internal discussions so that there is a more cohesive and better coordinated approach by the Commonwealth and Australia than there currently is.

It must be extremely confusing for different countries around the world to have to deal with different parts of Australia over adoption, instead of dealing with the Australian government
itself. The Commonwealth should establish the processes for adoption, with the states filling their traditional role and not standing back from their role of saying whether parents are suitable and approving adoption in the last instance. The Commonwealth should assume its proper international stance. It should be a much better coordinated and much better led process than is currently the case. The approach is so inconsistent. We have adoptions taking place out of Romania lock, stock and barrel—as many as we can take—and out of China, but we cannot adopt from the United States. I do not know how these decisions are made, but it seems to me that non-signatory countries such as Romania are much more likely to have a doubtful process of selection of children than would the United States. I think it is critical that the Commonwealth lead in this process.

There is also a need for the Commonwealth to examine its support. I was delighted to see in the last budget that baby benefits to families had been extended to adoptive parents. More attention needs to be given to such areas, and if the committee’s recommendations are adopted there is going to be a more positive and more successful approach to adoption which will be far better for parents and will promise a far better outcome for children adopted both in Australia and from overseas. One of the features of the inquiry that I found quite touching was the attitude of parents to their overseas adopted children and the relationships and bonds that had been established. All we members of the committee were pretty excited with the choice of cover for this report and by the comments of Amee, who appeared before the committee, when she concluded her comments by saying:

I am thankful to be here because when I went back a couple of years ago to Ethiopia I saw all the poverty over there. It opened my eyes. I am grateful to have an education, and that I am healthy and I can grow up, because over there the life expectancy for women is—only about 38 ... I know that here I can live a healthy and prosperous life, so I am grateful for that.

It is a wonderful comment from a young girl who appeared before us.

Nobody offered overseas adoption as a way of solving the world’s problems. It is in part the way in which some individuals are led to feel that they can make a contribution not only because of their own family needs but also because of the fact that they are touched by international circumstances, whether in Ethiopia, Romania, China or wherever. The attitudes of those parents need to be encouraged just as those parents who wish to adopt within Australia need to be encouraged because it seems a tragedy that with those foster children out there, a reoccurring difficulty within Australia, parents are pushed past that and forced to look at international adoption. It seems to me that there must be a point in a child’s development where continual failure by the birth parents to accept their responsibility must be dealt with and where the child, for the child’s sake alone, must be given an opportunity to establish a permanent loving environment within a home. There are hundreds and, I believe, thousands of families out there who would anxiously look for the opportunity to adopt.

Some of the tests adopted by state governments also appear to be hangovers from the past or some weird notions of what is required for an eligible parent. There were inconsistencies between the states and territories in the approval process that I think need to be rectified. If possible, states should work with the Commonwealth towards establishing a more discernible and predictable approach than is currently the case. I thought the body mass index for some states was a strange way of making a judgment about parenting qualities. It has no place...
really. If a person can demonstrate in their home that, by their size, they are incapable of managing their household that becomes a factor but not otherwise. So that should be removed.

My preference would be that there are so many couples out there that want children that I would fill that demand first before going to single parents. Police checks have been inconsistent. The strangest factor of the lot was that, when a couple were actually paired with a child in China, for instance, they had a photograph of the child, they knew the child’s name and they were ready to set off to China to pick the child up, the woman was required to indicate whether or not she was pregnant.

Mrs Irwin—And that child usually had a photo of the parents.

Mr CADMAN—Yes, exactly. I thank my colleague for that interjection. Here they are, partly bonded, with an expectation for a future together and they are told, ‘If you are pregnant, lady, I am sorry we can’t go ahead.’ It is as though people have never heard of twins or multiple births or looking after someone else’s children because there is an emergency in the family. All of those things happen. They are unpredictable and for a government department to insert itself with a requirement of that sort right at the last minute of an adoption is absolutely wrong and needs to be abandoned immediately. I call on those governments that have that policy to scrap it and to start focusing on the real needs of people.

Mrs IRWIN (Fowler) (10.29 am)—As I have already had the opportunity to speak on the tabling of this report of the House of Representatives Standing Committee on Family and Human Services entitled Overseas adoption in Australia: report on the inquiry into adoption of children from overseas, I will make some broad comments on those parts of the inquiry which I found very moving. As I said on the tabling of the report, this is on one level an emotive issue but on another level an administrative one. Our task was to seek ways in which the administration could be done better and, more importantly, be sympathetic to the desires of families seeking to adopt children from overseas. The two should not be incompatible.

The terms of reference for the inquiry asked the House of Representatives Standing Committee on Family and Human Services to:

… inquire into and report on how the Australian Government can better assist Australians who are adopting or have adopted children from overseas countries … with particular reference to:

(1) Any inconsistencies between state and territory approval processes for overseas adoptions.

The inquiry took the committee down a path which led to the inclusion of many issues dealing with local adoption. While this was not within the terms of reference, it did cause the committee to consider the overall attitude of state and territory agencies to adoption. It should be said that, as dealing with dysfunctional families is the focus of those agencies, adoption—in particular, overseas adoption matters—has a very low priority. The long waiting lists and the time required for approval are a direct result of the low priority given to overseas adoption. As far as any bias against adoption is concerned, there can be little doubt that the arduous process of applying for overseas adoption is the main cause of the low rate of overseas adoption in Australia. And the experience of individual parents must discourage other potential adopted parents.

The report quotes Professor Peter Boss, of Monash University, who sees the opponents of overseas adoption as being largely the professional groups involved in adoption, such as social workers and psychologists. It is hard to escape the conclusion that professionals who op-
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pose overseas adoption do so for their own moral reasons. Another issue was children from a
different race being raised in an alien culture. But no evidence whatsoever was given to the
committee suggesting that this presented any major problems, particularly for children
adopted at a young age, and many parents who have adopted children from overseas stated
that the physical and emotional wellbeing of their child was much improved on the circum-
stances they endured in their home country.

The committee did not address the question of whether Australians should focus on im-
proving the conditions of all children at risk in overseas countries in preference to encourag-
ing the adoption of a relatively small number. Clearly, that is a matter for individual families
to decide. But, having taken that decision, and subject to a process of approval which satisfies
the requirements of the country from which the child is adopted and local requirements, the
moral question of how best to assist the plight of children at risk should not influence the as-
essment process.

If you look at the table included in the report which shows the per capita rates of intercoun-
try adoptions in selected Western countries in 2004, you will see that Australia is second from
the bottom, with a total of 370 adoptions, which works out at one adoption per 54,000 of our
population. That compares with Norway, which has one adoption for every 6,858 of its popu-
lation, and Sweden, which has one adoption for every 8,005 of its population. Why is it that a
country like Australia, a successful multicultural country which accepts migrants from all
over the world, has a rate of overseas adoption that is a small fraction of the rate for Western
countries?

Listening to the stories of parents of children adopted from overseas, it is certainly not a re-
result of the difficulties faced in raising overseas adopted children in Australia. From their sto-
ries and other evidence, we know that few problems occur in families adopting from overseas.
Professor Barbara Tizard told the committee that in 75 to 80 per cent of intercountry adop-
tions the children and adolescents function well, with no more behavioural and educational
problems at home and at school than other children, and they have close and mutually satisfy-
ing relationships with their parents. Professor Tizard added, however, that family and educa-
tional difficulties are most likely to occur when children are adopted at a relatively late age.
That is something all prospective adoptive parents should be aware of.

The Australian Council for Adoption advised the committee that the earlier children are
adopted the greater the chance they will bond with their parents and the greater the chance of
success. The committee also points out that many children adopted into Australia suffer from
development delays that their Australian parents work hard to overcome. But parents of over-
seas adopted children reported some remarkable stories of frail babies growing into fine ath-
letes. Support from other adoptive families as well as informal and formal support networks
help to make adoptions very successful.

Another concern of the committee was the question of racism and ethnic identity. This is
one aspect of overseas adoption that parents today are more conscious of. The committee
heard of international day gatherings where adopted children dressed in their national cos-
tume. I believe the honourable member for Mackellar went to one. Some parents have taken
their adopted children to visit their country of origin. It would appear that most parents with
children adopted from overseas do have an awareness of the need to allow adoptees to de-
velop their own ethnic identity. The committee saw an important role for support groups to

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assist in awareness raising and activities to address the need for intercountry adoptees to establish their cultural identity.

Clearly the committee has concluded that if, due to economic or social circumstances, an abandoned or orphaned child cannot be adopted within their own country then an intercountry adoption is well described as being in the best interests of the child. We also know that many Australian families are very desperate to adopt a child. For many, it is the only way in which they can be parents. But this desperation was seen in another way by at least one state adoption official, who said:

Parents have an agenda. They are desperate people and they believe it is their right to be able to do this, and it is not. No one has the right to adopt a child. You can have the altruistic view that we are a global society and we should be looking after all our children, and that is great. And we do it successfully, but we also make sure we do it darned right.

If that is any indication of the thinking of adoption officials, then you can easily understand how the committee reached the conclusion that state agencies were biased against adoption and that those officials were above criticism for fear that any comment might adversely affect an application. As you are aware, Mr Deputy Speaker Quick, that situation cannot be allowed, and it should not be allowed to continue. Any limitation on the processing of overseas adoptions based on a lack of resources is understandable, but any bias against overseas adoption is not acceptable.

The low number of overseas adoptions in Australia is proof that there is bias. I cannot accept that fewer Australian families would be judged suitable to adopt children from overseas than families from countries like Norway or Sweden. Clearly action must be taken to eliminate any bias in the processing of overseas adoptions. In a number of recommendations, the committee has suggested means of overcoming this bias or bypassing state authorities on some matters of overseas adoption. What officials choose to describe as ‘desperate families’ are, in the great majority of cases, decent citizens who would make excellent parents of children adopted from overseas. As many adoptive parents tell me, it is not a matter of carrying a child under your heart but rather in your heart that matters. But to cold-hearted bureaucrats, that just makes you desperate.

As much as I might respect the judgment of those officials, when it comes to overseas adoption many of those officials are misguided. We have to accept that it is natural for families, and childless couples in particular, to want children. We have to accept that adoption by approved Australian parents is in the best interests of abandoned or orphaned overseas children. And we have to accept that overseas adoption is a legitimate way of forming Australian families.

While under other circumstances I would be reluctant to allow non-government agencies to enter this field, the bias of state officials leaves no alternative. NGOs are allowed under the Hague convention and offer the possibility of developing expertise on a national level, which could offer a more reasonable assessment of adoptive parents, a much shorter time frame for processing and, compared to the level of cost in some state NGOs, an affordable service. The inclusion of NGOs in the process would be an important part of the shake-up necessary in overseas adoption practices. I strongly support the committee’s recommendation 19, which calls for the responsibility for establishing and managing overseas adoption programs to be transferred to the Attorney-General’s Department in consultation with the Department of For-
There are other areas spelt out in the committee’s recommendations where the federal government can assist families adopting children from overseas—to begin with, the removal of adopted children’s age limit from parental eligibility for the maternity payment. The present time limit of two years excludes a number of families from this important benefit. A similar concession would allow for adopted children to be eligible for the maternity immunisation allowance for a period of two years after arrival in Australia.

Given the high cost of overseas adoption and the constraints on parents working for some time after adoption, these changes would be of great assistance to this small number of families. I would hope that this recommendation is taken up immediately by the government and included in next year’s budget. Other measures recommended to the government would assist families with overseas adopted children in their lives in Australia. For the most part, they are small measures but they should not be overlooked in procedure and regulatory reviews.

I conclude by saying that the committee took a close-up look at overseas adoption and we did not like what we saw. Australian families seeking to adopt overseas children deserve better treatment. I can see no reason why Australia should not have a rate of overseas adoption similar to countries like Norway and Sweden. That would mean about 2,000 overseas adoptions each year. I do not see that figure as a goal, but following the changes recommended by the committee, unless we reach that figure in the not too distant future, we would need to take another look at this area.

As I said earlier, the area of local adoption warrants further study, as you know Mr Deputy Speaker Quick. In commending this report to the government, I ask that thousands of Australian families with a deep desire to adopt a child from overseas be given some ray of hope that a fairer and more transparent process replaces the present nightmare. Most importantly, I ask that their choice to form a family through adoption is regarded as legitimate and is looked on sympathetically.

I add my thanks to the committee chair, the member for Mackellar, to my colleagues on the committee and to the committee secretariat for their fine work on this report. The inquiry was conducted in a fully bipartisan way. The report does not pull any punches and exposes the need to address problems which affect a small number of genuine families. I recommend this great report to the government for urgent and sympathetic attention. This report is for the children who have already been adopted from overseas and for the children who will in the future be adopted by Australian families.

