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SITTING DAYS—2006

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- **GOLD COAST** 95.7 FM
- **MELBOURNE** 1026 AM
- **ADELAIDE** 972 AM
- **PERTH** 585 AM
- **HOBART** 747 AM
- **NORTHERN TASMANIA** 92.5 FM
- **DARWIN** 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—FIFTH 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 Phillip Anthony Barresi, the Hon. Bronwyn Kathleen Bishop, Mr Michael John Hatton, Mr Peter John Lindsay, Mr Robert Francis McMullan, Mr Harry Vernon Quick, the Hon. Bruce Craig Scott, the Hon. Alexander Michael Somlyay, Mr Kim William Wilkie

Leader of the House—The Hon. Anthony John Abbott MP
Deputy Leader of the House—The Hon. Peter John McGauran MP
Manager of Opposition Business—Ms Julia Eileen Gillard MP
Deputy Manager of Opposition Business—Mr Anthony Norman Albanese MP

Party Leaders and Whips
Liberal Party of Australia

Leader—The Hon. John Winston Howard MP
Deputy Leader—The Hon. Peter Howard Costello MP
Chief Government Whip—Mr Kerry Joseph Bartlett MP

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

The Nationals

Leader—The Hon. Mark Anthony James Vaile MP
Deputy Leader—The Hon. Warren Errol Truss MP
Chief Whip—Mr John Alexander Forrest MP
Whip—Mr Paul Christopher Neville MP

Australian Labor Party

Leader—The Hon. Kim Christian Beazley MP
Deputy Leader—Ms Jennifer Louise Macklin MP
Chief Opposition Whip—The Hon. Leo Roger Spurway Price MP

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

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

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<td>Wood, Jason Peter</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
The Hon. Dr Brendan John Nelson MP

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, 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 Affairs
Senator the Hon. Amanda Eloise Vanstone

Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues
The Hon. Julie Isabel Bishop MP

Minister for Family, Community Services and Indigenous Affairs
The Hon. Malcolm Thomas Brough MP

Minister Assisting the Prime Minister for Indigenous Affairs

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 and Deputy Leader of the Government in the Senate
Senator the Hon. Helen Lloyd Coonan

Minister for the Environment and Heritage
Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)
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<td>Senator the Hon. Eric Abetz</td>
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<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<td>Minister for Revenue and Assistant Treasurer</td>
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<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
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<td>Minister for Vocational and Technical Education and Minister Assisting the Prime Minister</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
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<td>Minister for Ageing</td>
<td>Senator the Hon. Santo Santoro</td>
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<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Bruce Frederick Billson MP</td>
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<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
<td>The Hon. Robert Charles Baldwin MP</td>
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<td>The Hon. Christopher Maurice Pyne MP</td>
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<td>Senator the Hon. John Alexander Lindsay (Sandy) Macdonald</td>
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<td>Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs</td>
<td>The Hon. Andrew John Robb MP</td>
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<td>The Hon. Malcolm Bligh Turnbull MP</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Christopher John Pearce MP</td>
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<td>Parliamentary Secretary to the Minister for the Environment and Heritage</td>
<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>The Hon. Sussan Penelope Ley MP</td>
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<td>Parliamentary Secretary to the Minister for Education, Science and Training</td>
<td>The Hon. Patrick Francis Farmer MP</td>
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<td>Parliamentary Secretary (Foreign Affairs)</td>
<td>The Hon. Teresa Gambaro MP</td>
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SHADOW MINISTRY

Leader of the Opposition
The Hon. Kim Christian Beazley MP

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

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

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

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

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow Attorney-General
Nicola Louise Roxon MP

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

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

Shadow Minister for Defence
Robert Bruce McClelland MP

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

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

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

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

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

Shadow Minister for Finance
Lindsay James Tanner MP

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

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

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

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

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

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

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

Shadow Minister for Transport
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy

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

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

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

Shadow Minister for Immigration
Anthony Stephen Burke MP

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

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

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

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

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

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

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

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

Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Science and Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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Wednesday, 15 February 2006

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

THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005

Second Reading

Debate resumed from 14 February, on motion by Dr Washer:

That this bill be now read a second time.

upon which Miss Jackie Kelly moved by way of amendment:

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

“the House is of the opinion that the bill is unacceptable in its current form and the preferred policy approach should be:

(1) the Minister for Health and Ageing continuing to have the decision making role in relation to the approval of restricted goods as defined in the Therapeutic Goods Act 1989;

(2) the Minister being required to obtain written advice from the Therapeutic Goods Administration prior to giving written approval or refusal to approve; and

(3) the Minister’s decision being subject to disallowance by each House of Parliament”.

Mr BURKE (Watson) (9.01 am)—I suspect this is a speech which will make few people happy. Those who will be voting against will be disappointed with the conclusions I have reached, and those who are happy with the way I intend to vote will no doubt be disappointed with my reasons. I want to talk about the debate and discussions which have surrounded the lead-up to this bill—the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005—I want to talk about what this bill is not about and, finally, I want to talk about the legislation that is before us.

This is the fourth time I have been asked to exercise a conscience vote in a parliamentary debate. The previous three were in the New South Wales parliament. In a conscience vote, I believe deciding how to vote should be made entirely on the basis of the bill which is before us and the consequences it will have if made law. I had hoped to commence this speech in the same way I have opened other speeches on conscience vote issues, by noting and being grateful for the decency with which other members of parliament had conducted themselves in this debate. But I cannot. Too many people have been maligned by antireligious comments—some have been specifically anti-Catholic, some more generally anti-Christian and some more recently anti-Muslim. At least Senator Nettle bothered to apologise for any offence she caused to Catholics and high Anglicans.

I do believe we live in the best country in the world and, for all the differences around this country, we have to wake up every morning and still live together, still get along and still make a great society work. Every day we see people on all sides of the parliament show leadership in trying to keep everything cohesive. I say to both the member for Hughes and Senator Nettle that they have hurt people deeply and made problems worse. At the end of this debate I will be voting the same way as the member for Hughes, but at least it will be for very different reasons. My reasons are about the bill.

I do not believe we are being asked in this vote to approve the use of RU486. Even if this bill is defeated—which appears highly unlikely—health ministers change. I believe RU486 will probably be approved by a health minister in the next few years, even under the current rules. If the last cabinet reshuffle had been more extensive, there may well have been a minister already willing to approve it. The fact that the previous health
Most of the correspondence I have received deals with the merits or otherwise of RU486. I find it hard to base my decision on this bill on those arguments when I honestly believe the drug is going to come into use whether or not this bill is passed. I do not believe we are being asked to adjudicate the abortion debate, which will always be addressed by state laws. I do not believe we are being asked to choose between the health minister and the Therapeutic Goods Administration. The bill asks us to choose between a process where both the health minister and the TGA have a role and a proposal where the TGA would act alone.

When most drugs are going through an approval process there is no community debate which accompanies their consideration. RU486 is one of the rare occasions where such a debate exists. In the years to come there will be a number of drugs on which there will certainly be community debate. The member for Bowman touched on some of these. I suspect the attitudes of members of parliament on some of these drugs will be wildly different to the way they are lining up this week.

We have a fairly simple choice: either we have a process that takes into account that community debate or we do not. It is not an unreasonable position to say that the only issues to be considered are the scientific ones. If that is the conclusion you reach, then you would keep members of parliament a long way away from the deliberations; you would leave it to the expert bodies alone. I reach a different conclusion. I believe we are better off with a mechanism that considers community debate. That consideration should be performed by people who are accountable or, at least with this government, answerable to the public. The mechanisms by which you do that will always be imperfect. I know only too well from my own portfolio area that the existence of ministerial discretion does not mean it will be used all that well, but I do not find myself arguing that therefore ministerial discretion should go.

There are two amendments under discussion which would allow a different process, which would end in parliament voting on a disallowable instrument. There are limits to the merit of turning the debate back to us, but the alternative to those mechanisms is that we are left with a policy decision that says the community debate will be ignored; that the scientific argument will be all that is heard. I am not convinced about the relative merits of the various amendments which are under discussion, and I am concerned about one of them being a second reading amendment. I will be following the debate closely, but at this stage the amendment in the name of the member for Bowman seems to make the most sense to me. It has the added benefit of focusing the debate on the principle of any drug where there is significant community debate rather than simply focusing on RU486.

Most drugs will be non-controversial, and the main arguments will relate to the expense of placing them on the PBS. Increasingly, though, there will be significant community dissent over issues that have nothing to do with the scientific merits of a drug. It is certainly not the TGA’s job to consider that community discussion, but I do believe it is ours. That is why I intend to oppose the private member’s bill before us.

I am not naive about this. I know that most people will not read this speech and will simply presume from a voting list what
my reasons were. Some of those who do hear or read this speech will think that I have not disclosed my real reasons and will revert to the curious concept that anyone with religious faith loses their intellect in the process. I can only call it as I see it. I do not believe I am voting about whether to allow RU486, because I believe it will probably become available under any of the four systems under discussion.

While my faith does form part of my own philosophical approach, I find it to be distinctly unhelpful in this case. I believe we are voting on the process, and I have never heard of the parable of the minister and the expert panel. I am conscious as a member of Labor’s frontbench that these views are very much my personal views. The party’s position has been articulated by the shadow minister for health, and we have the freedom to vote however we want. I have refrained from commenting on this issue outside of the parliament, and that will not change.

We have a piece of legislation before us which I believe, unless it is heavily amended, will make the current, imperfect system worse. In a conscience vote you have to call it as you see it. I cannot support this bill.

Mr ROBB (Goldstein—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs) (9.08 am)—I rise today to speak against the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I did not come to this place to be a moral crusader, but on issues such as this I will seek to stay true to my convictions. As such, I will vote against this legislation. I cannot support any legislation where my vote, as much as the legislation itself, has the potential to encourage more abortions. At a personal level, I believe abortion is one of the most difficult and confronting issues facing society. It is no doubt a deeply personal and traumatic matter for so many women; and while the fate of the foetus is practically and ultimately a decision of the individual woman it can be a deeply personal and traumatic matter for the father of the foetus.

For those like me who believe that human life begins at conception, it only magnifies the moral dilemma and, despite what many in this debate have suggested, it is a moral issue for men and women alike. For that reason I am acutely conscious of any decision I take in this House which might telegraph support for a lessening of the absolute seriousness of the decision to have an abortion. My concern is that a yes vote by the community’s federal parliamentary representatives to delegate responsibility for the availability of the abortion pill to a purely technical process will send a powerful message, especially to young people, that we as a community are becoming more indifferent to, or blase about, abortion. It will further condition Australians to see pregnancy as merely another medical condition, where abortion is seen as elective surgery or an elective drug treatment without at the same time encouraging our fellow Australians to also consider the moral, ethical and social dimensions surrounding such a momentous personal decision as aborting a foetus.

We must not underestimate the impact of the public policy decisions we make in terms of their effect on the moral compass of Australians. Take, for instance, the situation in China. The Chinese government has for many years advocated a one-child policy. This has meant that many couples in China routinely carry out terminations in order to comply with this policy. This has reportedly created a ‘conditioning’ of that community, where terminations are acceptable, almost routine, like the removal of a wisdom tooth.

In the same way, a yes vote for this bill will have the effect of absolving those people
who may unfortunately be confronted with this most difficult issue from properly considering also the moral and social aspects of such a decision. A decision by this parliament to delegate responsibility for the use of an abortion drug to a technical committee would further the aim of those in our community who would prefer to medicalise pregnancy as though it were simply another medical condition. Whatever personal decision an individual arrives at, to me it seems seriously wrong and dehumanising to encourage the decision to be seen as principally a medical matter, to downplay or to expunge the spiritual and social dimension of any decision to have an abortion.

As well, the revolution in biotechnology is seeing the development of a range of most extraordinary drugs that will go to market over the next decade. The member for Bowman yesterday identified drugs to do with intellect enhancement and mood elevation, biopharma developments of drugs in plants and food, and other abortion medications, to name a few. The use of any of these drugs will pose highly controversial moral and ethical considerations for our society. I cannot see how the community in the future will accept that the decisions about the availability and use of these future drugs should be left simply to a technical committee which looks only at the safety and efficacy of a particular drug, just as I cannot accept that this current debate is only about the safety and efficacy of RU486. These are all decisions which have much broader ramifications than safety and efficacy. These are decisions we have been elected to take because they are important matters that, in the end, can very materially shape the type of society in which we live. We must not shirk our responsibilities in this regard.

The strategy of those advocating this amendment has been to narrow the debate—to assert that it is not about abortion, to claim that this bill is purely about removing the responsibility of the health minister of the day to decide the quality, safety and efficacy of this drug and to place the decision with the Therapeutic Goods Administration. Yet, in the way this debate has unfolded, it has become political. It has become about abortion. I suspect it always was. Ironically, this is evidenced by the fact that the mountain of correspondence urging me to vote yes invariably includes advice to me that my electorates is undoubtedly pro-choice and that I should vote accordingly. How we vote on this bill will be read in the broader context of the parliament’s general attitude about abortion.

Narrowing the debate to supposedly technical matters is a clever strategy. It is a strategy which allows people to have a foot in both camps. It allows individual members and senators to profess opposition to abortion while voting, wittingly or unwittingly, to further numb the community’s sensibilities to the moral and social issues that should also be in the minds of people when contemplating abortion.

In voting no, I am not trying to impose on others my ultimate views about abortion. Rather, in all good conscience, I cannot be party to a yes vote which will further condition the community to see abortion as merely a medical condition and, in doing so, send a message that encourages more abortions.

Mr Swan (Lilley) (9.16 am)—As a member of this House, I believe my vote on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 should be decided not only by the scientific, safety and procedural considerations around RU486 but also by fundamental ethical principles concerning what is best for the health and wellbeing of the mother and the rights of unborn children. As community decision makers, we cannot
ignore the emotional debate surrounding this vote. Australians are people who hold values dear. It is very sad to see Senator Nettle denigrating these values by cheap, T-shirt sloganising. The responsible way to deal with this emotion is to feel confident in ourselves that we have soundly examined all these values and made our decision by considering the arguments on all sides in a measured, mature and ethical way. It is crucially important to have freedom of discussion and respect for other points of view. This is the mark of how a civilised society faces challenges and moves forward.

There are good and well-meaning Australians who argue that life begins on day one of conception. There are other good and well-meaning Australians who adhere to the belief that embryonic cells do not constitute a human life—that is, that they are not yet a child. There are good and well-meaning Australians who anguish over the principle of justice: how do we reconcile the rights of the mother with the rights of the unborn? How do we determine the value of one life over the other? There are also good and well-meaning Australians who believe in covenantal integrity—that is, that conception carries with it an obligation to nurture a potential child. Other good and well-meaning Australians see this as a much more complex issue involving the future quality of life of the mother, the family and the potential child.

While all of these values and principles are faithfully held by the various communities having a voice in this debate, and while all of them should be heard, considered and understood by us in this chamber, in the end our debate is not about a decision to terminate. Our vote is about what options are available to a woman and her medical practitioner after the decision to terminate has been made. It is invasive surgery exacerbating the anguish the woman is already suffering or a medication which, if appropriately prescribed, can potentially, to some degree, lessen the suffering and anguish.

RU486 is a medical treatment option. Among other treatments, it can also constitute a procedure to terminate a pregnancy. But by the time a medical practitioner comes to consider whether it is an appropriate option for treatment in this regard, a decision has already been made, under and within Australian laws, for legal and valid reasons, to terminate the pregnancy. While we cannot ignore the emotional tidal wave that the debate over the use of RU486 has triggered—we would be poor representatives if we did—we cannot forget the crucial point that, by the time the medical practitioner comes to consider procedural options, the decision has already been made. RU486 is the only pharmaceutical drug in Australia that is not regulated by medical and pharmaceutical professionals from the Therapeutic Goods Administration. We rely on these professionals to administer the availability of a range of other medications, some of them potentially harmful or addictive. They carry out this role in an unbiased and knowledgeable way. Personal beliefs do not come into it, nor should they.