Mrs MARKUS (Greenway) (10.44 am)—It gives me great pleasure to speak today on the Standing Committee on Family and Human Services report entitled Overseas adoption in Australia. As has been made very clear, the inquiry’s terms of reference were aimed at identifying inconsistencies between state and territory approval processes for overseas adoption. We also examined whether or not there were discrepancies between the benefits and entitlements provided to families for birth children as distinct from adopted children.

It was very important that the committee examined this issue in light of the trends that we see emerging. Intercountry adoption has become a major issue for thousands of Australian families. In March this year, I was pleased to second a motion by the member for Bass in rela-
tion to overseas adoption. This was partly triggered by the reaction to the 2004 Boxing Day tsunami, where an outpouring of compassion saw hundreds of Australians offering to adopt what were being called ‘tsunami orphans’.

Let me make some things clear at this point. Sometimes it is inappropriate for children affected by war and natural disaster to leave their country and be adopted by couples overseas. A strong view held by the Adoptive Families Association and many other organisations, which I agree with, is that, if possible, orphans in this kind of situation need to be placed in their own country of origin. But this is not the case for many other children. Many of the hundreds of thousands of displaced children around the world have a small chance of survival, let alone leading happy and healthy lives.

My support for the motion was also triggered by the concerns of families in my electorate who have approached me and said: ‘It is impossible for us to adopt from overseas. We are not able to have children. We have tried IVF,’ or, ‘We have children, and we have the resources to provide for more.’ But the challenges in dealing with government departments, in finding the finances and so on are just so much for people that they often give up. The private member’s motion helped to spark the committee’s inquiry, and the committee uncovered a situation that was much larger than we at first thought. The committee travelled extensively across the country, hearing and reading submissions and listening to the tales of Australian families who have been involved in overseas adoption. These are couples who want to form families. We received more than 274 submissions and heard directly from more than 100 witnesses. It quickly became clear to the committee that this was not to be a short inquiry and that the problems associated with overseas adoption were indeed very complex.

With the number of local adoptions falling to an all-time low in Australia, overseas adoption now counts for three-quarters of all adoptions in Australia. This represents a figure of approximately 300 to 400 adoptions every year. This is not an indication of the demand. In New South Wales alone, approximately 10 phone calls a day are received by the state government department from people asking for information about overseas adoption programs. But resources for adoptive parents, adopted children and their family units are sadly lacking. This is not confined to one of the local or overseas adoption spheres; it forms part of a broader problem with services offered to these families. Sadly, the overwhelming feeling is that to try and adopt locally can be fraught with difficulty and complexity. A culture of anti-adoption, which has been mentioned by many of my colleagues here today, was abundantly clear. It was very loud and very apparent throughout the inquiry. This was a feature of both local and overseas adoption.

For prospective parents who wish to adopt children from overseas there is an equally complex arrangement. In keeping with the trend of being underresourced, prospective families have encountered many challenges. The system is broadly characterised by long queues, long processing times and an overseas adoption rate that remains, on a comparative scale, very low. The cost, as I mentioned earlier, is prohibitive. The assessment process is complex and often judgmental and discriminatory. As has already been mentioned, the weight of the parent, for example, is a reason why they cannot go forward with the application. A catchcry was the focus being on the children, but that was questioned at all points during the inquiry. For example, some states require a pregnancy test on the day or the week prior to the parents leaving to collect a child from overseas.
My question during this time was, ‘What about the children?’ The argument or the catchcry was ‘We care about the children; the children are the No. 1 focus’ but the arrangements to adopt a child from overseas had already been made. If this child was older—between the ages of eight and 12—they would have known they would have been adopted. Suddenly, as this process was about to take place, they were told: ‘This cannot go ahead because the mother is pregnant.’ I was absolutely appalled by this and made it clear how I felt during the inquiry.

States and territories are facing systemic problems, particularly in Queensland where many prospective parents are choosing to move interstate to boost their chances of having a family. Currently, in that state there is a two-week window period every couple of years. So what happens for the rest of the time? People are waiting to adopt. Queensland did not attend the inquiry or provide any formal submission until after the inquiry closed. What was particularly troubling was that many witnesses felt reluctant to address the committee and were concerned that doing so would jeopardise future applications. For that to occur, there must have been a sense of control and fear. That is inappropriate.

The committee’s recommendations in a general sense call for much improved practices, particularly the support for overseas adoption. The Hague Convention on Intercountry Adoption underpins overseas adoptive practices in Australia, and implementation of the convention is governed by a Commonwealth-state agreement. One of the committee’s major recommendations—and something I support 100 per cent—is that there must be a more active role for the Commonwealth in matters relating to overseas adoption. In particular, there is scope for the Commonwealth to take a greater responsibility for establishing and managing overseas adoption programs, relationships and agreements with other nations.

Another recommendation that I would like to point out is for non-government organisations to take on some of the screening and processing work. The Hague convention makes some allowance for this. I would like to highlight one issue. Because state government departments are often responsible for the assessment of ‘at risk’ children, their focus is on looking for dysfunction in families. Because their focus is on identifying what is wrong, when it comes to their looking at how a family can be formed—a couple that is reasonably healthy—their approach is very similar. They look at what is wrong and what is dysfunctional about this relationship, and that often hinders the assessment process.

Finally, I want to make very special mention of the love and commitment that the parents that we interviewed displayed. The commitment to providing happy, harmonious lives for these children was quite amazing. I support 100 per cent the recommendations of the committee, and I look forward to the government responding appropriately.

Ms KATE ELLIS (Adelaide) (10.53 am)—From the outset I must confess that when the Standing Committee on Family and Human Services announced that it was doing an inquiry into overseas adoptions I absolutely underestimated both the nature and the number of issues that would arise during this inquiry. To me, it seemed quite simple. On the one hand, Australia has an ageing population and we are desperately trying to increase our birth rate and, on the other hand, we have families that desperately want children or want to expand their families, and we have thousands of children without parents—without any relatives at all—spending their lives in orphanages on the other side of the world. So it seemed very simple to me that all government departments would do everything they could to bring these families and these children together.
The committee aimed to identify inconsistencies between state and territory approval processes for overseas adoptions, and any inconsistencies between benefits and entitlements provided to families for birth children as opposed to adopted children. During the inquiry we uncovered a number of very interesting but alarming trends in adoption, and we became conscious of general community attitudes and feelings towards adoption. By the end of the inquiry, the committee had received 274 submissions, held 12 public hearings across Australia, taken formal evidence from over 100 people across the country who represented governments, organisations or themselves, and heard from another 50 people through community forums. It became apparent that this is a very serious issue for a number of people in Australia. It has also become apparent that there has been a significant decline in the rate of adoptions in Australia. The total number of local adoptions per year in Australia has declined to some five per cent of that in the early 1970s. This decline is attributed to social policy shifts. However, it is also attributed to the negative attitudes towards adoption that exist in our society. This is something that I think most members of the committee were very surprised about when we uncovered it, and a number of us have spoken about it today.

It was revealed that an anti-adoption culture currently exists and that this attitude extends to government welfare departments and overseas adoptions units. We found that the attitude against local adoption and intercountry adoption was to the point where adoption is often neglected in government welfare departments. Currently, many welfare departments focus their resources on children with problems and on dysfunctional families in Australia. We found that there was a general lack of positive action towards intercountry adoption. Government welfare departments play an extremely crucial role in the adoption process. As outlined in the report, we noted that this role involves balancing demands: on the one hand they must ensure that the child is legitimately available for adoption and not being procured for financial gain; they must also ensure that the adoption has already been pursued within the child’s country of origin and that the adoptive parents will care properly for the child entrusted to them.

Although it appears that Australian departments exercise a high level of probity, Australia’s adoption rate, as suggested above, is low, and many prospective parents face much negativity. State welfare departments tend to see their priorities as being Australian families and Australian children who are facing problems, and they are reluctant to use resources on intercountry adoptions. I must say that the evidence of this attitude and its prevalence was quite a shock to me. Evidence of departments having a more positive attitude and approach to adoption is consistent with higher adoption rates. Thus, leadership in attitude and belief is extremely important in adoption as a way to form families.

Many of the 27 recommendations included in this report outline the need for the Commonwealth to have a greater role in overseas adoption than state governments in order to overcome state bias and inconsistencies. Additionally, the committee has recommended that non-government organisations should play a greater role in the management of overseas adoptions. The Hague convention on intercountry adoption sets out guidelines for the establishment of NGOs, and this could prevent overseas adoption from cutting into funds used for what state departments prioritise as their main focus and therefore result in less of a drain on state department resources.

Additionally, the committee uncovered evidence that indicated that adoptive parents are rarely consulted or considered during the development of government policy. For example,
when first introduced, maternity payments required adoptive parents to apply before their children were six months of age. Very few children are adopted below this age, which meant that very few families were eligible. Although the government increased that age limit to two years earlier this year, a significant proportion of adopted children are still not eligible. Additionally, under the Workplace Relations Act 1996, there is no adoption leave entitlement available for children of five years of age. From 1999 to 2004, 20 per cent of children adopted from overseas were aged five or over. Thus, the committee recommended that the Minister for Family and Community Services remove the age limit for eligibility for maternity payments in relation to adopted children. Parents who adopt children from overseas should get exactly the same government payments and legal entitlements as all other parents. The committee also recommended certain amendments to the workplace relations laws so that parents of adopted children can have the same entitlements as birth parents.

Australians seeking to adopt children from overseas have significant needs that must be taken into account in developing intercountry adoption programs. Thus, legislation and management of the process must be sound and well coordinated. In particular, the application processes should be thorough, transparent, timely and efficient. Our committee heard time and time again from parents who had no idea where they stood, what stage their application had reached, how long they might need to wait and whether they would ultimately be successful. We need to be much more efficient and transparent than that.

The inquiry also discussed the issue of identity. The importance of an adopted child’s identity was raised frequently and this brought up some issues to do with citizenship. The committee found discrepancies in the right to citizenship—to the point that the Australian Citizenship Act is discriminatory against children who are adopted overseas by Australian citizens because, by law, they do not have the same rights to citizenship as children who are born overseas to Australian citizens. Consequently, the committee recommended that an amendment to the Australian Citizenship Act be made to ensure equal rights. I absolutely support this recommendation.

In a number of areas in this report and in a number of the committee’s contributions, we have been quite negative of some of the state departments and the state agencies. I must say that it is a wonderful thing about this report that we did not pull any punches; we said it exactly as we saw it, and we did see some major problems within some of the states, as well as within some of the federal departments. But I would like to give credit where credit is due and take this opportunity to commend the South Australian government on being very progressive on the issue of overseas adoption in the last couple of years.

South Australia has one of the highest per capita rates of adoption in the country and was extremely committed to contributing to the inquiry. In the past 12 months the state government has taken a number of initiatives. It has removed the age restrictions preventing older parents from adopting and it has reduced the time adoptive parents have to wait before they can be allocated another child for adoption. It has reduced this from two years to one. I give credit to the South Australian government for doing this and call on all other state governments, as well as the federal government, to introduce further measures to assist parents seeking to adopt children from overseas.

I wish to thank all of those involved in the inquiry—the committee members, most particularly the chair and the deputy chair, and the staff. They were tremendous to all committee
members during the inquiry and put in many hours of hard work. We certainly appreciate their efforts.

It is absolute lunacy to hear stories of families moving from one state to another for no reason other than to adopt a child and that doing so makes it easier. We have people crossing borders in order to establish their families. When we hear evidence that families take these extreme measures it shows that this inquiry was required and that the recommendations must be taken up as a priority by government. I commend the report and the work that has gone into it. I hope that the recommendations will be adopted and they will go some way to addressing the many issues that exist with overseas adoptions.

Mrs BRONWYN BISHOP (Mackellar) (11.03 am)—by leave—In rising to speak on the report of the Standing Committee on Family and Human Services entitled Overseas adoption in Australia, I note that I had the opportunity to speak in the main chamber when tabling the report. But there are many other things that I would like to say that time did not permit me to say on that occasion. I begin by mentioning, as others who have spoken have done, that when we began this inquiry we really had no idea of the extent of the anti-adoption feeling that we would find rife in the bureaucracy right across this nation. We thought it would be a fairly short, sharp inquiry after which we could make some significant recommendations but, as it turned out, it has been a real in-depth look at the whole question of what is regarded as the legitimate way of forming or building a family.

The nature of the things that we discovered fell into a number of principles. The first thing that we determined was precisely that adoption is a legitimate way to either form or add to a family. It is not a question of people saying they have a right to adopt or a child having the right to be fostered or to remain outside adoption. It is a question of what is truly in the best interests of the child. We found that very often bureaucratic answers would come to us, with the statement ‘the best interests of the child’ being used as a shield behind which they could hide to explain why the attitudes that were displayed to would-be adoptive parents were so harsh and so biased. The evidence that we received from so many parents who were wishing to be adoptive parents was that they were frightened of the bureaucracy if they spoke out and some people actually withdrew from giving evidence because they felt that, if they gave evidence, their file might just happen to drop to the bottom of the pile or disappear altogether. There was no transparency in being able to track those files, and an important recommendation we have made is that they can be identified as being properly dealt with. So the first principle is that adoption is a legitimate way of forming or adding to the family.