And that brings us to the ethical dilemma. When addressing the parliament in 2002 on embryonic stem cell research, I made reference to the conclusions of a committee established by the House of Lords to examine embryonic research. The view of that committee asserted that, in the initial stages of development, embryonic cells do not constitute a human life even though they are alive in the biological sense—that is, that they are not yet a child. I stated in 2002 that I am convinced by the conclusions of this committee. I do, however, believe that the highest respect and most stringent regulation should be applied to interventions during the early stages of embryonic development.
These decisions must be governed by the law of the land, by a medical consultation between a woman and her doctor and by consultation between a woman and her family. As a father of three luckily healthy children, and as a non-Catholic father in a Catholic family, I can only guess at the trauma a woman must suffer when faced with this choice. No-one takes decisions such as this lightly—no-one could—and I regret some of the more outrageous sloganeering and dismissive language that has crept into what is one of the most difficult and sobering debates we could be involved in.

The federal Labor caucus has agreed to a conscience vote on RU486, which I believe is appropriate for an issue such as this. Australians are fortunately people of conscience. We are fortunately people who care for our fellow citizens and we are people of compassion. I will vote in favour of this bill. I will do so having listened to all sides of this argument. I will do so understanding the well-meaning contributions made to it by people on all sides who hold principled values and beliefs. I will do so because I believe it is not appropriate for the personal values and beliefs of a minister for health, of whatever persuasion, to dominate over the scientific, safety and medical considerations inherent in how the use of all other drugs is regulated in this country. As a member of the House, I respect the views of all those who have contacted me on this issue, regardless of whether they align with or are contrary to my own view. That is my custom as an MP and it will continue to be so.

In addressing RU486 and examining its regulation in the context of all these arguments, I am also mindful of the overseas experience with this drug. In the United States, France, the United Kingdom and Canada, RU486 has been available for some 20 years as an alternative to surgical termination. Despite claims to the contrary, it is also available in China. Research and monitoring has found that the drug has not replaced surgery as the most common method of termination. In France it is used in only around 10 per cent of terminations. The availability of the drug has not impacted on the number of terminations in these countries.

There is nothing ‘DIY’ about terminations involving RU486. As in the case of surgical abortions, they require medical oversight and approval. And, contrary to recent claims, it is not a special drug unlike any other: there are a number of pharmaceuticals used in Australia and registered by the TGA that can end human life, and it is not the only medicine capable of causing miscarriage. The Royal Australian and New Zealand College of Obstetricians and Gynaecologists has stated that ‘there is a substantial body of literature establishing the safety and efficacy’ of this drug. RU486, like every other pharmaceutical, should be dealt with by independent medical experts at the Therapeutic Goods Administration who can be relied on to make decisions about safety in an unbiased and knowledgeable way. Such decisions should not be made on the basis of the personal beliefs of the minister, whatever their personal opinion may be.

On this occasion my vote is made on the basis of evidence that there is no valid reason why availability of this drug should be regulated differently to any other, that there is no evidence that this drug will significantly impact on the number of legal terminations and that RU486 is one of the options available to a woman and her doctor after a very difficult decision has been taken. This difficult decision will need to be taken under and within Australian laws, regardless of the availability of RU486. If its availability can make the procedure which follows that decision a little easier on the woman involved, why would a caring, compassionate and values driven so-
ciety like ours not take that path? I support the bill.

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (9.24 am)—I rise today to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I would like to say from the beginning that I have found this debate to be deeply troubling at a personal level, as the whole issue is a very difficult and complex one. It is an issue that leads me to examine my most fundamental beliefs. And it has been difficult not just for me. The issue has, understandably, generated considerable debate relating to a broad range of issues around this subject.

I want to make a few points that are important to me and which will, I sincerely hope, make a worthwhile contribution to the debate. But, before I do, I would like to say that I do not like abortion. In fact, I find abortion very disturbing and most uncomfortable. I believe that there are far, far too many abortions in Australia and that we—‘we’ being governments at all levels—together with community organisations should work earnestly to support and help people who need assistance and guidance when they find themselves in a situation where the question of an abortion arises. I believe there may be and are particular circumstances or situations where, regrettably, abortion is the only option—an option of last resort. When and if this terrible situation occurs, in the end only the people involved can make the decision that they believe, based on their own beliefs or their own unique circumstances, is best at the end of the day for them.

Another important and absolutely fundamental point I would like to make is that, regardless of who approves what with regard to RU486, if this drug is assessed in Australia to be dangerous and unsafe in any way I do not want anyone or any authority approving RU486 for use by anyone—full stop. If this drug is found to be unsafe, based on the accepted rigorous analysis and evidence based evaluation that exists for all drugs in our country, it should be banned totally.

I also would like to say today that my position should in no way be taken as a reflection on the current Minister for Health and Ageing, Tony Abbott. He has been, is and will continue to be an outstanding health minister serving the people of this nation. Having said that, it requires me, as a matter of responsibility, to turn my mind to what is actually being asked in the bill that is now before the House. I make the point about what is ‘actually being asked in the bill’ because, regrettably, there has been an enormous amount of misinformation disseminated in the community from all quarters about what we are being asked to decide upon in this bill.

On this point I would just like to say how disappointed I have been in the misinformation relating to this important issue. Whilst I can appreciate that both individuals and organisations will seek to influence debates, I have been alarmed at what seems to be almost the deliberate skewing of information to suit one agenda or the other. We as members of parliament are being asked to decide whether it is appropriate that in the case of one drug, and one drug alone, RU486, written approval is required from the Minister for Health and Ageing before this drug can be evaluated, registered, listed or imported into Australia. As a result of what is actually in the bill, I have reached the view that this is an issue not about abortion; I believe it is an issue about what is the best and most appropriate governance process relating to this important discussion.

In considering the issues I have just mentioned there are many, obviously, who are
divided on what is the best approach to take to answer the questions I have outlined above. Many people are happy with the status quo because they believe it restricts the drug in our country—that is, they like the idea of the minister of the day having the right of veto. It seems to me, however, that these people—those who support the status quo—might hold a different view if, in their opinion, the minister making the decision was likely to approve the referral of the drug to the TGA. And I suspect the same would apply to those who wish to see the minister’s power of veto removed. Would they be waging a campaign against the ministerial veto if they were confident that the minister making the decision was going to give them the decision they want?

Therefore, as I have said before, I hold the view that what we are actually being asked to decide upon here is very much a governance and procedural issue and should be considered on that basis alone. That is, let us set aside the ideological question and the personal biases from all viewpoints and consider it as a question of governance and appropriate procedure. In reaching my decision, I have thought about this issue for many hours. I have thought about whether my logic is right. I have thought about whether I have approached this issue in the right way—that is, that my logic is sensible and that this is not a matter about abortion but, rather, a matter of governance and process. I hope my thinking proves correct. In the end, one day I will know, but it may not be in this life. It has been very difficult. However, my thinking has led me to a decision to support the bill that would allow the TGA to assess this drug in line with the procedures for all other drugs in our country.

Two of my colleagues have moved or foreshadowed amendments to the bill. I understand that there remains some clarification needed to ensure that these amendments would actually work as they are intended. I believe that the amendment circulated by Mr Laming, the member for Bowman, can potentially allow for an appropriate process that may meet my concerns. As a result, if it will work as it is intended then I would be happy to support this amendment, which would allow the TGA to evaluate this drug but allow their decision to be disallowable by the parliament. However, I want to stress again very strongly that if, after assessment, this drug is deemed to be unsafe then under no circumstances should any person or any authority approve it.

Some people may be aware that I am a member of the Uniting Church in Australia. Furthermore, many people are aware that I very often—and I stress: very often—do not agree with the views as expressed by my church on a whole range of issues. However, I do believe that the president of the church, the Reverend Dr Dean Drayton, does offer some wise counsel on this issue. Dr Drayton said in his media release:

The Uniting Church hopes that those engaged in this debate do not lose sight of the complexity of the issues.

I do think this is wise counsel because it is a complex and profound issue.

As I stand here today and express my views on this issue, I must admit that I remain most uncomfortable and most uncertain about whether my thinking on this matter is appropriate and indeed right. I remain uncomfortable as to whether or not it is right according to what we are called to do for the good of all people. I can only hope that people will accept, while maybe not agreeing with me in total, that I have, with the very best intentions, arrived at my decision sincerely and only after a great deal of soul-searching.

Mr FITZGIBBON (Hunter) (9.33 am)—Many earlier contributors have indicated to
the House the capacity in which they speak to this very important bill, the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005—some as Christians, some as politicians, some as medical practitioners, many as people who have been touched by the issue of abortion in the past and, while not admitting it, some as hypocrites. I approach this debate both as a legislator and a father who understands the importance of choice.

I noted that the member for Watson indicated to the House that this is the fourth occasion on which he has been required to cast a conscience vote. It caused me to think, and it reminded me that this is my third. The first occasion was during the debate on euthanasia. When I voted in support of the bill to overturn the Northern Territory’s right to sanction legally the option of euthanasia, many people thought I did so because of my Catholic faith. While that might have influenced my thinking, they are basically wrong. I did so because I believe in choice. On that occasion my fear was that if we shifted from the current system to a strict sanctioning of the use of euthanasia then people would lose a choice—they would feel pressure, as a burden on family and loved ones, to take the euthanasia option. That is the basis on which I opposed the proposition of the legal sanctioning of euthanasia.

My second experience was on the issue of stem cell research. I supported that proposition, again because I wanted people to have choice—on that occasion, the choice to live and the choice to access modern medical science, the sort of science which provides them with the opportunity to live. On this occasion I am also backing choice: a choice for women and a choice for their health practitioners. That is what this bill is about: the right of women to choose other options. It is not about abortion, a matter which has been determined by popularly elected governments in every state and territory in this country in decisions we should not seek to overturn by using the power we have to regulate pharmaceuticals.

Throughout the course of the 1990 republic debate, the member for Warringah consistently and aggressively argued that you could not trust politicians. ‘I wouldn’t trust politicians to choose my wife. Why should I trust them to choose my president?’ he told one of the many forums he attended advocating the idea of retaining the Queen of England as our head of state. The member for Warringah’s analogy no doubt reflects where he ranks women in our social structure and hierarchy. It is also entirely inconsistent with the arguments that he has been relying upon in the current debate over the abortion drug RU486—that is, politicians are best placed to decide whether women should have access to an alternative termination option. But the member for Warringah’s musings at least help us to focus the debate on the issue currently before the parliament—that is, whether the Minister for Health and Ageing should decide whether an alternative method of termination should be available to the treating doctor or whether it should be a matter for the health experts to determine.

All medicines available in Australia have to be approved by the Therapeutic Goods Administration and they are approved only for specific uses. Some drugs are approved for certain uses but not for others. Mifepristone is the only drug that needs the additional approval of the Minister for Health and Ageing. Under current law, the minister is not required to tell the parliament if he has rejected an application, nor is he required to give his reasons. He is only required to tell the parliament if he has approved an application. Again, he is under no obligation to tell the parliament why, nor can the parliament reject his decision. So much for his argument
that the existing system provides for greater public scrutiny and accountability.

No drug company has made an application to introduce mifepristone to the Australian market because such companies know that Tony Abbott will reject it, regardless of what the medical experts say about its appropriateness and whether or not it is safe to use. This stems from his total opposition to abortion. Yet, as I said earlier, in this country this issue has been legally settled well and truly. His position will not reduce the number of terminations taking place in Australia, of course; it will only reduce procedural choice. In the meantime, his determination to block the drug is also denying the many who seek hope in RU486 for the treatment of a range of other ailments, including those that fall under the banner of what we know as cancers.

RU486 has been approved for use in 35 countries, including the United Kingdom, the United States, much of Western Europe, Russia, China, Israel, India, New Zealand and Tunisia. Surveys in those countries show no increase in the number of terminations since the drug’s introduction.

Having studied closely the evidence submitted to the Senate inquiry, I will be supporting the bill to remove the minister’s power of veto. I will also be opposing any amendments to extend the parliament’s role in this important issue. I believe that this matter of choice is a matter for the experts.

The current debate, again, is not about whether abortion is right or wrong; we all find it troubling. It is not about whether it should take place in Australia. That, again, is a matter that has been settled by each of the state governments in every jurisdiction, where already termination is readily available in cases where a GP or specialist is of the view that continuing the pregnancy is not in the woman’s best interest.

I support the views of the member for Murray, as a member of this place who represents a rural electorate, that we must strive to give rural women better access and, therefore, greater choice in the determination of their lives and their health and wellbeing. In a country where the law is settled on the legality of abortion, women who face the distressing prospect of terminating their pregnancy should be able to choose the procedure that is least distressing in their circumstances and best for their physical and psychological wellbeing.

Mr WOOD (La Trobe) (9.41 am)—I rise to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. This bill, which has caused considerable public debate and strong interest from the media, is one that affects this entire country. In my electorate of La Trobe, I have been lobbied strongly by supporters of the bill and by those who strongly oppose any change to the current system, where the federal Minister for Health and Ageing determines whether RU486 should be assessed by the Therapeutic Goods Administration. The Therapeutic Goods Administration, the TGA, identifies, assesses and evaluates the risks posed by therapeutic goods. On the basis of its clinical and medical investigations, the TGA determines whether the goods are safe for use in Australia. If a drug is approved, the TGA subjects the drug to ongoing rigorous monitoring and reviews. It regulates all medicines but currently does not assess those that are deemed to be restricted goods under the Therapeutic Goods Act 1989. As a medicine that induces an abortion, RU486 has been defined as a restricted good under the act since 1996; therefore, currently it cannot be evaluated by the TGA without written approval from the Minister for Health and Ageing.

One step the TGA can currently take under the legislation is to grant approval for
RU486 to be imported under its Special Access Scheme; but, unfortunately, it is the practice that this scheme is frustratingly unworkable. This is because, even if an import permit were granted, RU486 would still be deemed restricted and the TGA could not evaluate it without approval from the Minister for Health and Ageing. Without such an evaluation, the TGA cannot provide the normal assurances for drug use on which doctors depend for their indemnity requirements. In my opinion, all drugs proposed for use in Australia should be assessed and evaluated by independent medical experts and not politicians.

There are those who say that any member of parliament who supports this bill is shirking their responsibility and is not prepared to make a decision for which they were elected. A flaw in this argument is that there are very few members elected to parliament who would be regarded as experts in this field, which is why we have a TGA to medically test and evaluate the safety or otherwise of drugs. But, to greater strengthen this argument, I have canvassed those most medically qualified in this House on whether RU486 should be referred to the TGA. I have canvassed Dr Brendan Nelson, Minister for Defence, from New South Wales; Dr Mal Washer, member for Moore in Western Australia; Dr Andrew Southcott, member for Boothby in South Australia; and Dr Andrew Laming, member for Bowman in Queensland—all members from different states and with different medical backgrounds but who, in their expert medical opinion, believe that RU486 should be referred to the TGA.

If the restricted goods provisions were removed from the Therapeutic Goods Act, the TGA could get on with the job of assessing the risks involved for Australian women in using RU486, just as it does in assessing so many other pharmaceuticals. RU486 has been approved in Western countries in Europe and in the United States, the United Kingdom, New Zealand, Russia, China, Turkey, Tunisia and Israel. This drug is a synthetic steroid and is used to induce what we commonly know as a medical abortion.

Supporters of RU486 state that a woman who has made the difficult decision to terminate her pregnancy could use RU486 during the first nine weeks of her pregnancy, although she could also induce in her second trimester. The woman would visit a licensed facility, where she would be given a specified dose by a medical professional and then return two days later to be given a prostaglandin, usually misoprostol. On taking the drug, the woman can expect an experience much like a spontaneous miscarriage, as described by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists.

Supporters also claim that RU486 is effective in 92 to 98 per cent of cases. Where the drug has been unsuccessful, a surgical abortion will be required, along with backup and medical care. Potential side effects can be internal bleeding and infection caused by retention of the products of conception. Supporters of RU486 state that the drug is a great leap forward for women from rural areas for whom medical access is often limited and also a leap forward for women with strong religious or ethnic backgrounds for whom privacy is very important.