The second principle that I think you can discern from the report is that we believe that Australian and state and territory laws should treat adopted children and biological children equally. For that reason we have made recommendations, for instance to the Minister for Employment and Workplace Relations, that there be some amendment to legislation so that leave provisions allowed for biological parents and adoptive parents are exactly the same. Along that line, we also believed that the starting point for when the time should run to determine whether or not payments which are available for children, as varied as immunisation or the baby bonus, is not the birth of the child but the point at which the child becomes the adoptive child of the parents. There are a large number of instances, of overseas adoptions in particular, where the child will come to the country at, say, the age of five and we believe that there are just as many expenses that the parents of that adopted child will accrue in having a new child.
in their family as will happen if they in fact give birth to a child. We think that the principle of treating adopted and biological children the same under the law is an important one.

We had to grapple with difficult jurisdictional questions. The relationship between a child and its parents is governed by state and territory law. The issues of citizenship, immigration, negotiating agreements between countries and the assistance that may be made available from the Department of Foreign Affairs and Trade are federal responsibilities. The Hague convention, which Australia has ratified, which is at the heart of the laws that govern intercountry adoption is a federal responsibility—it is a nation’s responsibility and we found that there is a very hands-off attitude by the federal government in the area of intercountry adoptions. We found that there was only one person in the federal government who has responsibility in this area. That is clearly not enough.

A Commonwealth-state agreement is the foundation upon which delegated authority is given to various states. They have lead state status where they monitor the arrangements with foreign countries and are responsible for developing new programs. We heard from Tasmania, for instance, which is designated ‘lead state’ for developing a new program with South Africa. Quite frankly, they had neither the money nor the expertise to develop that program and simply would not do it. We believe this is clearly a Commonwealth function. It must be very confusing for some foreign nations to see that we have troops of different state governments going there speaking on behalf of the Commonwealth. We have recommended very strongly that that role should be taken over by the Commonwealth.

There are other jurisdictional issues which are complicated to deal with. There is a wish to have a greater harmonisation of state and territory laws regarding adoption, and particularly interstate adoption. But the one thing we wanted to avoid, which we did not in fact recommend, is that it should all be the same and we find, as a result, that all the worst aspects of the various states and territories become the norm or provide the rule by which people would abide. So we have suggested that, through various ministerial conferences between the Commonwealth and the states, they find a way of harmonising their laws. They do not need to be identical, but there certainly needs to be a much greater degree of like-mindedness between the states. This would be beneficial for both parents and children.

Questions have been raised by some of my colleagues about, for example, Queensland wanting to be concerned about the body mass index—that is, how fat the parents are; whether or not there should be fingerprinting, as we have in New South Wales; and whether or not parents should be required to have a pregnancy test prior to being able to go and collect a child which has already been designated as their child. Those sorts of things need to be ironed out, and there needs to be a common approach.

With questions like age, whether or not singles can adopt and whether people must be married to adopt, we have found empirically that, with overseas adoptions, it is the country from which the child is coming that is the dominant test for all those issues. No country from which children come to Australia to be adopted will allow same-sex couples to adopt. Countries have different requirements—some require that they must be married for a certain period of time—but those sorts of things seem to be governed more by the country of origin with which we have an agreement.

There was one vexed question that I am sure can be fixed relatively easily—it was very real to parents of children who came from China—relating to a new agreement that was negotiated
by the Commonwealth with China after the ratification of the Hague convention. Unlike other adoptions, which are completed in Australia, Chinese adoptions are completed in China, so no birth certificate is being issued in most jurisdictions for that child. When the adoptive parents take the child to school what they in fact have is a certificate of abandonment. That is entirely unacceptable. The angst that something that small, which can be fixed, can cause needs to be dealt with urgently. We raised it with many jurisdictions. The one jurisdiction that we did not have a submission from or take evidence from was the Northern Territory, but I personally had the opportunity to have some discussions with the Northern Territory subsequently and they told me that they are issuing birth certificates for children from China. So, if they can do it, I am sure the rest can, and it is an important recommendation.

Overall, this permeating attitude of anti-adoption came as a shock to the committee. The attitude that is starting to emerge in Tasmania and in the ACT is quite refreshing. We hope that it will become the predominant attitude and there will be a change. If we look at what is happening domestically in Australia, at the peak of adoptions in Australia in 1972 over 9,000 children were adopted. It gradually came down every year until last year when the number of children domestically adopted in Australia was 73.

Another figure that can go into that mix is the 7,000 live IVF births. You can see that that has perhaps contributed to decreasing the demand for adoption. Yet again when we talked to the parents—and we did ask parents if they thought of adopting locally—they said, ‘We have no hope.’ So there is a resignation: people believe it just will not happen and, when we took evidence from the bureaucracy, it did not believe it either. They seem to say that keeping the biological tie open at all times is the most important thing to do. To me that does not take in the question of the best interests of the child, because right now as we are speaking there are in excess of 21,000 Australian children in foster care or another form of out of home care. You cannot begin to think that not many of those children would find a happy and permanent home in adoption if there were a different attitude prevailing in public policy and bureaucracy.

We said in the appendix to this report, where we deal with some of those statistics, that we think a total inquiry into domestic adoptions could well be warranted to see better outcomes for Australian children. But this report focused on intercountry adoptions. One of my colleagues mentioned the quote on the back of the report from young Amee from Tasmania, who simply said how thankful she was to be in this country. She was a star—her father was giving evidence but she had come along to the hearing. This is a family with biological children as well as Amee, who is a daughter adopted from Ethiopia, and a young son also adopted from Ethiopia. The two adopted children are not biologically related. Yet this family was obviously full of joy. When I spoke to her father I said, ‘Do you think Amee could possibly give us some evidence?’ He spoke to her and came back and said, ‘Yes, she’d love to.’ She is 14 and those were her words—how grateful she is to be in Australia. She spoke about the opportunities that she had. Then we heard the words of another parent who went to Ethiopia to pick up his child. He said that as he walked through the orphanage he was surrounded by children who were saying, ‘Pick me, pick me!’

There is great scope for this program to be extended. There are many lives that can be enhanced. There can be great joy brought to parents and children alike. I commend this report to the parliament. I commend this report to all ministers, state and federal, who can implement recommendations that we want adopted. I want to thank the committee for the terrific work
everyone did in pulling together and giving a report that I think can be truly meaningful. I thank the staff who worked with us in such a way that all of us really felt bound that the outcome from this report should, as I said, bring joy to children and to parents.

Mr FAWCETT (Wakefield) (11.18 am)—I also rise to commend the Standing Committee on Family and Human Services report into overseas adoption to the House. Committee members and previous speakers have spoken about the report and the things that led to it. Like them, I wish to thank the people who took the time—and, in some cases, considerable emotional risk—to appear before the committee. There are two families I particularly want to thank when it comes to the issue of adoption. One is a family who were here in Canberra when I was here as a young man at military college. They had two adopted children as well as their own biological children. From a young age in my life, Kylie and Lisa, two young ladies who are now women and have very successfully settled into Australia, highlighted the fact that children adopted from other cultures can blend into Australian society extremely successfully. Whilst they go through the normal range of issues that any young person goes through, they are very thankful for the lives they have and the love that their parents in Australia have given them. I look to them as very good examples of what success as adoptive parents and adopted children is.

I also thank Mike and Dani Potter, a family in South Australia, who gave evidence before the committee. They have three biological children and two adopted children. Again, they highlight the success of adoption, but as a family they also brought a very powerful message to the committee about the need of the children. They did not need to extend their family. They already had three beautiful biological children of their own, but they responded to the needs of children overseas—in this case, from Africa—and that brought a very powerful message. I thank them for that and for their living example of what it means to see a need, step up to the mark and make the sacrifices that are required to help meet that need.

By way of background to this report, many people here have spoken about the many inconsistencies between state and Commonwealth legislation. I do not intend to go into those details any further because I believe they have been very well addressed. I merely wish to appeal to the federal government and the state and territory governments to take notice of the report’s recommendations and, as a matter of some urgency, to take real steps to address the inconsistencies in the adoption process, which affect a small number of families in our community but which have an unnecessarily negative impact on families and should be addressed.

Adoption, whether domestic or international, should be recognised by everybody, including government bureaucracies and the public, as a valid way of creating or adding to families. When we are looking at the need for population growth because of the ageing of Australia’s population and talking about targeted immigration programs, adoption, at the end of the day, is a valid means of growing families to meet that need.

While some people look at the best interests of children, we really need to focus on the needs of children, because they are great. The focus of my short address today is the potential future of the adoption program and the potential for having a strategic view as to the outcomes that can be achieved. To this extent, I specifically wish to address recommendations 19 to 21 of the report, as follows:
Recommendation 19
Responsibility for establishing and managing overseas adoption programs be transferred to the Attorney-General’s Department in consultation with the Department of Foreign Affairs and Trade and the Department of Immigration and Multicultural and Indigenous Affairs.

Recommendation 20
Future overseas programs be established on the criteria of the number of children needing families and the extent to which the country of origin has implemented the Hague Convention, given the resources available to it.

Recommendation 21
To assist Australia develop intercountry adoption programs with non-Hague countries, the Department of Foreign Affairs and Trade authorise AusAID to develop capacity building and governance programs to assist those countries gain Hague Convention accreditation.

The reason I believe it is important to focus on this is that what came through consistently in presentations to us—and as facts and reports in the various state bureaucracies have shown—is that the programs that exist work with varying levels of effectiveness but the one thing that is clear is that they do constrain the capacity to adopt into Australia children from overseas. From the 11 Hague programs that have been established, the statistics show that only 67 children came through, and in the countries with bilateral agreements some 302 children came through. The committee received a lot of comment from the public and from agencies that those numbers do not represent problems with the program or with the demand but represent the availability of children from overseas countries. The message has been put about in the media and by a number of people that there are not children overseas in need of adoption and that it is almost self-interest on the part of families here to push for more children to be adopted when, in fact, there is no need overseas.

What became very apparent—and I believe, Mr Deputy Speaker Quick, that you saw this during your visit—was that the programs, in the way that they have been established, limit the number of authorised channels through which children can even be recognised as being in need. Firstly, they limit the countries that Australia will look at. Secondly, within the country they limit the agency which actually identifies children. So around the world, in countries that are not in a bilateral relationship with us or are not a Hague recognised country that we have signed up with in a partnership, there are in some cases hundreds of thousands of children who are in desperate need of a family to live with. I am talking particularly of countries where things like war or the rampaging disease of AIDS—such as in Africa—have devastated families. AIDS has destroyed not just nuclear families but extended families. There are many examples, among the hundreds of thousands of children, of those who do not have parents. They have extended family who either want or are able to take them on but there is no Indigenous domestic capability to absorb those children into intracountry adoption schemes. Although some of those are starting to take off, they just do not have the capacity to absorb these children.

The best result for these children—this being the absolute best case for them—is that they may get picked up by one of the few institutions that are around to look after these children. We only have to look at the history in our own country of relatively well-resourced institutions to see the negative impact that such institutions can have on children. Where it is institutional care with a lack of resources, even that best case outcome is not looking particularly
bright for these children. The reality for many of these children in these countries is a life on the streets, a life on rubbish tips, a life of exploitation and a life of crime—and it is a short life. The life expectancy of these children is incredibly short because of all of these factors.

We also see the incredible resilience of some of these kids, with children under 10 caring for their siblings, scratching out a living on the streets with no assistance from adults and facing all of the exploitation. This is the reality for hundreds of thousands of children around the world at the moment. I think it is really important that we highlight that fact as we consider the recommendations of this report, because it is very easy to be lulled into a false sense of security that there is no need over there as the formal channels that exist tell us that there is no need, that there is no waiting list and that therefore we do not have to act. The submissions that came to this committee’s inquiry clearly highlighted that the need is very real for hundreds of thousands of children but that they just do not happen to fall into the categories that we recognise at the moment.

That is why I believe these recommendations are the key to the future direction of Australia’s international adoption program, particularly because of the requirement to have due process. Child trafficking, for example, is something that we should never encourage or favour or allow to happen, so the requirements that have led to the Hague convention are fully supported by the committee. But because of that we have taken a position that no new bilateral programs will be opened, which then makes us default back to the Hague position. And regardless of Australia’s capacity under the Hague convention, if the other country is not in a position to ratify that convention then no program can be opened, so we are essentially closing that door.