I note that Dr Sharman Stone, Minister for Workforce Participation, who is here today from the rural electorate of Murray in Victoria, is a strong advocate of RU486 being referred to the TGA on the basis of complicated issues faced by women in rural electorates like hers of Murray when compared to inner city electorates. An article in the Medical Journal of Australia in 1997 entitled ‘Women’s satisfaction with medical abortion with RU486’ claimed that many women feel
much more control over the termination process when using RU486 and that the use of RU486 does not require anaesthesia or, indeed, risk damaging the cervix.

The Australian Medical Association President, Mukesh Haikerwal, argues that RU486 is safe and has been used overseas for many years, with the successful treatment of over one million women. On the other hand, opponents to RU486 such as Chief Medical Officer, Professor John Horvath, say that when a woman uses RU486 there is a significantly higher risk of experiencing adverse effects than when she opts for a surgical abortion. The risk to women is substantially increased where they are not close to doctors or hospitals that can handle emergency complications. As I mentioned earlier, women from rural areas are a particularly good example of the types of women who might benefit from RU486, but unfortunately it is these women who often live further away from doctors and hospitals who may find themselves in these risky situations, Professor John Horvath highlights.

Opponents also claim that a number of women have died when using RU486. Currently there are investigations into these deaths in the United States. Experts will meet in May to discuss this issue. They believe that the deaths occurred because of lethal bacteria caused by toxic shock syndrome in users. Statistics regarding deaths as a result of using RU486 vary, which is why the TGA needs to examine the drug for use in Australia. With so many varying options on the risks and benefits of RU486, it is imperative that we ensure that this drug is rigorously and independently evaluated. The Therapeutic Goods Administration is the leading body to undertake these evaluations and ultimately tell us whether RU486 is safe for Australian women.

I am greatly concerned with the number of abortions in Australia. The Health Insurance Commission estimated that in 2003 there were, tragically, 73,000 abortions, compared with the ABS figures which state that in the same year there were 251,000 births. However, I also point out, as stated in 2004 by the Minister for Health and Ageing, Tony Abbott, there are no reliable figures on the number of abortions in Australia each year.

I urge fellow colleagues to support a call for more funding for education to prevent unplanned pregnancies, and of course any education must also be targeted at the male population. From memory, I have not seen any major media campaigns on trying to prevent unplanned pregnancies, or if there have been they have simply not worked and need to be changed.

Finally, if RU486 is not approved, that is the end of RU486 in Australia. However, if it is approved by the TGA, this will provide a choice for women but it will not reduce the number of unplanned pregnancies in Australia. Again, that is why I call on politicians who have been elected to make decisions on behalf of their electorates to lobby for additional funding for education on preventing unplanned pregnancies; extra funding for the counselling of women to discuss options rather than having an abortion; and extra funding for women who decide to continue with an unplanned pregnancy.

Mr SAWFORD (Port Adelaide) (9.51 am)—I congratulate the member for La Trobe, because I think that in the latter part of his speech he identified the core of the problem. In a free and democratic society, the control of a woman’s body ought to be self-evident. There ought to be no doubt whatsoever. The control belongs to each individual woman. To suggest otherwise is to support a society to which I do not want to belong. If a prescription drug is involved,
obviously a woman’s doctor is a crucial part of decision making. If a prescription drug is involved, obviously the Therapeutic Goods Administration plays a significant role. However, in the final analysis, the choice of using either legal drugs or legal surgical procedures is for each informed woman to decide.

There are some basic fundamentals to which I believe a good society adheres. I believe in free speech. I accept that that belief can be contentious at times, but the belief is more important than the risk of overreaction by totalitarian groups. We should never forget that or be cowed by overreaction. I believe science should not be trumped by religion. Recent efforts to clothe discredited and nonsensical creationist views with so-called ‘intelligent design’ are no more than manipulative brainwashing. I believe that the beliefs and religious views of all individuals should be protected and defended. However, that protection and defence does not entitle the believer to dictate their views to others. I believe politicians ought to keep out of people’s bedrooms. The sexuality of any individual is not our business. I do not recognise same-sex marriages but I do recognise civil unions. I believe women should have control of their own bodies.

Many of the basic fundamentals and freedoms of a good society are being challenged throughout the world. Intrinsically there is nothing wrong with challenging existing beliefs, no matter what they are. Debate is healthy, but many of the challenges are not genuine. In fact, ‘attack’ describes more accurately the situation on many occasions. It has to do with propaganda; it has to do with denial; it has to do with power and control; it has to do with manipulation; it has to do with totalitarian brainwashing; it has to do with extreme fundamentalism; and sometimes it has to do with evil. Often that evil is clothed in seemingly plausible arguments, but it is evil nevertheless and it ought to be exposed and vigorously rejected. As occurred in the Senate, commonsense and goodwill will hopefully prevail on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 in this House when the matter comes to a vote—a vote to make consistent the application and approval of drugs into Australia. That is the proper thing to do: evaluate a drug as all other drugs are evaluated.

It is claimed by many that this debate is not about abortion—even the Prime Minister makes that point—and, technically speaking, that is correct, but ideologically and strategically that is not the case. Opponents of this bill are using the opportunity to debate the issue of abortion via the back door. Unfortunately, this is a de facto debate on abortion, and there can be no escape from that conclusion. The simple fact is that any debate on abortion divides all the participants into ‘for’ and ‘against’. There is no common ground and there is no consensus. A debate on abortion is totally unproductive.

A more responsible debate, as the member for La Trobe pointed out, a more honest debate, a more inclusive and unifying debate, but still a necessary debate, is the debate about how to prevent unwanted pregnancies. Is that topic on the national agenda? You bet it ain’t. The question to ask is: why? Is that notion promoted by church leaders and pro-lifers in Australia? You bet it ain’t. The question to ask is: why? In a debate on the prevention of unwanted pregnancies, no initial division of participants would occur. No-one would be excluded; belief systems would not influence the debate; past experience would be non-consequential; and emotional claptrap would be absent. Any exposition would be based on reason, substance, science, proper analysis and evaluation, rather than on style, propaganda and faith based dogma. Yes, goodwill and commonsense would be required, but that is what the overwhelming
majority of Australians expect of us in this place—to subjugate our personal prejudices and our personal beliefs and replace them with reasoned argument on all matters that come before this parliament. The current worshipping of the cult of celebrity, the massive egos and the drift towards a manipulative democracy, which is practised so increasingly by people both within and outside this parliament and in the media, is largely and rightly rejected by thinking Australians. It would be quite a positive achievement to reduce and diminish that worshipping of useless activity even just by a tad.

This is not a complicated debate. The TGA is the proper body to regulate drugs—no ins, no outs; end of story. It is the current process of excluding RU486 that is flawed, not the process suggested by this bill. I also reject the amendment, or amendments, being put forward by a dozen or so pro-life government MPs. I respect their view but, from a practical point of view, their amendments are unworkable and, quite frankly, silly. The Minister for Health and Ageing was reported as saying at the University of Adelaide in March 2004:

Even those who think that abortion is a woman’s right should be troubled by the fact that 100,000 Australian women choose to destroy their unborn babies each year.

The facts to substantiate that claim of 100,000 abortions are simply not available; why would you use them? Why would you use emotive language like ‘destroy’? Certainly the health minister qualified his comments to Adelaide university students by saying that no-one wanted to ‘recreate the backyard abortion clinics or stigmatise Australians who had abortions’. But did he consider alternatives? No. Is he genuine on this matter? I do not see the evidence that he is. The current reality in Australia is that abortions are available under state laws and, overwhelmingly, those abortions are conducted under anaesthesia and with surgery. As with all procedures involving anaesthesia and surgery, some risk is involved. With drugs, risks are attached too, and RU486 is no exception. As with anaesthesia and surgery, the use of RU486 has risk.

Let no-one in this place be deluded by claims that opposition to this bill is based on anything other than pro-life, personal or religious views. I do not have a problem with that. What I have a problem with is the claim that opposition to this bill is based on reasoned argument. It is not. As an example, take the health minister’s suggestion that Australia’s medical professionals could be irresponsible in prescribing or not prescribing any drug, including RU486. Quite frankly, that is an affront to the nation’s doctors and was rightly rejected by the AMA and other doctors organisations. If an individual doctor refused, because of their own personal beliefs, to prescribe on grounds other than medical science, the patient could at least choose another doctor.