Some people have said that in that case the best option is to give them aid and to try to find a solution whereby the children can stay in their own country. I certainly applaud that—so, yes, that is one direction that we should look at—but I believe that the two can be combined. That is where recommendation 21 particularly comes into play. I believe that the solution is for a more proactive approach to be taken by the Commonwealth in leading the overseas adoption program whereby, through the Department of Foreign Affairs and AusAID, we look to identify those countries where there is this huge need of these children crying out for assistance and help.

AusAID should not be tied to an adoption program, because I do not believe that would be appropriate. We should look to work with those countries whose children are in need to help provide immediate support and also to provide the capacity for those countries to develop the governance and procedures so that, should they wish to go down the path of signing up to the Hague convention and opening up the possibility of overseas adoptions, they will be in a position to do so. If they choose not to, that is fine. That should not stop us providing the aid to support those children. But it does give them the option, which they probably do not have at the moment—and certainly the children will never have an option if their government does not get to that point. So it provides the option for a country to choose that, yes, they would like to come into an agreement.

What you would then find is that Australia could, on a rolling basis, review and renew and, where appropriate, commence relationships with countries where there is great need. We would be matching the desire of families in Australia who want to add to the number of children in their families or to create a family with the very real and pressing need of children
overseas who desperately need a better solution than life on the streets or life in the rubbish tip.

It would require that the state and territory governments and the federal government, as they review the recommendations of this report, do not just address, to be honest, what are the easy things. They should not just say, ‘Let’s make sure we have maternity leave provisions being the same for adoptive and biological parents,’ and some of the other funding issues. They should also take the bolder and more appropriate step of saying, ‘Strategically, how can we reach agreement between the state authorities and the Commonwealth authorities such that we have a very clear direction that looks to enhance our overseas adoption program not just for the benefit of families in Australian but, critically, for the benefit of the children overseas who so desperately need an option to live beyond the streets and beyond the rubbish tips?’

As I conclude my remarks, I commend the report to the House. I commend the report to the federal government and the state and territory governments. I ask them to consider seriously the recommendations across the board, to see a common set of requirements and procedures that will resolve a lot of the concerns that were raised in this committee; but, most particularly, I urge them to consider where this program should go in the future and how this program can be used as a very powerful tool to help Australia, which is a wealthy country, to reach out and meet the needs of many disadvantaged and desperately poor children who could use the loving care and potential that a family in Australia will provide them with.

Mr QUICK (Franklin)  (11.32 am)—At the outset, I thank James Catchpole—who has disappeared—and Margaret Atkin from the secretariat. As the longest-serving member on the House of Representatives Standing Committee on Family and Human Services, I really appreciate the dedication and the hard work of everyone involved in the secretariat. They wander around Australia with us, putting up with our quirks and whims, and they help to produce excellent reports such as this one. This committee is held in very high esteem, and the reports that are handed down by this committee have a great impact on what is happening in this wonderful country of ours.

Quite often when we stand up in this place or in the main chamber we talk about bills, we talk about theory and maybes and what ifs. If you look at the front cover of this report, you will see those four wonderful children, and then, if you turn to the back, you will see Amee and her best friend. This report is about real people and real issues. I have been delighted to be part of this report. As previous speakers have said, when we started out we thought we could knock it off in a couple of months and get a report done and then wander off and do something else. But every stone that we turned over we saw more and more examples of some of the real weaknesses in the federal system in Australia. It was almost like the rail gauge mentality all over again. It was a real embarrassment, as we went around each of the states and territories, to see people who had been forced to jump through some amazing hoops being held in such contempt by most of the state departments of community services. It was a real embarrassment and a real shame.

As a federal legislator I quite often get frustrated by state bureaucracies, and this is a prime example of some of the worst ways state bureaucracies control people’s lives. Numerous people gave evidence to the committee in camera because they were scared witless that if they had their names on our web site and in Hansard they would literally be punished—their files would disappear into the great unknown and never resurface or they would be put at the bot-
tom and there would be no comeback. For people to apply and not be given a file number when they ring up and say, ‘How is my file progressing?’ as people do with Centrelink and Immigration and all the other Commonwealth agencies, is absolutely amazing in this day and age of modern technology.

People have mentioned the anti-adoption ethos in state government departments. There is underresourceing and understaffing. You are talking about three people in a subsection of a department of human services or community services or whatever each of the states calls them. I think eight was the highest number. They obviously lack the financial resources to cope with the demand, but then they do something which I find abhorrent in this whole system, which is to contract out the social workers. We heard examples of families going along, expressing an interest, getting some details and making an application—with no file number—and having a cultural day so, if they are adopting a child from overseas, they understand a bit about the history, the geography, the political system and the cultural aspects of the child’s country. Then they fill out a 270-page workbook. The applicants provide two referees who have to talk about their marital status, their sex life and their community involvement. Then the contracted-out social workers open the applicants’ cupboards and look inside their house to learn the intimate details of their lives. This is before they even reach the next hurdle in the process. I think it is absolutely abhorrent.

As I said, this is about real people—real children and real families. I was amazed, as we held discussions with the state authorities and as the member for Mackellar has stated, at the number of children in foster care and the number of children at risk. It is obvious that these state departments of community services are totally focused on dysfunctionality. That these absolutely wonderful parents, who are forking out tens of thousands of dollars, travelling overseas and opening up their lives to intimate inspection by people they have never met are fobbed off by state bureaucrats, is absolutely amazing. In some states they are fingerprinted or have to undergo a pregnancy test.

We heard examples of the mother of the year in Queensland, who under the current regime would not be able to adopt a child from overseas because she is too large. How absurd is this? The sooner we get the states back to re-sign and renegotiate this contract the better. I look at the copy signed by the various ministers in 1998. They have all disappeared off the scene. They are people who are no longer part of the political process. I think we need to get some commitment by the state and Commonwealth ministers to look at this, re-sign it and have some invigoration into the whole process.

It is amazing that people have to go to Medicare with their adopted child and listen to one of the Medicare staff—most times I think they are wonderful people under enormous pressure—say in a loud voice: ‘Oh, this is your adopted child, is it? You want to process her?’ How insensitive! As an ex-schoolteacher and principal I find that insensitive. As the member for Mackellar said, when registering the child at school it can go something like this: ‘Where’s your birth certificate?’ ‘I don’t have one.’ ‘You don’t have one? What do you have? A certificate of abandonment?’ That shows total insensitivity to the whole process. That is hard to believe in 2005. I saw the love that the families who gave evidence to this inquiry have for their children. As I said before, quite often we talk about issues but this is real in your heart, in your gut stuff. As other members of the committee have said, we could adopt from overseas thousands of children. There is a crying need.
I was in Tiananmen Square about six weeks ago with my friend Lou Yu, and I said to her: ‘There are some Anglo-Saxons with a couple of young Chinese kids. I think I might go up and ask them if they adopted them.’ So I did. I said: ‘Excuse me, I am a parliamentarian from Australia, and I think you might have adopted these children. Is that true?’ They were surprised. I said: ‘I’m taking part in a national inquiry into overseas adoption. Can you tell me a little bit about how you have gone about it and what the process was like?’ They were from Holland. They were really proud of the fact that they had just picked up their second child, and they had brought their first child back to renew the links with China.

I have been to the China Centre for Adoption Affairs, in a bit of a nondescript building in Beijing, run by the Ministry for Civil Affairs. They process 10,000 overseas adoptions every year in this three-storey building. They are amazing, dedicated Chinese officials who have a real love for this. There is a sense of embarrassment that there are so many thousands of young Chinese children who are being abandoned. They are determined to ensure that part of that huge number are processed lovingly and caringly and are placed overseas. I would like to commend the Australian Embassy in Beijing and Shanghai that issue the visas for the wonderful work they do in ensuring that those kids come back to Australia, with Australian families having gone through this totally obscene process here.

Another group we heard evidence from was the support groups. These are people who have adopted children and basically said: ‘The system sucks. We’re going to set up our own support group to ensure that every family that adopts a child from overseas is supported and encouraged, so that the child knows that they are part of a totality.’ Going to some of those functions, like national days, you cannot help but be overawed by the dedication and support that the support groups give. One of our 27 recommendations is that the Commonwealth government should fund these support groups. We should have a national peak body to ensure that they have a voice out there in society, because the work that they do is the work that should be done by the state departments—and they are not recognised. Another obscenity is the fact that, in some states, these support groups cannot put out newsletters with photos of children: the parents will be arrested and jailed. How ridiculous is that, for goodness sake?

Once again, this is another amazing report from the House of Representatives Standing Committee on Family and Human Services. This committee has had a plethora of reports since I arrived here in 1993. I commend the member for Mackellar for the wonderful dedication she has shown in tackling this issue and being in the face of a whole lot of people. As we all know in this place, when you take on the states they have a defensive attitude of: ‘We’re the centre of the universe in Sydney,’ or, ‘We’re the centre of the universe in Brisbane.’ Some of the states totally disregard even coming along to give evidence because, as they see it: ‘It’s not our job. We’ll put a submission in, but you’re only a federal government and what would you know about this issue?’

I am lucky that just up the road from my place in Tassie I have a family who have jumped through the hoops. They have spent a fortune, tens of thousands of dollars, and adopted a wonderful young bloke from Thailand. He is part of our local community and he wanders in and out of everybody’s houses. But if you go and visit some of these countries you see people living in squalid circumstances, fending for themselves. In Malabon City, in Manila, there are 30,000 people living on a rubbish dump and paying for the privilege. Why shouldn’t we have an open-door, sensitive and adequate policy to ensure that these thousands of well-meaning,
loving and dedicated family groups can bring in some of these children so that in the real sense of multiculturalism we can develop links with some of these countries?

This is a wonderful report. I would like to commend it to the ministers. I am hopeful that, unlike some of the other reports that our committee has handed down, we will not get fobbed off. I hope that we get some results straightaway and that next year we can give good news to people who have worked hard and tirelessly to ensure that adopted children are looked after and loved and become part of Australia.

Debate (on motion by Mrs May) adjourned.

Procedure Committee Report

Debate resumed from 5 December, on motion by Mr Barresi:

That the House take note of the report.

Mr PRICE (Chifley) (11.47 am)—I certainly do hope that the document will be noted. From the outset can I say that it is a pleasure to have three members of the Procedure Committee in the chamber: the chair, the honourable member for McPherson; the honourable member for Mackellar; and the honourable member for Charlton. Can I acknowledge the way in which the member for McPherson, in her two-term tenure, has chaired our committee. I am pleased to be a part of it and I think the committee does good work. In the instance of this report it is true to say that Robyn McClelland was the acting secretary in the absence of Judy Middlebrook and that we were very ably assisted, although I think I may have been rolled, by Bev Forbes, who is also in the chamber.

The Inquiry into procedures relating to House committees is an important report, because all too often the public are in ignorance of the good work that occurs in parliamentary committees. It is true that, from time to time, we can get a parliamentary committee that becomes very partisan and very bogged down, and then delivers both majority and minority reports. But in the House committees that tends to be the rare exception. In fact what you find is members of different political parties sitting down to do good work in the interests of all Australians in the hope that a government of the day will adopt their recommendations. I was pleased to be at the tail end of an important report on overseas adoption.

The current situation is that the Selection Committee invariably allocates five minutes to a chair and five minutes to a deputy chair to table a committee report in the House. Those members who have formed quorums, patiently listened to evidence and read submissions do not get an opportunity on the day to express their views about the report or, more particularly, to share any expertise or give a viewpoint they have shared with other members of the committee. They are unable to do that in a timely fashion.

We have debates about committee reports in this chamber, but that usually occurs weeks and sometimes months after a committee report is tabled in the House. That is an intolerable situation. Sometimes there are criticisms of the Selection Committee. Until I was a member of it, I must confess I shared some of those views. But the Selection Committee has the difficult task of trying to find the right balance between private members’ business, committee and delegation reports and private members’ motions and bills. Every time the Selection Committee allocates over and above the five minutes for either side, they are cutting into the time allocated for private members’ motions. Private members feel very strongly about it and I know
that you, Mr Deputy Speaker Scott, have had a private member’s motion on the Notice Paper for consideration by all honourable members. It is a difficult task but, under the current arrangements, five minutes for each side is a real tyranny and committee members on different committees have been grossly disadvantaged.

Often there are no votes in the committee work that committee members do. They do not go back to their electorates and garner a whole plethora of new support in their electorates by having been diligent and conscientious committee members. I might say more is the pity, but that is the reality of it. Whatever opportunity they have, it is a belated one. The Procedure Committee has taken this on board. I am really pleased to see that the chair has been successful in talking to the Leader of the House about these recommendations. We will be having a new sessional order when we return in February which will, firstly, allow committee reports to be tabled in the House and, secondly, allow those committees to have an immediate debate on the same day on that sitting Monday in the Main Committee.

It is true that I favoured a different and slightly more radical proposal—that is, to allow the Main Committee to sit on a Monday morning and effectively deal with committee reports to finality. I am grateful for the consideration that members of the Procedure Committee gave to the proposal. I am happy to acknowledge that they added a refinement. Instead of trying to devise an artificial tabling process in the House, they considered the proposition that the report could be tabled and debated and dealt with to finality in the Main Committee, aside from the normal report process. I would also like to place on record that the Clerk of the House of Representatives found no problem with such a course of action. I am not trying to quibble, but I do want to make that point.

The other thing I want to say is that the Procedure Committee is not on its own in wanting to see the role of the Main Committee developed and enhanced. I thought the proposal of dealing with committee and delegation reports to finality was another step in its evolution. Clearly it is a unanimous report. We will look to see whether or not our recommendations, implemented via a sessional order, deliver the benefits that we are anticipating. If they do, I think we will be well pleased. I think it is true to say that most chairs, deputy chairs and members of parliamentary House and joint committees are completely unaware of this report and the good impact that it will make. I would like to just stray a little from the matter of committees, because I am hoping that the Procedure Committee will look at the role of House committees beyond this current report.

The late Peter Nugent, the former member for Aston, was chair of the Procedure Committee when it reviewed House committees. That committee report was one of the rare occasions when I bitterly disagreed with him. It was not that he should not have reviewed them or that the report was not a good one, but he himself or the committee did not look at staffing and appropriations for committees. I do not understand how you can review House committees without looking at staffing and appropriation.

We will never get to the situation of the United States where you have 80 staffers on a committee, but there have been significant changes in the period that I have been a member of this House. We once used to have a dedicated secretary for each committee. We also had a highly classified research officer for each committee. The budget in terms of the number of House committees and joint committees that exist today is less per committee than it used to be. The staffing for the committees is less than it used to be.
I want to make the point that members in this place—a bit because of the reduced sitting hours but more because of the demands being made on them—are working frenetically whenever the House is sitting. That is so whether it is committee work, their party work, speaking in the House, speaking in the Main Committee or meeting people who want to see them and pursue a point of view or a change to legislation. They are working harder.

It has always been the case that the quality of committee reports is often very dependent on the support provided to the members of the committee. I in no way wish to diminish the role of members of committees, but if you do not have the researchers and the qualified people, and if they do not have the time, there will come a point when the quality of committee reports starts to seriously diminish.

I value the role of committees. It is one way Australian people who have a particular interest in a matter feel that they can be in touch with politicians, feel that they can be in touch with the parliament and feel that people will listen to them. People out in voter land are feeling very powerless.

If we want to continue to exist as an institution, if we want the parliament and parliamentarians to be held in higher esteem by the public, one of the key ways we will succeed is through having a very vibrant and strong committee system.

I am not trying to make too many political points in this contribution, but I must say that we have had three radical, major pieces of legislation go through the House—guillotined through the House—and not one has been referred to a parliamentary committee. That is terribly sad.

I say to governments, certainly from an opposition perspective, that we will get better outcomes and better legislation if we utilise the committees more. The chair of the Procedure Committee knows that we brought down an excellent report on House estimates committees. It is a very good report. It enhances the role of members of this House. It gives better access to understanding the departments in the portfolio budgets—they are not line item budgets these days—by having a vibrant estimates system in the House. Sadly, it has not been implemented.

That is what people expect us to do. They expect us to do our job. Whether you are a coalition member or an opposition member, that job is that we hold the government of the day and departments accountable and that we do question them. In that process of questioning and holding to account, we as individuals will develop a greater understanding.

Mr Deputy Speaker Scott, I want to conclude by saying that I have been pleased to serve with you as Deputy Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade Defence Subcommittee, until you had me so rudely thrown out of that office. I think we brought down some significant reports, as did your predecessor, but in the House we got only five minutes to express all the work that had been done on that defence subcommittee. People would be surprised that no matter how controversial a matter was, or even how potentially damaging it may have been to the government of the day, all members of that committee wanted to address the issue. We did not duck. We did not hide for cover. We would bowl up quite brutal questions at times to the Chief of the Defence Force, the service chiefs or the secretary.
In presenting future reports, as no doubt you will, not only will you get the five minutes that you currently have but every House member of your subcommittee will get an opportunity on the very same day, later in the Main Committee, to talk about their experiences, their views and why the committee reached its conclusion.

I commend the report of the Procedure Committee. It sounds like a very arcane body. As I said, it has done some excellent work. If I have an aspiration for the future, it would be that Chairperson Mrs May, the honourable member for McPherson, will have us make further inquiries and bring down equally good reports that will enhance the working of the House, the Main Committee and the other committees in the best interests of all members and, especially, of the people we seek to serve.

Mrs MAY (McPherson) (12.01 pm)—by leave—Without closing the debate, I know that the member for Chifley has other pressing commitments and I would like to put on the record this morning my thanks to him for his commitment to the Inquiry into procedures relating to House committees report and for his own proposals to that report. For those members in the chamber today, the member for Chifley is known as ‘the father of the Procedure Committee’. I have certainly valued the time I have had working with the member for Chifley and his commitment to the report and the proposals that he put to it. We did not adopt all the recommendations but they were certainly on the table for debate, and I thank the member for his contribution.

This is an important report, particularly for members of the House and for the committee work that is done within the House. It is important that members working on committees have the opportunity to speak on their committee’s report, and to date that has not been available to them. When I as chair of the Procedure Committee tabled this report on Monday, I had five minutes to speak on the report, as did the deputy chair. That is usually what happens. Note is taken of some of the committee reports and they are then sent to the Main Committee for debate, but that debate seems to happen a lot later. It does not happen on the same day. There is always a timelag, and often it is hard to encourage members to then come to the Main Committee and speak on a report.

We have seen today that the report by the Standing Committee on Family and Human Services on overseas adoption was extremely important. Members did want to speak on that, and that was demonstrated by the speakers list today. So the Procedure Committee set out to provide an opportunity for members of the House to have every opportunity to speak on reports that they have put a lot of time and effort into.

Many of these committees go on the road; their inquiries take them around Australia and evidence is taken from our local communities. Often we are involved in the inquiry references that are put on the table for us to look into. Members being given the opportunity to speak on a report means that we can often relate back to our communities what has been done within an inquiry. We take a lot of submissions, and a lot of time is spent reading those submissions. Very often the recommendations that come from committee inquiries end up as part of policy; they end up as part of the legislation that we see come through the House. I think members then feel that they have made a very valuable contribution to the running of this country.

It is important that we give members the opportunity to speak. It shows the strength of committees in this House. Very often when you talk in your local communities about committee work, the public do not understand how both sides of the chamber work together for an
outcome. Most reports in this House that are brought down and tabled are bipartisan reports. We do not often see dissenting reports. More often than not we can come to bipartisan agreement on a report that is tabled and those recommendations are often adopted.

I tabled this report of the Standing Committee on Procedure, *Inquiry into procedures relating to House committees*, in the House on Monday and the Leader of the House adopted the report yesterday. In 2006, for a trial period, members of the House will have an opportunity to speak on all committee reports that are tabled in the House. On the day of the tabling, the report will be brought to the Main Committee from 4 pm to 6 pm and each member who wants to speak on a report will be given 10 minutes. I think that is a great way forward. I hope that can be expanded in the future. As the member for Chifley has said today, there are more opportunities for us to explore ways in which we can enhance the role of the Main Committee to give members of this House more opportunities to speak. There was great debate about the time the Main Committee should sit. The Main Committee has been evolving. Its sitting times have increased over the years and, as a parallel chamber, it has been very successful in meeting the demands of the sitting patterns and the heavy workloads in this place. This recommendation will certainly enhance the public’s view of just what a vibrant and strong committee system we have in this place. There will be many more debates and I feel members will participate more often.

There was not just one recommendation in this report *Inquiry into procedures relating to House committees*; there was a second recommendation to clear up some uncertainty about whether committees can admit visitors to private meetings. I am delighted that the Leader of the House has adopted that recommendation from the committee. That will make it very much clearer for those committees wanting to allow visitors into private meetings.

Overall, I have certainly enjoyed my role as Chair of the Procedure Committee. The member for Charlton, who is in the chamber, is a member of the committee. During the course of this inquiry, we have been ably supported by Robyn McClelland, and Judy Middlebrook is back on board as secretary—she has been away for some time. Bev Forbes has been very involved in assisting us with this report and Leanne Long also supported the secretariat. All members of the Procedure Committee were keen to see that we had a bipartisan report, even though we had some different ideas put on the table by the member for Chifley. For all of us to come to a bipartisan report in the end, with recommendations agreed to by all members of the committee, sees the strength of the committee in enhancing the role of the committee process within the parliament.

I would like to put on record my thanks to everyone involved in the bringing down of the report. To all of you, I thank you for your input. I hope we will see next year more and more members coming into the Main Committee to speak on the committee reports that they have spent so much time on. I thank the member for Charlton for being in the chamber today.

Ms HOARE (Charlton) (12.09 pm)—It is with pleasure that I rise to speak on the report of the Standing Committee on Procedure entitled *Inquiry into procedures relating to House committees*. Being a relatively new member on the Procedure Committee and one who comes with not a lot of expertise but a fair bit of enthusiasm, it has been very encouraging to hear the level of discussion which has occurred both within the committee and within the parliament on the role of the Main Committee.
The main recommendation that has come out of this report in relation to committee reports tabled on the Monday of a sitting week is that members of that committee and other interested members of parliament should be able to discuss the report in the Main Committee on the day it is tabled. I think that is a fantastic improvement in the way committee reports are discussed. As we all know—and it has been referred to by the Chair of the Procedure Committee, the member for McPherson, and by the member for Chifley, a longserving member of the committee—we spend a lot of time on committee work. When we go out to schools we are asked what members of parliament do. We tell them about what we do in the electorate and what we do in the parliament, and one of the main things we do in the parliament is committee work. And, as the member for Chifley quite rightly pointed out, the majority of reports from House of Representatives standing committees are unanimous in nature. That was something that struck me when I was first elected in 1998 and worked on committees. The discussions we have had in the Procedure Committee over the past 12 months have said the same things. I pay tribute to the Procedure Committee chair, the member for McPherson, on the way she conducts those discussions. I also pay tribute to the deputy chair, the member for Banks, and to the longserving member for Chifley, whose wise counsel we all appreciate.

Hopefully, this trial will be successful. The committee chair sent a survey out to members of parliament. It was interesting to see that 86 per cent of members said insufficient time was available for the presentation and debate of committee reports and 90 per cent of respondents to the survey supported the proposal to increase the time available for the presentation and debate of committee reports by increasing sittings of the Main Committee. I would not often thank the Leader of the House, but I appreciate his response yesterday, two days after the tabling of this report in the House of Representatives, in which he said the government was going to trial the proposal and would be looking at it over the Christmas break. I assume it will be implemented in the second sitting week back because we do not sit on the Monday of the first sitting week. I look forward to that.

I encourage members of the House of Representatives standing committees and joint committees to enhance the Main Committee by coming in here to speak on committee reports. It is a bit disappointing that we do not have other members of the Procedure Committee here to speak on this report, but there is a very important lunch happening. It is the last sitting day of the parliamentary year and there are lots of things happening, so I think we can excuse them.

Debate (on motion by Mr Baird) adjourned.

**ADJOURNMENT**

Mr BAIRD (Cook) (12.13 pm)—I move:

That the Main Committee do now adjourn.

**Family Court of Australia**

Ms GRIERSON (Newcastle) (12.14 pm)—I wish to raise a matter concerning the Newcastle Family Court which affects not just the people of Newcastle but also people living on the Central Coast, the North Coast and up to the border and inland to the New England district. It is very much a problem with the resourcing of the Newcastle registry. Before 1998 we had two permanent judges. In 1998 Justice Renault retired and, instead of replacing her with a permanent appointment, the permanent appointment was allocated to the Sydney registry. This means that the second judge appointed to Newcastle is not always the same person or
always available. It also means that the person does not necessarily have any local knowledge of the geography or culture of the area, which poses difficulties for everyone. It means that when the judge and his or her staff are travelling there are quite extensive accommodation and travel costs. We wonder why there would not be a permanent judge appointed. It is something that the profession and the civic community have requested over and over again.

Fortunately, there is an opportunity for the government and the Family Court of Australia to do that. I believe Justice Rowlands is to retire from the Sydney registry on 8 January. Clearly, it is time the Australian Family Court replaced that judge’s position with a permanent appointment to the Newcastle registry. In Newcastle, the permanent judge also has duties as an administrator, which means he is away from the court for much of the year, as well as responsibilities to act in the Sydney registry.