The point that was also made by the member for La Trobe that politicians are accountable for their actions and bureaucrats are not is, as he suggests as well, spurious. Approval or rejection of RU486 is and should only be a technical matter, as it should be with all existing and all future drugs that come onto the Australian market. Accountability operates as with any other drug—no exceptions; no special treatment. Let the merits of the argument prevail.

In conclusion, may I again remind members as others have done that RU486 is available in 33 other countries. Some of them tell a story by just saying the country without comment: New Zealand, the United States of America, Great Britain, France, Sweden, Turkey and Israel—and we could go on.
In supporting this bill I am not asserting the safety of this or any other drug. Like everyone in this House, I do not have the qualifications to make that decision. But I have every confidence that the Therapeutic Goods Administration in this country does have that expertise and will exercise its responsibility to the benefit of the Australian people. I commend this bill to the House.

Dr JENSEN (Tangney) (10.01 am)—I would like to say at the outset that I am extremely troubled by abortion, and should in no way be seen as an abortion advocate. Clearly, there are too many abortions and, as others including the member for La Trobe and the member for Port Adelaide have stated, we need more education. In addition to that, we also need to ensure that women, prior to having abortions, actually receive the counselling that they should, as is enshrined in many states. However, this is not an abortion debate. Abortion, as has been stated, is legal in Australia. So what is this debate really about? The member for Port Adelaide is correct in saying that, at its core, this debate really is extremely simple and it has been way overcomplicated.

It all distils down to a really simple premise: parliament determines whether a procedure or a treatment is legal or not, given moral and ethical imperatives. That is where the moral and ethical arguments come into play. Once a treatment or a procedure has been determined by this parliament to be legal, analysis of the methods, treatments and drugs should be up to the professional body, the TGA. If it is deemed by parliament to be an illegal procedure—fair enough; the drug does not get evaluated.

There have been numerous arguments put by members in this parliament and in the other house. For example, Senator Joyce was suggesting that, if the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 gets up, members who voted for the bill would be responsible for any deaths that occurred as a result of RU486. Quite frankly, that is a spurious argument which could be turned around. It could be said that if RU486 is determined to be safer than surgical abortion then extra women that die as a result of surgical abortion have died as a result of members voting against the bill. I do not accept either of these arguments.

I have also heard arguments about the safety of RU486. Quite frankly, these are parliamentarians’ viewpoints, where they have obtained evidence purely to support a preconceived viewpoint. This is not the way to objectively determine safety. I have also heard arguments about elected people and not faceless bureaucrats making decisions. What are we doing here? I think that elected members of parliament are making a decision on this. Elected parliamentarians make decisions about treatments and procedures; domain experts determine whether a specific drug, procedure or treatment is safe. Hence, parliament is making a decision on the moral and ethical imperatives in determining whether these treatments or procedures should be legal; the TGA is actually making a decision on expert evidence. That is an area that is best left to the experts.

If we, as parliamentarians, get into the area that is best left to experts, then there is a whole area of unintended consequences. For example, let us examine RU486. It can be used for numerous medical treatments, not just abortions. In fact, RU486 was developed by Roussel UCLA as a treatment for serious endocrine disorders. It was not developed for chemical abortion.

Going back to the original bill in 1996, I was quite interested to read some of the comments by Senator Harradine. Senator
Harradine put out a briefing note during 1996 and read it into Hansard. He claimed:

A major factor propelling the research and promotion of the drug is its ultimate use in the armoury of population controllers.

As I said, Roussel UCLAF developed it for serious endocrine disorders. I do not see the population controllers getting involved in that aspect. Senator Harradine also stated:

The question should be asked: how were those drugs brought in and for what purpose were they brought in? The drug RU486 was principally developed to be used in developing countries for population control.

Clearly this is incorrect and clearly Senator Harradine was incredibly paranoid about the issue of population control. Apart from these arguments, at the time, in 1996, I agree that bringing in RU486 might have been problematic given that in WA alone abortion was illegal. That is not of concern today.

In terms of the other uses for RU486, there are possibilities for a number of medical applications, including inoperable meningiomas, Cushing’s syndrome, breast cancer, prostate cancer, glaucoma, depression, endometriosis and uterine fibroids. I have made contact with the University of Texas, which is currently undertaking research into the effects of RU486 on uterine fibroids. I am also aware of clinical trials sponsored by the National Institute of Mental Health in the United States using mifepristone for the treatment of bipolar depression. It has also been shown to be effective in surgically intractable Cushing’s disease or Cushing’s syndrome and other progestogen or glucocorticoid secreting tumours.

Prostate cancer is the most common registrable cancer in Australian men. Each year around 11,200 Australian men are diagnosed with prostate cancer, with more than 2,700 men dying each year from the disease. Each year a significant number of women have hysterectomies due to endometriosis or uterine fibroids. How many of us are aware of clinical trials involving RU486 being carried out to look at these aspects of the drug’s capabilities? As I said, clearly we do not have the expertise and we are not aware of these unintended consequences or additional research that is carried out.

The fact is that chemical abortions still happen despite the fact that at the moment RU486 is not legal. Unfortunately, as I said, the Harradine amendments have not prevented chemical alternatives for terminations over surgical terminations. The futility of having parliament or the minister blocking the availability of abortifacients is made clear by recognising that other drugs are already used to abort. In Sydney it was reported that a doctor had carried out 60 abortions using methotrexate, which blocks folic acid, which is necessary for cell division. Obviously, if the embryo does not divide its cells, the embryo dies. Another doctor prescribes misoprotol—Cytotec—which is a prostaglandin. This drug induces uterine contractions and can be very painful. In other countries it is usually used as the second stage after RU486. Here it is being used as the primary method. Chemical abortions are occurring, and will occur whether RU486 is legal or not. We are currently condemning women to suboptimal treatments.

This clearly demonstrates exactly why the issue of determining whether drugs should be allowed or not is best left in the hands of experts. What we parliamentarians need to decide is whether the treatment or procedure should be legal or not. This is the proper place for that debate, with all of the moral and ethical complexities that are inherent in it. The proper place once that decision has been made and affirmed is that the TGA, the expert medical body, should be making decisions on the safety, efficacy and cost of those alternatives.
Ms BIRD (Cunningham) (10.11 am)—Having listened to the contribution of the member for Tangney to the debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, I appreciate very sincerely the logic that he brings to it—and will make no attempt to emulate his capacity to get his tongue around the medical terminology. I extend that same appreciation to the member for La Trobe and the member for Port Adelaide, who spoke before me.

Because this is a conscience vote, I take the opportunity to put on the public record the reasoning behind my vote. I will be voting against the amendments and for the bill. As I am sure has been the case with all members, I have had extensive lobbying from both those who are supporters of the bill and those who oppose it. I will attempt to deal with what I see as the three main issues that have been raised with me in opposition to the bill and why I do not accept those arguments.

The first and most consistent position of those arguing that I should not support the bill is fundamentally an anti-abortion argument. There is obviously a deeply held and, I believe, sincere religious belief among many people who hold a religious belief—not all, but many—that abortion is not a moral option and that we should oppose it on those grounds.

The reality for people who have raised with me their concerns about abortion is that this debate and the vote will have no impact on whether or not abortion is a legal process in Australia. That is the responsibility of state governments. At this point in time, in all states, abortion is legally available under particular constraints that are in legislation. My argument to those people is that in many ways it is raising a false hope to say that this is an abortion debate. It is not. Indeed, at the end of the day, when we vote, what we are voting on is a decision that a woman with her specialist can make after having made the decision about whether or not to have an abortion.

The second level of concerns that have been raised by people asking me to vote against the bill are the safety concerns around the drug. Clearly, there is some controversy in some parts of the world. I do not intend to cover that issue at all, because I have absolutely no expertise on which to make those assessments. In this country we have legislation that determines which types of drugs are available and which are not—indeed, there are some drugs that we completely prohibit, for good reason. But when it comes to the decision about how safe and under what circumstances a drug should be available, we do leave that to the experts. I what I consider to be anti-Muslim comments made by the member for Hughes.

I am of an age where I have delved through the mysteries of life and the realities of living. I have a very profound moral structure that informs my life. It informs my position in supporting the right of women to access abortion. While I appreciate that some will not agree with the conclusions that I have come to, I would ask them to extend to me respect as a person who does not hold a religious view but is perfectly capable of having a profound moral structure to my life.
think the TGA is the appropriate place to review all the situations across the world—all the current uses of the drug, the advice of the international drug organisations—and to make a determination on its availability and the circumstances and safeguards under which it should be used. So my response to those who have argued the risk factors to me is that I think that is a perfectly legitimate argument, and a perfectly legitimate concern, but it is most appropriately dealt with by the TGA.

The final level of issues that have been raised by those asking me to oppose the bill are those about parliamentary responsibility. Many people say that, because it is a contentious issue—that is, not the use of RU486 but the availability of abortion—that the parliament, as the elected representatives, should have the final say. What baffles me with that argument is: what on earth are we doing here over these two days, if not taking responsibility for that debate, for considering how we want applications for that drug to be processed? I reject the argument that it is a failure of responsibility by the parliament in this debate to make a decision. What are people actually saying—that, in each and every case of the use of the drug, this parliament should review the circumstances of that individual case and decide whether it is a legitimate use of the drug? Of course not. Are we saying that we should review this each and every time another practitioner or organisation wants to use the drug for the purpose of abortion? In what way is that a higher level of responsibility than making a decision now about where that responsibility should lie and whether or not we are comfortable with the medical experts making a decision on its safety and efficacy?

I know there are genuinely argued concerns, and they are deeply held and passionate beliefs for many people. So I have attempted to sincerely go through the three levels of the argument and put on the record why I reject them. The options we have before us include two amendments, one second reading amendment and one consideration in detail amendment. While I appreciate the motivation behind the consideration in detail amendment, I believe there is a hidden motivation behind the second reading amendment: to gag this debate at the end of the day. I hardly think that is representative of parliament taking responsibility, so I will not support that amendment. I will not support the consideration in detail amendment that has been foreshadowed, because I think our responsibility is to make a decision now and to let the TGA get on with assessing the issues that it faces.

I am pleased that by and large in this House we have been able to have a civilised debate. I am sure that many of us have had fairly intense discussions with our colleagues, within our families and within our communities about it. I am more than comfortable that this bill represents what I have reached as a well-considered view within my moral structure of life. I will be supporting the bill.

Finally, I want to put on record my appreciation for the men in this House, across all parties, who have appreciated that this debate does have a deeper resonance and significance for women. The reality is that when many women find out they are pregnant it is a moment of intense joy and excitement. But there is a different reality for women in the physical carrying of a baby and in giving birth. I think that has been recognised in many ways in our society. The challenges of this, for some women, are also pretty devastating. If you look at the data on abortion worldwide, there are many women of varied religious beliefs, various ages and various socioeconomic backgrounds in these circumstances. I do not like to portray them as defenceless, unresourced, poor women who
have no other option. I think that is a very false structure to put around it. For many of those women it is a very difficult decision; for some it is not. For those women the reality of that decision and that choice is profound. The rest of us who know what that difficulty can be feel that it is difficult to listen to people who will never actually be faced with that reality express an opinion.

I see my colleague at the table the member for Grayndler, who I thought put it in the best words: if you do not have a womb, you really cannot quite appreciate this. I think that men who reach out and try to be empathetic to those women are to be profoundly congratulated. While it should not prohibit anybody from this debate I think an appreciation and an empathy with those issues is very much appreciated. I wanted to put that on the record as well.

Mr COSTELLO (Higgins—Treasurer) (10.21 am)—I would like to begin by thanking the many constituents who have contacted me, both for and against the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, and who have put their views to me. To each and every one of those constituents I have given the assurance that I would consider the matter carefully, that I would weigh the arguments and that I would take a decision after very careful consideration.

It is illegal to import, manufacture or supply therapeutic goods unless they are registered in the Australian Register of Therapeutic Goods. A person may seek to have such goods registered by making an application in accordance with requirements set by the Department of Health and Ageing. In practice, the application is considered by the Therapeutic Goods Administration, the TGA, although entry onto the register is a matter for the secretary. In order to be registered, the goods must be shown to be safe for the purpose for which they are intended and to have efficacy for the purposes for which they are to be used. This is the essence of the registration on the Australian Register of Therapeutic Goods. It is designed to protect the public from unsafe medicine, unsafe manufacture of medicine and false claims about the properties of medicine. As I have said, the entry onto the register is made by application and supported by scientific evidence. In one case, however, the procedure is different. That is the case of restricted goods. Restricted goods cannot be evaluated, registered or listed without the written approval of the minister. Restricted goods are medicines intended for use in women as abortifacients, and they include RU486. The bill before the House would remove the definition of restricted goods and leave the procedure for the registration of these goods the same as it is for any other goods to be entered on the register.

A lot of the commentary on this bill has revolved around the rights and wrongs of abortion. This bill does not affect the law on abortion. The law on abortion is set by state statutes or by state courts that have laid down the common law. In general terms abortion is legal if it is performed to prevent some serious danger to a woman’s mental or physical health. I think this is an appropriate test. I think it is now a settled test in Australian law, and I would not change it.

We all come to this debate with our own personal experiences. Our personal experiences colour our outlook on this most personal of issues. I think it is common knowledge that when my wife, Tanya, was pregnant and unconscious in hospital some 18 years ago I was faced with this terrible situation. I was advised by expert medical opinion that the pregnancy was complicating the medication she would need to survive. She was unconscious. I was faced with a choice—an awful choice—but the choice I made was to continue with both the treat-
ment and the pregnancy. By the grace of God, both survived. But I have no doubt that the law should not have prevented such a choice, that the law should allow a choice where the physical or mental health of the woman is at risk. By the same token, I would do everything I could to dissuade people from taking abortion as a first choice. Only in those limited circumstances do I believe the law should permit it. Rather than being a first choice, I believe it should be a last choice.

I cover these issues only to restate my views and put them on the record. Again, let me reiterate. This bill is not about abortion. It is not directed at changing the abortion law, nor is it directed at changing the enforcement of that law. RU486 is not currently registered in Australia. It could be registered under the current law. It could be registered under the law as amended by this bill. But, whatever happens, the law on abortion will not change.

The issue that the bill before the House raises is the procedure to apply if an application is made. Some will say that the requirement for the approval of the minister makes it less likely that the application will be made. They point to the view of the current minister. Can I say I am totally uninfluenced by that. The minister will change. I have served in this parliament with many ministers; I expect to serve with many more. Some have been anti-abortion and some have been pro-abortion. Getting the approval of the minister would be easy under the latter and hard under the former. But the approval of the minister will change as the minister changes. What we should be doing is thinking of a process that will have integrity under ministers of different views and, inevitably, under ministers of different parties. The current Minister for Health and Ageing is a dear friend of mine. I do not consider the amendments of this bill to in any way represent a rebuff to him or his competence any more than the decision to give the interest rate setting function to the Reserve Bank of Australia was a rebuff to my ministerial capacity. The critical thing is to have a structure that has integrity and works to the benefit and safety of the Australian people.

It is said by some that requiring ministerial approval is a necessary condition to preserve the sovereignty of the parliament and keep decision making in the hands of elected officials. I am a great believer in the principle of parliamentary sovereignty, of keeping elected officials accountable and of giving them the capacity to make the decisions for which they are held accountable. But I believe this is what we are doing here. As a sovereign parliament we are taking the decision here and now, in a way for which we are accountable, for a procedure that will apply to an application to register RU486 if one should be made. If the procedure leads to a bad registration, the parliament could legislate to overturn it. The fact that the parliament, through legislation, delegates the decision does not lessen its power or its accountability, provided that the parliament retains the right to withdraw that delegation or to overturn the decision of a delegate.

Having said all those things, that leads me to conclude that a proposal to make decisions of the Therapeutic Goods Administration disallowable instruments is a proposal which the parliament could not easily refuse. I will listen to the debate carefully in the consideration in detail stage, but in principle I believe in parliamentary control over all these decisions.