In Newcastle we would say that the resourcing is absolutely out of line with the resourcing of other registries in Australia. For example, Canberra has half the caseload or half the population to deal with and it has two permanent judges. Parramatta is twice the size of Newcastle, yet up until last month it had six permanent judges; that number has just been reduced to five. There does not seem to be any parity. I say to the minister and the chief justice: for goodness sake, look at the data and respond to it appropriately. I do not know why judges would not like to be appointed permanently. I can only think there must be some status and, having seen the grand courts in Sydney, perhaps that is true.

With only 11 weeks of judicial registrar time in Newcastle, you can understand that it is a very underresourced court. We have three federal magistrates in our court and I can only say that what was supposed to be a process that would be informal and streamlined, quick and accessible is not the case. Recent cases lodged in 2005 are now listed for hearing in August next year. That is hardly fast, streamlined or efficient. For the more complex matters before the courts, last year there was an 88-week period from filing to hearing; it is now unbearably longer than that. That is most distressing for families and for people appearing before the courts. It certainly does not give them any comfort to move on with their lives.

Another issue relates to the building itself. Although the lease expires in 2008, it is a building that is totally unsatisfactory. We have the highest incidence of reported attempts to bring weapons through to the court in Australia and there are some major issues. At the moment, because we are so short of courts, judges are actually walking up the street to use adjacent Supreme Court buildings. It is time Newcastle had a dedicated Federal Court—not just a family registry. This is an absolute need that should have not just my full support and that of the member for Hunter but also the support of the member for Paterson and members who have Central Coast and North Coast seats. I call on my colleagues to put pressure on the government to make sure that this court, which is central to the whole state of New South Wales, is adequately resourced and that the benefits of a dedicated Federal Court building are at least explored so there can be optimum outcomes for the people of Newcastle, the Hunter, New England, the North Coast and the Central Coast of New South Wales.

**HMAS Canberra**

**Mr HUNT** (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (12.19 pm)—I take this opportunity to call on the Victorian Premier, in a spirit of bipartisanship, to make a bid for the HMAS Canberra. The HMAS Canberra is an Adelaide class guided missile frigate which has been recently decommissioned. It has been offered by
the Minister for Defence, Robert Hill, to four states and territories—Victoria, New South Wales, Tasmania and the Northern Territory—as a vessel to be sunk so as to create an artificial reef and diving centre.

Unfortunately, I understand that offer has not been taken up by the Victorian government and, in particular, the Victorian Premier. I believe this is an extraordinary opportunity for the dive industry in Victoria. It is an industry which has faced some challenges due to the process of channel deepening. I believe it is a timely offer, it is a valuable offer and it is an offer which the Victorian government should pursue with an absolute ferocity of intent. I offer my services—as does my state colleague, Mr Martin Dixon, the member for Nepean—to help make the case to Canberra, but we cannot make that case unless the Victorian government puts in a bid. The closing date for expressions of interest is fast approaching. The minister, Senator Robert Hill, set 16 December as the closing time for states to make their submissions. There may be some small flexibility in that but, to the best of my knowledge, Victoria has neither expressed interest nor shown any signs that it is likely to express interest.

Let me set out the facts very briefly. I want to set out the offer, the history of the Canberra, and the value to the diving industry. When we look at the offer, we find that around Australia in recent years there have been four decommissioned naval ships sunk off the coast of Australia as tourist dive sites. They have each gone on to help create major tourism and economic benefits. The HMAS Swan was sunk off the coast of Western Australia at Dunsborough; the Hobart was sunk at Victor Harbour off the coast of South Australia; the HMAS Brisbane was sunk at Mooloolaba, off the Sunshine Coast; and the HMAS Perth was sunk off the south coast of WA at Albany. In this particular case, the Defence minister has made the offer to Victoria to be one of four possible contenders. The bids are being solicited, and we have a period of just over one week from now before the initial deadline passes. As I said, nothing has been received from Victoria.

The history of the Canberra makes it particularly interesting. It was commissioned on 21 March 1981 and decommissioned on 12 November this year. It is a long-range Escort frigate from the Adelaide class of guided missile frigates. It was one of six sister frigates which were powered by gas turbines. For most of its life it was based at Garden Island. It completed its service based at Stirling Naval Base in Rockingham, Western Australia. Operationally, it served in Kuwait in 1992-93. It served in Jakarta as part of the evacuation of Australian nationals in Operation Brancard. In 2002 it served in Operation Slipper in the international coalition against terrorism. It is the second Australian ship to have the title HMAS Canberra. The first was a Royal Australian Navy cruiser that was sunk during World War II at the battle of Savo Island in 1942, with the loss of 84 Australian lives.

Against that background, this ship offers an enormous opportunity to the diving industry on the Mornington Peninsula, within my electorate of Flinders, and, more generally, within Victoria. The potential to sink the ship off the southern coast of the Mornington Peninsula in deep waters, in areas which already contain some former decommissioned naval submarines, allows us to create an outstanding dive site. It would help Victoria boost the number of jobs in the dive industry, boost the profile of the dive industry and help the people of the Mornington Peninsula. In the best sense of cooperation, I offer my services to the Victorian government. I urge the Premier to put in a bid, as does my state colleague Martin Dixon. There is a week to
do so. This is a great opportunity for Victoria. Do not let this opportunity go begging. Please bid to have the HMAS Canberra come to Victoria.

**Alcohol Education and Rehabilitation Foundation**

*Mr LAURIE FERGUSON* (Reid) (12.24 pm)—I rise to discuss the Alcohol Education and Rehabilitation Foundation—AERF. It is an independent company set up in 2001 with a Commonwealth grant. It aims to enhance the capacity of the alcohol and other drugs sector to address alcohol and other licit substance misuse and to promote responsible consumption of alcohol. Amongst its efforts, it aims to: prevent alcohol and other licit substances abuse, including petrol sniffing; support evidence based alcohol and other licit substance abuse treatment, rehabilitation, research and prevention programs; promote community education; promote public awareness; and provide funding grants to organisations with appropriate community linkages to deliver the services referred to above.

Recent empirical research by the Australian Institute of Health and Welfare found:

... while Australians understand the dangers associated with binge drinking the warnings are not enough to change how we drink alcohol. Most disturbingly, the don’t drink and drive campaigns appear to offer some Australians a licence to get drunk with a third of respondents reporting it does not matter how much alcohol you drink as long as you do not drive.

Other research findings include that nearly half of respondents believe that getting drunk is an acceptable part of the Australian way of life; one-third believe that binge drinking is okay—the only problem is if you do it all the time; one in five believe that binge drinking is okay as long as you do not embarrass yourself; one-third said that it is okay to drink to excess at home or at special celebrations; and 21 per cent felt that you should not tell another person how much is too much when it comes to drinking. Likewise, research shows that excessive alcohol consumption contributes to one-third of all road deaths, half of all domestic physical and sexual violence and 80 per cent of night-time assaults.

The endemic problems highlighted above are amongst Australia’s most urgent public health priorities. To this end, the work of the AERF has been central in promoting responsible drinking practices and ways in which solutions can be found to deal with and alleviate the alcohol consumption crisis which so badly affects many of this country’s most disadvantaged communities. The foundation, its staff and its directors represent a wide range of skills and experience in research, service delivery and business operations. The foundation is making a significant contribution in addressing what is clearly Australia’s No. 1 health and social issue—alcohol and drug misuse.

With the initial funding agreement having concluded on 30 June this year, I call on the government to continue supporting the foundation through further injection of money to the AERF’s public fund over the next three years. Through its grant programs, the foundation has displayed a formidable capacity to identify and respond quickly in a targeted manner to the challenge of reducing the harms of alcohol and licit substances misuse. The work of the foundation is designed to complement direct departmental funding of alcohol related programs. Indeed, the AERF provides an additional streamlined and directly responsive layer for alcohol and illicit drug related research and prevention strategies and campaigns. Its great strength is its direct relationship with key shareholders and communities affected by the scourge of alcohol and other drug abuse.
While strategies that are tough on illegal drugs have raised public awareness of the dangers of these drugs, nevertheless these strategies have also had the unintended consequence of a fall in the number of people viewing alcohol as a drug of significance. In 1995, 38 per cent of Australians identified alcohol as a drug they thought of when people talked about the drug problem. Three years later, that figure had fallen to 14 per cent and, by 2002, slightly less than eight per cent named alcohol as a top-of-the-mind response when asked what they thought of when people talk about the drug problem. Subsequent to the significant efforts expended by the AER Foundation, that figure has turned around to about 10 per cent as of last year.

Whilst this small turnaround in community awareness is welcome, it is critical that we keep in mind that alcohol misuse is estimated to have an annual cost to the Australian community of $7 billion. Alcohol misuse results in work absenteeism, assaults, particularly in the area of violence, acts of vandalism, workplace injuries and, of course, death. Commonwealth and state government spending on initiatives fighting illicit drugs have topped $2 billion over the past decade. Naturally, this is important; indeed, the recent drug related tragedy in Singapore highlights the importance of this fight. Yet we must not lose sight of the equally important need to address the problem of alcohol and illicit substance misuse. The work of the AER has been timely and critical in engendering a more enlightened attitude to Australia’s drinking culture. The foundation’s ongoing existence will go a long way to alleviating the harm done. It would be a mistake for the government to allow the foundation’s work to wind down over the next couple of years due to its lack of funds.

Ms GAMBARO (Petrie—Parliamentary Secretary to the Minister for Defence) (12.29 pm)—I want to speak about a wonderful event that happened on 15 November: the opening of the new infant precinct at Bald Hills State School. I went along to this event full of expectation. The federal government had committed $900,000. The state government had committed $1.1 million. The state Minister for Education, Mr Rod Welford, was there. The school choir was there. The principal of the school, who is a fine woman called Jacqui King, was there. The head of the P&C, Jenny Wald, was there. The parents were there. We were all excited. It was to be a day of great expectation, a day of great joy. The school choir performed beautifully. Some young children spoke beforehand about what their classrooms were like.

Then it deteriorated into the worst display of political opportunism that I have seen in the time I have been the member for Petrie. The state Minister for Education came in. He could only spare 15 minutes of his very valuable time. It was the day of national action. He came in especially to deliver a speech. It was not a speech to welcome and share in this joyous occasion. It was a speech in which, after he had made a few introductory comments about one of Queensland’s oldest schools—and the Bald Hills State School has been established since 1866—he launched into the worst IR tirade and told all those young children, some as young as five, that they would never be able to get a job, that the world in which they lived would be compromised by the federal government’s terrible industrial relations policy, that they would be severely suffering for the rest of their lives and that there would be no opportunities for them. It went on for about six to seven minutes.

Many of the parents at that school were absolutely appalled. As I sat there waiting for my opportunity to speak—and I was on after the minister—I saw this wonderful day dissipate in front of us. What was to be a happy, joyful occasion had been soured into a display of politi-
cal opportunism. It was clearly obvious that the education minister had come along on that day to deliver a sermon and an IR rant. What was so inappropriate about it is that young children have expectations. They were full of hope and promise. They were happy. We had just heard the school choir singing and we got an industrial relations tirade. Some of the parents who attended on the day were very disappointed and saddened by this display of political opportunism, this lack of understanding of what the event was supposed to be and what the event was turned into. They contacted me—they were very saddened that the day had been used for cheap political opportunism.

I, as a member, felt very sad as well, because here was an opportunity to celebrate the best of the state and Commonwealth, to say that the wonderful joy of this new infant building coming to light was as a result of the $2 million from both levels of government. But this is exactly what we are talking about at the moment when we say that the Labor opposition is trying to make the most vulnerable people in our society even more vulnerable by scaring them and by spreading this confused campaign where it says that young people will have no opportunities, that they will have no chance to better themselves in life, that they will not be able to have families with confidence and a mortgage and that they will not be able to do all of the sorts of things that their parents before them had done.

It is important to set the record straight and to say that young people do have choices under this Work Choices package. Let us start with individual contracts. There is no obligation for anybody to be employed on an individual contract. Collective agreements are still going to be the most common form of employment. That is so very important to young people, particularly those who have to work in retail and in the hospitality industry. It is highly inaccurate to assert that the new system will be based on individual agreements. There are tens of thousands of young people who are out there already employed on AWAs. According to recent data, people on AWAs on average earn 13 per cent more than those on collective agreements. Young people have much to look forward to under our Work Choices legislation. They really do not need to be bogged down with outdated industrial relations legislation. They need to plan, move forward and have all of the freedoms that we have all had. (Time expired)

Ms Kate DeAraugo

Mr GIBBONS (Bendigo) (12.34 pm)—I rise to acknowledge an outstanding young Bendigo woman, Ms Kate DeAraugo, who was the toast of Bendigo after winning the Network 10 sponsored Australian Idol national competition, competing against around 25,000 other young and talented Australians. Kate provided some superb performances over the 10 weeks of the finals and secured the title Australian Idol 2005 after deservedly gaining the majority of support from the Australian and, in particular, the Bendigo people. You do not win a national competition of this magnitude, competing against the calibre of performers she was up against, without exhibiting extraordinary talent. Naturally the DeAraugo and Eastley families are delighted with her outstanding achievement.

It is easy to understand how she managed to achieve such success because Kate DeAraugo is part of a very talented Bendigo musical family. Her paternal grandfather, Vin DeAraugo was a leading tenor within the central Victorian area and also performed on Melbourne television and radio, including the early Graham Kennedy shows during the early sixties. He won the lead role in a Melbourne stage production of The Student Prince and performed the lead role in many Bendigo theatre productions. He released a record entitled To Mother With Love
on the Crest label in 1962. Vin was often referred to as Australia’s Mario Lanza and Bendigo’s golden voice. I do not think there could be a prouder couple in this country than Vinnie and Marie DeAraugo except of course Kate’s maternal grandparents, Charles and Catherine Eastley, who also live in Bendigo, and Kate’s parents, Paul and Sue DeAraugo, and their families. All of them, along with everyone else in Bendigo, are very proud of Kate’s success.

Kate’s uncle Chris DeAraugo, Vin and Marie’s son, is another talented member of the family. I had the privilege of working with him and our good mate Ray Shaw in a musical trio playing in and around Bendigo for many years. In fact, Chris and Ray became very successful as a duet after I had left the band, something that has always been a bit of a puzzle to me!

Kate DeAraugo has demonstrated a maturity far beyond her years and no doubt her association with Lead On in Bendigo has contributed to her success. In July 1999, Lead On started in Bendigo, Victoria. The plan was to create a pilot program that would find ways of engaging, informing and connecting young people to the business and broader community. The belief was the communities that failed to engage their young people are underutilising and losing one of their key resources. Lead On says that young people are the future of our communities and it is right.

It is primarily through the real life project partnerships that the Lead On model engages and develops young people with the community. Some of these projects have provided ongoing roles, employment and development for young people. Projects such as the very successful LOOP Bendigo Advertiser news supplement, which is written, edited and designed by youth, have presented wonderful opportunities.

Another important element of the program is the integration strategy as opposed to the traditional view of segmenting young people and categorising them. Lead On brings together young people from diverse backgrounds and so-called categories and integrates them into working groups that include all shapes and sizes. Lead On takes young people from all walks of life. It is not specifically designed for unemployed young people, although unemployed young people are very welcome and often do participate in the programs. It takes kids from all over Australia, gives them a sense of self-worth and puts them in touch with the important parts of various communities and businesses. The kids gain skills that they are not able to gain in other areas. It is not a work experience program as such; it does a lot more than that, and it is far more effective.

Kate DeAraugo participated in two Lead On projects where she played a role as a project team member to put on a community variety event. As well as being part of the organising team, she actually performed in that event. Kate has said her Lead On experience was another step in building self-confidence and learning about responsibility. I know that all members from all sides of this parliament will join with me in wishing this delightful, young woman every success in the future.

The DEPUTY SPEAKER (Mr Hatton)—I congratulate the member for Bendigo on the title of Australian Idol winner passing from the electorate of Blaxland to the electorate of Bendigo.

Moncrieff Electorate: Infrastructure

Mr CIOBO (Moncrieff) (12.38 pm)—I rise to speak today on a matter of great concern to residents of the Gold Coast. It pertains to the complete lack of infrastructure and inadequate
investment into both social and transport infrastructure, as well as education infrastructure, that the Beattie state Labor government is making or, should I say, not making on the Gold Coast. The Gold Coast is Australia’s sixth largest and fastest growing city. We have rapid population growth, spurred on by an enviable lifestyle. So many people who have holidayed on the Gold Coast subsequently choose to reside on the Gold Coast. Of course, the consequence of this attractiveness as a destination is the fact that this rapid population growth places significant pressure on the city and its resources. In this regard, I stand today in the Main Committee to highlight the fact that the state government simply is not keeping pace when it comes to investment in adequate social and transport infrastructure. In particular, I would like to touch upon the ongoing saga that is Queensland Health.

I noted yesterday that Gordon Nuttall, the former health minister, resigned from the cabinet because of the fact that he lied—this was the allegation that was put and found by the CMC— to a parliamentary committee investigating the problems that gave rise to the current crisis in the Queensland health sector. All of this was spurred on by the fact that Dr Jayant Patel significantly and directly led to the deaths of a large number of patients in the Bundaberg hospital. This crisis then escalated to a more general crisis within the health sector in Queensland. Flowing from this, I have been concerned to note that, despite the protests of the Beattie state Labor government, there continues to be still very little done with regard to Queensland Health. In addition, of course, charges could be levelled to say: in what way is the Howard government assisting the process?

The reality is that the Howard government has invested in Queensland billions of dollars under the Australian national agreement on health care and health funding—money which has flowed directly into Queensland Health; money which has flowed directly into the coffers of the Queensland state Labor government. In addition to that, the Queensland state Labor government enjoys record revenue flows from GST, and in fact this year alone the Queensland state government enjoyed a windfall of over $600 million from GST—money that it would not otherwise have. This windfall is on top of over $700 million from the previous year of money that the Queensland state Labor government would not have had. Also, thanks to the property boom, the Queensland state Labor government has had significant increases in stamp duty revenues. All of this leads to the conclusion that, despite record funding to the Queensland state Labor government over the past five or six years, there continues to be such a high degree of ineptness that many Gold Coast residents now suffer directly from the bad decision making that the Queensland state Labor government has put upon the people of Queensland.

Of particular concern to me is the fact that the state Labor member for Mudgeeraba, Dianne Reilly, the state Labor member for Gaven, Robert Poole, and the state member for Broadwater, Peta-Kaye Croft, have all been remarkably silent. I urge them to please speak up, like the state Labor member for Burleigh, Christine Smith, who highlighted that the health crisis in Queensland was a consequence of some very bad decisions. I encourage the state Labor members to please have the backbone—to have the forthrightness with the people of their electorates—to actually highlight the way in which the state Labor government has made appalling decisions and to do something to pressure the state government to actually correct the situation.

Of particular concern to me as well is the fact that the state Southport Hospital, run by Queensland Health, is going to be closed down. The Queensland state health minister will
signify that in some way they intend to replace those services with a new hospital. That is well and good, but the fact remains that the medical precinct built in Southport around the existing Southport base hospital now has a big question mark hanging over its future. I think it is time that the Queensland state government was upfront and honest with the people of the Gold Coast. It is high time we saw significant investment—not new taxes—that builds upon the base that the Howard government is providing the state Labor government.

I once again assert that the state Labor members need to do more to bring scrutiny, accountability and transparency to the Queensland state Labor government when it comes to their decisions. This of course is simply only one small part of the mismanagement of the state budget by the Labor Party. I will continue to bring it to the attention of residents in my electorate.

**Iraq**

Mr BOWEN (Prospect) (12.43 pm)—In October this year, the United Nations High Commissioner for Refugees issued a report on the human rights of minorities in Iraq. This is something I have spoken about in the House previously, and indeed the House has debated a motion I moved on protecting the rights of Assyrian, Chaldean and Mandaean minorities in Iraq. This report gives crucial official support to the concerns of these communities that their human rights are now more violated than they were even under Saddam Hussein’s regime. This is a claim that I found surprising when I heard it, but I have heard it raised time and time again and, on my reading of reports by bodies like Human Rights Watch and Amnesty International, I am convinced it is true.

The UNHCR report explicitly deals with this issue. At page 2 the report reads that the situation of these minorities has:

... been noticeably aggravated since the invasion of Coalition forces and the subsequent fall of the former regime in March/April 2003.

The report goes on to say:

The Iraqi Security Forces are currently not capable of effectively maintaining law and order. In addition, the lack of a functionary judiciary often leaves victims of assault, maltreatment, expropriation and other attacks without legal protection and redress, including members of religious minorities. Increasingly, Iraqis are resorting to extra-judicial conflict resolution and protection mechanisms such as tribal law. Members of religious minorities often do not have access to such traditional mechanisms, as they do not necessarily belong to a tribal grouping.

Minister Downer, in his letters to me, in his answers to questions on notice that I have placed with him and in his correspondence to the various organisations which represent these groups, does not recognise there is a serious problem with the human rights of these groups. Minister Downer refers to the protections for these groups in the Iraqi constitution. I recognise this protection but, in the real world, it is having zero practical impact. I again quote the UNHCR:

In practice, however, religious minorities’ freedom of religion is severely impeded by the current situation on the ground.

Yesterday, I met with the Iraqi ambassador to Australia, His Excellency Ghanim Taha Al-Shibli, at the instigation of the shadow minister for foreign affairs and trade, the member for Griffith. I was very happy with the ambassador’s response to the issues I raised. He indicated that he was willing to make very strong representations to the Iraqi government and raise the concerns of the Australian community at the highest level. He also indicated that he was
acutely aware of the issues that I raised and that he has close relationships with many of the communities I discussed with him. He also indicated that he had been to a wedding in my electorate just the week before.

I have been very careful to conscientiously avoid making political points on this issue, but I need to say in this House that the government needs to recognise the ‘real world’ situation in Iraq. The government needs to keep this issue at the forefront of its discussions with both the Iraqi government and the United States government. In relation to immigration, the government needs to recognise that the human rights situation of religious minorities in Iraq has worsened, and our refugee policy needs to recognise that. Many cases have come through my electorate office in which the Department of Immigration and Multicultural and Indigenous Affairs seems to be paying less credence to the real concerns of members of these minorities about their physical safety in Iraq.

I recognise that this is a difficult issue. I recognise that anyone can claim to be in physical danger in their homeland. I recognise that the department and the Minister for Immigration and Multicultural and Indigenous Affairs have a difficult job in sorting out who is genuine and who is simply using this as an excuse to try and gain entry into Australia. But I appeal to the minister to read the UNHCR report and take it into consideration when weighing up the claims of members of these minority groups when it comes to assessing their applications for refugee status in Australia. The special humanitarian program needs to recognise that the situation in Iraq is not ‘rosy’ now that Hussein has been toppled. Indeed, for many groups, quite credibly, it has worsened. These groups have a valid claim that they are more persecuted now than ever before. The people in the Assyrian, Chaldean and Mandaean communities are good people. They care deeply about the plight of their relatives at home. I call on the government and the House to do everything possible to assist them in furthering the aims of the Assyrian, Mandaean and Chaldean populations in Iraq.

Antiterrorism Legislation

Mr RICHARDSON (Kingston) (12.48 pm)—I rise to commend the antiterrorism legislation passed this week by the Senate. This legislation was brought before the parliament for the sole purpose of protecting innocent Australians and Australian infrastructure. The government is dedicated to the protection of life and security because it believes that every Australian has the right to live free of fear and terror. The bombings in London, the most recent bombings in Bali and the anniversary of the October 12 Bali attacks were solemn reminders of our vulnerability to attacks from people who are so dedicated to their cause that they would do anything, including give their own lives, in pursuit of it. This madness, this fanaticism, can be met only by a strength of spirit among Australians, backed by a guarantee from its government that it will do all it can to ensure their safety. That is what the antiterrorism legislation does.

The legislation introduced a new regime which will allow the Australian Federal Police to seek control orders for people who pose a terrorist risk to the community. These orders are without doubt necessary to enable our law enforcement officials to properly monitor those individuals who clearly seek to make an attack on our freedom and restrict our movement and actions in order to prevent them from carrying out that attack. These are not orders that will be used to restrict the movements and freedoms of law-abiding citizens. They are orders necessary to stop mad fanatics who seek to make an attack on our freedom and our way of life. There has been much comment in the community and in the media which suggests that these
laws will and do target the Muslim community. Let me be very clear about this: these laws do not target Muslims or individuals of any particular faith. They target terrorism and terrorists. They target people who seek to make attacks on the freedoms, way of life and infrastructure of Australians.

As a member of the Howard government and as an individual I have the utmost respect for Muslims, their communities and the role they play in Australian life. I would like to take this opportunity to assure them that they are not being targeted by this legislation; rather, they are being protected as Australians. This legislation is important for the protection of all Australians. This legislation will enable us to do all we can to protect Australians from a terrorist attack, and the provisions give our dedicated law enforcement officials the powers they need to do their job properly. This legislation is not about restricting the rights and freedoms of Australians. It is about protecting the right of every Australian to live without fear, protecting the right of every Australian not to be killed or maimed in a terrorist attack and protecting our right to live our daily lives without the fear of becoming the innocent victim of a fanatic.

I commend this legislation, and I commend the Senate for passing it. This week has been a vital one in the fight to protect Australians from the far-reaching arm of terrorism.

Mr Terry Mawdsley
Mr John Brennan
Mr Bill Bodenham

Ms HALL (Shortland) (12.52 pm)—I would like to take the time in this adjournment debate to acknowledge the fine work of three very strong unionists who have recently died in my area, three men who contributed to making Australia the place it is today. These three men struggled very hard for workers all their lives, and they are three men who I believe ended up giving up because of the industrial relations legislation that has been passed by this House and the fact that it is set to undo much of the work they did during their lives.

The first person I want to mention, a very dear friend of mine who died in the early hours of this morning, is Terry Mawdsley. He was a member of one of the branches of the Labor Party in my electorate, and was somebody I loved very dearly. He had cancer, and I would say that he had been fighting cancer for something like 15 years. He had it in the bowel, the oesophagus, the stomach and the arm, but he kept on fighting. His wonderful wife, Betty, was there beside him all the time. Terry was the office manager at the Sydney BWIU, and he came to Newcastle to organise for that union in the mid-1970s. He was a person who dedicated his life to ensuring that not only workers but everybody got a fair go. He used to go round collecting used medical equipment to send to Vietnam. He was a person who had a heart of gold and was truly dedicated to people, particularly those who needed a little extra help.

The other two gentlemen that I would like to mention are John Brennan and Bill Bodenham, who were with the MUA. They were both driving forces in reform within that industry and both people that were dedicated to the workers in their industry. John Brennan was a former National President of the Waterside Workers Union and a man committed to all workers. Bill Bodenham, when I was preselected for the state seat of Swansea, said to me, ‘Oh, yes, I know, you’ll be just like the rest of them: once you’re elected to parliament you’ll forget about your roots.’ What he said was truly influential on the type of member of parliament that I have become. I have not only remembered my roots within the labour movement and the
Labor Party and stayed always committed to my principles; I have also remembered the importance of staying in touch with your community. I believe that those very wise words of Bill Bodenham make sure that I get out there on the weekends, go to the shopping centres and constantly talk and consult with people in my electorate, because I am determined that I am not going to be one of those members of parliament that lose touch with their base.

So I truly thank those three men for the enormous contribution that they have made to our community, and, for Bill and John, their dedication to trying to improve our shipping industry in Australia and their dedication to the workers in the union that they represented. I thank my dear friend Terry Mawdsley personally for all the assistance that he gave me over the years, and I thank his wonderful wife, Betty, who in herself is an inspiration to me. She is a member of the Union of Australian Women. I can say now that if I am anything like Betty when I am her age and if I am anything like Terry I will be very proud.

East Asia Summit

World Trade Organisation Meeting

Mr JOHNSON (Ryan) (12.57 pm)—Next week there are two very important summits that are taking place in Asia. Australia will be ably represented by the Prime Minister and the Deputy Prime Minister in Malaysia and Hong Kong respectively. The East Asia Summit is taking place in Malaysia on 14 December. This government and this nation will be represented by the Prime Minister. This is a gathering of significant leaders from the world. There will be dialogue and there will be commitments to new ideals and to a new regime, one hopes, of a form of regional architecture that will continue to bring together the countries of the Pacific region and Asia, including this country. It will be a gathering of significant businesspeople, as well, to discuss important issues of trade and how the nations of this part of the world, including China and India, will come together to talk about some of the critical issues that can continue to sustain peace and stability in our part of the world.

This is a gathering which has some history. It is one which the government supports very strongly. Foreign Minister Alexander Downer will also be in attendance. I want to commend very strongly the government for its participation in it. In particular, we must note that it is a gathering that will include ASEAN members, China, Japan, South Korea and, as I have alluded to, Australia and New Zealand. The inclusion of the two primary engines of economic growth in Asia—China and India—is of immense significance and I think raises the profile of this summit to a new level.

I want in the parliament to reject very strongly reports that the former Prime Minister of Malaysia, Dr Mahathir, has said that Australia’s presence would in fact diminish the intention and the dynamics of that meeting. I want to reject that completely, because I think if anything our country’s participation will add a different, important perspective to the dialogue. I think we can only add value to it and bring the perspective of a country of 20 million people that does have very strong links with Europe and with the United States.

The other important meeting that will take place in Asia is the meeting in Hong Kong of ministers of the WTO nations. This country is to be represented by the Deputy Prime Minister who, no doubt, will strongly continue his words of support for greater liberalisation of the world economy. 1.8 billion people in the developing economies are relying on the ministers in Hong Kong to come up with an agreement that will go a long way towards concluding the
Doha Round of negotiations. Developing countries depend on the goodwill and the aid of wealthy countries in Western democracies such as our own but more importantly they want to be able to trade with us. I call very strongly on the European countries to consider the impact that this meeting will have on the future of developing countries.

At APEC, and recently at CHOGM in Malta, the Prime Minister spoke about the importance of liberalising the world economy. Of course, our nation will benefit; the world will benefit from a multilateral trading regime. In addition to our own trade and businesses benefiting, critically the developing countries of the world stand to benefit.

Some 148 nations are party to the WTO negotiations. It is very important that progress is made in Hong Kong. If progress is not made, this will set back dramatically the prospects for greater liberalisation of the economies that need to open up. We all know that the European economies—France and Germany—must come to the party on this. They must open up their trade with countries of the developing world. I call again on those nations and those ministers to realise that trade is critical for the developing countries of the Asia-Pacific region, where we are situated.

I take this opportunity to congratulate the government and the Deputy Prime Minister on what they are doing to bring business success to our country through helping to open the economies to the world.

Main Committee adjourned at 1.03 pm, until Wednesday, 8 February 2006, at 9.30 am, unless in accordance with standing order 186 an alternative date or time is fixed.
QUESTIONS IN WRITING

Consultancy Services
(Question No. 1745)

Mr Bowen asked the Attorney-General, in writing, on 22 June 2005:
(1) Has a department or any agency in the Minister’s portfolio engaged Crosby Textor Research Strategies for any purpose in the financial years (a) 2002-2003, (b) 2003-2004, and (c) 2004-2005.
(2) In respect of each occasion Crosby Textor Research Strategies was engaged, (a) what was the value of the contract, (b) what services were provided, and (c) was a call for tenders issued.

Mr Ruddock—The answer to the honourable member’s question is as follows:
(1) No
(2) Not applicable

Aged Care
(Question No. 2069)

Mr Byrne asked the Minister for Ageing, in writing, on 16 August 2005:
(1) How many aged care facilities are located in the electoral division of Holt or the Aged Care Planning Region that contains the electoral division of Holt.
(2) In respect of each aged care facility in the electoral division of Holt, or the relevant Aged Care Planning Region, (a) what is its name and address, (b) who is responsible for its management, (c) how many (i) high-care and (ii) low-care beds are provided, (d) what sum will it receive from the Commonwealth for high-care and low-care beds in (i) 2002-2003, (ii) 2003-2004 and (iii) 2004-05.
(3) For the years (a) 2002-2003, (b) 2003-2004, and (c) 2004-2005, how many aged care packages were provided in the postcode area (i) 3156, (ii) 3177, (iii) 3802, (iv) 3803, (v) 3804, (vi) 3805, (vii) 3806, (viii) 3975, (ix) 3976, (x) 3977 and (xi) 3978 and what was the cost to the Commonwealth.
(4) Does the Department of Health and Ageing intend to collect statistics on waiting lists for aged care facilities to monitor demand within the community for these services; if so, when; if not, why not.

Ms Julie Bishop—The answer to the honourable member’s question is as follows:
(1) There are 173 residential aged care services located in the Southern Metro Aged Care Planning Region which includes the electoral division of Holt.
(2) (a) to (c) This information may be found from the Department of Health and Ageing internet site at: http://www.health.gov.au/internet/wcms/publishing.nsf/Content/ageing-rescare-servlist-download.htm.
(d) Australian Government recurrent funding to residential aged care services in the Southern Metro Aged Care Planning Region was: (i) 2002-03 —$245.3 million, (ii) 2003-04 —$299.9 million, and (iii) 2004-05 —$310.9 million.
(3) All the postcode areas named in the question except 3156 and 3804 are within the Southern Metro Aged Care Planning Region. Postcode areas 3156 and 3804 overlap both the Eastern Metro and Southern Metro Aged Care Planning Regions. For each of (a) 2002-03, (b) 2003-04 and (c) 2004-05, the following table sets out the number of operational community care packages (Community Aged Care Packages and Extended Aged Care at Home packages) in each region at 30 June and the payments made by the Australian Government as subsidies and supplements for the packages.
<table>
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<th>Year</th>
<th>Region</th>
<th>Packages and Extended Aged Care at Home</th>
<th>Subsidies and Supplements ($ million)</th>
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<td>(b) 2003-04</td>
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<td>$17.9</td>
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(*) This information reflects data extracted in October 2005 and may be subject to later adjustment of payments.

(4) No. Homes may maintain lists of applicants for their own purposes. This information is private and would not normally be available to the government.

Waiting times are not a good measure of demand. Some older people may obtain an Aged Care Assessment Team assessment and then wait for a place in a particular aged care home that suits their needs, including their religious and other preferences. Others may apply for entry to a number of homes.

**Scribing Services**

*(Question No. 2547)*

**Mr Brendan O’Connor** asked the Minister for Revenue and Assistant Treasurer, in writing, on 31 October 2005:

(1) Did the Australian Taxation Office (ATO) engage Verossity Pty Ltd at a cost of $11,000 for scribing services; if so, what specific services are provided under the terms of this contract.

(2) Why were ATO staff not able to perform these services.

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

(1) Yes. The Commissioner of Taxation advised me that the ATO engaged Verossity Pty Ltd for scribing services at a cost of $11,000 for a selection exercise to fill eight APS4 and APS5 positions. The specific services were defined as:

A scribe to attend all applicant interviews at ATO premises including pre and post-interview discussions by the Selection Advisory Committee (SAC). In collaboration with the SAC:

- capture key points and evidence,
- produce concise and succinct notes,
- capture shortlist reasons and comparative assessments,
- contribute to post-interview-discussion.

Attend interviews and produce notes on the discussion.

Prepare SAC reports and make any required changes.

(2) I am advised by the ATO that in view of the number of positions to be filled and the resources already involved in the selection committee, as well as the skills required for documentation, it was decided the use of a scribing service would result in a more efficient and timely process.

**Schools Funding**

*(Question No. 2606)*

**Mr Brendan O’Connor** asked the Minister for Education, Science and Training, in writing, on 9 November 2005:
In respect of the Investing in Our Schools Program and for each electoral division, (a) how many applications were (i) received and (ii) successful, (b) what is the total value of approved grants, and (c) what is the average value of the grant per school.

Dr Nelson—The answer to the honourable member’s question is as follows:

**Government Sector**

See Attachment.

**Non-Government Sector**

In respect of the Investing in Our Schools Program and for each electoral division, (a) how many applications were (i) received

The application and assessment processes for non-government school grants are conducted separately by each of the Block Grant Authorities. Block Grant Authorities operate independently, applying the guidelines. The Department is not involved with these processes and is not provided with the requested information about the number of applications.

In respect of the Investing in Our Schools Program and for each electoral division, (a) how many applications were (ii) successful (b) what is the total value of approved grants, and (c) what is the average value of the grant per school.

The number of successful applications (projects), the total value of approved grants and the average value of the grant per school as at 2 November 2005 is given by state/territory in the tables below.

Attachment

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<tr>
<th>ELECTORATE</th>
<th>NUMBER OF APPLICS RECEIVED</th>
<th>NUMBER OF APPROVED APPLICATIONS</th>
<th>TOTAL GRANT AMOUNT $</th>
<th>NUMBER OF SUCCESSFUL SCHOOLS</th>
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There are 406 applications received for Round One which were subsequently moved to Round Two. Details are not available as to the electorates of these applications. Breakdown by State is included in the Table below.

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QUESTIONS IN WRITING
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**Non-Government School Projects approved by the Minister (as at 2 November 2005)**

**New South Wales**

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### South Australia

<table>
<thead>
<tr>
<th>Electorate</th>
<th># of Successful Applications (Projects)</th>
<th>Grant Amount Approved by Minister $</th>
<th># of Non-Gov Schools</th>
<th>Ave Grant per School $</th>
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<tbody>
<tr>
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### Queensland

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<th>Electorate</th>
<th># of Successful Applications (Projects)</th>
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<th># of Non-Gov Schools</th>
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Western Australia

<table>
<thead>
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<th># of Successful Applications (Projects)</th>
<th>Grant Amount Approved by Minister $</th>
<th># of Non-Gov Schools</th>
<th>Ave Grant per School $</th>
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<tbody>
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ACT
The Minister had not approved any projects for the ACT as at 2 November 2005.