I have read the Senate Community Affairs Legislation Committee report on this bill carefully. In the limited time available to me I do not have the time to go through the precise findings it made on the safety of this drug. It noted that the drug has been ap-
proved in many countries. It reported that serious complications are rare and adverse complications quite comparable with other approved medicines, some of which are even sold over the counter. There is no suggestion that this drug would be sold over the counter, nor should it be. If it were registered it would only be available on prescription from a qualified medical practitioner for treatment under close medical supervision. Any wider application would call for immediate intervention and restriction on the terms of its availability. The Senate committee reported that it could find no evidence that the availability of RU486 in countries where it is registered had led to an increase in the rate of abortion.

The main objection to the registration of the drug by those who reported against it in the Senate committee was safety concerns. In my view these safety concerns should be carefully evaluated by the Therapeutic Goods Administration. From my reading, guided primarily by the Senate committee and the evidence before it, the safety issues are not so overwhelming as to prevent an application going to the TGA if an application is made to do so.

In these circumstances I support a uniform procedure for applications and registration under the Therapeutic Goods Act and not one that applies a different procedure for one class, the class of restricted goods, of which RU486 is a part. In those circumstances and on the basis of the conclusions that I have drawn, I will be supporting this bill but make it clear that the sovereignty of parliament is such that, at any stage, if the registration or use should go outside the understandings that we have been given, parliament, as sovereign, has the right to intervene both as to the procedure and to matters following from it. In those circumstances I believe the matter can go to the Therapeutic Goods Administration and I will support the bill as it stands.

Mr QUICK (Franklin) (10.34 am)—Before I start my speech, can I compliment the Treasurer on his superb speech here this morning. It is a wonder that we do not have more conscience votes, because we have to speak from our heart, examine our soul and look at all the options on a very contentious issue. In his speech the Treasurer has done that, and I admire him for his frankness and honesty in dealing with a very complex issue. I want that on the public record.

Like everyone in this place, I have been inundated with emails both for and against this issue. As past President of the Parliamentary Christian Fellowship and now the Secretary of the PCF, it has been interesting. We had our breakfast this morning and the first topic of conversation before we said grace was the whole issue of RU486 and the different points of view. I know members in the PCF and members generally have thought long and hard on this issue. It is not an easy issue. There are no party guidelines to carry you through in a comfort zone. When the whips call the numbers, they will not have a role in this, as they did not have a role in the euthanasia debate. I supported the Andrews amendment on euthanasia, and I know it caused some angst in my family.

As people have said, we are elected here. There have been 1,018 members of the House of Representatives since 1901. We are a privileged group of people. We carry an enormous load on our shoulders. When people expect us to make decisions, we do not make them lightly. Those of us who are here—in most cases, not for a very long time; those who serve more than three terms are the exception to the rule—do look with great honesty at the issues. I know for a fact that quite often I am at discord with my party on some issues, particularly in the area of the war in Iraq. My pacifist views have got me into lots of trouble.
I am somewhat upset by the extremism in this debate. Whenever the ‘a’ word is used in this place and in the media, there are two extreme points of view. As a male, and as a member of this place, when it comes to issues of women’s health and safety and procreation, I do not have the temerity to impose my views. I have two wonderful daughters, Sarah and Hannah, and I have obviously discussed the issues with them and with their mother. I guess, being a member of the PCF, there is an expectation that I am a devout Christian and understand the words in the Bible. It worries me that there is a sense of fundamentalism creeping into this debate, which I think clouds the whole issue.

As the Treasurer said, in parliament we delegate. We have set up departments, and ministers are responsible for the conduct of those departments. For the last week on this side of the House we have been examining the conduct of departments and agencies that are under the control and purview of this wonderful place.

This is not an easy issue. We have heard about six women in the US dying after they were given RU486. We have heard of Canadian and European examples. Of course we are concerned. I rely on an insert in one of my arteries to keep me alive and I take a little pink pill every day to make sure that my blood is thin so that I can survive. When I was asked about whether I wanted to do this, I was told, ‘There is a one-in-five chance of having a stroke if you do this, that or the other.’ Of course I am concerned about medical responsibility, the use of drugs and the like—we all are. Those of us who are lucky enough to serve on the committees that examine this issue do so with great foresight and insight. We listen to the experts. As with all issues, you can listen to scientists on one side and scientists on the other.

As I said at the outset, I welcome the opportunity to listen to the points of view of the 150 members in this place. It is interesting that the galleries are a lot fuller than usual today, as they were yesterday—and they will be tomorrow when the vote is taken. People are concerned. I oppose the two amendments because I think they muddy the water and cloud the issue. I have great respect for the member for Lindsay and the member for Bowman—one has been here a little longer than the other. I know they put forward these amendments in all good faith. But, as the Treasurer has stated, we have a responsibility in this place, and we have delegation. The TGA is an excellent organisation. It has the very difficult task of regulating the whole issue of therapeutic goods. I look forward to listening to the debate. At this stage I am going to vote against the two amendments and support the bill.

Mrs HULL (Riverina) (10.41 am)—There is a need in this debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 to counter a range of misrepresentations about the history of the use and about the safety record of the drug RU486. There has been an enormous amount of debate in the House on this issue and there will continue to be. Some of it will be enormously repetitive. Unfortunately, that is the nature of this debate.

This debate is concise in its intent. It is to determine if a member of parliament—a single member of parliament of any political persuasion—should decide on the safety of a drug or whether the TGA, the body that assesses all other drugs, should be the responsible determinant. There is an important significance in separating politics from decisions on the safety and efficacy of medicines and decisions on the establishment of selective criteria and guidelines for the use of medicines. All decisions regarding medical
evidence and safety measures et cetera on any drug should be made on the basis of expert evidence, not on a possible political agenda. This does not mean that the current minister’s capabilities are at all in question here. I personally happen to think that Minister Abbott is one of the best health ministers that the parliament has ever had. I have been consistent in advising him of this. But what would happen should Minister Abbott not be the health minister? Imagine having a rampant and pro-choice health minister from any side of the parliament who could make such a drug available without a clear and transparent scientific assessment process. I suspect that we would then face calls from our constituencies right across Australia to have an independent authority that is charged with the responsibility for the assessment and approval of this drug.

Since 1989 the TGA has fulfilled all of its roles in assessing and monitoring over 50,000 serious drugs. Some of these drugs are very toxic and they are made available to all Australians. With improper use they can be detrimental to people and can certainly cause death. The TGA has also responsibly refused some of the applications to make drugs available, due to its rigid and strict assessment and public health protocols. I have certainly been involved with the TGA processes in my quest to have a naltrexone implant trialled and made available for those people who are addicted to heroin. A naltrexone implant should have its safety and efficacy proved or not proved, rather than a decision being based on the hype and emotion about the possibility that a death which occurred in trials some time ago may have resulted from taking an oral naltrexone tablet.

We as a government have relied on and accepted the TGA’s advice on all other contentious pharmaceuticals. We have accepted their rigorous process. We have accepted that their scientific analysis and evaluation is a right and proper process, yet we do not accept it for this drug. One thing that should be discussed in this debate is just how an evidence based evaluation of a drug’s safety can put women at risk. This is about an evidence based evaluation, and I do not see women being put at risk by an evaluation process.

The question is just why we should not be entitled to have the weight of medical evidence considered so that we have a factual judgment about the risks associated with a drug, rather than the ill-informed, emotional, misrepresented hype that we are currently experiencing. I can honestly say, as others have said in this House, that I have never before been exposed to so much misinformation on any issue that I have had to make a decision upon. I do not blame the people who are relying on this misinformation, because they simply do not have access to factual accounts. They are being substantially influenced by this misinformation and propaganda campaign, and this is very unfortunate.

I am not at all asserting that people would agree with this bill if they were aware of the real facts. Of course they would not, as it is clearly for many an issue about the abortion factor of RU486 and their genuine objection to abortion under any circumstances or by any means. I, for one, respect the right of all of these people to hold this view. However, I do not believe that we are debating the rights or wrongs of abortion.

I understand that many people in the Riverina will be bitterly disappointed—they are bitterly disappointed; they are advising me of that—with my decision to support the bill as it stands before us. That saddens me—not because I am worried about my votes at the next election, because I absolutely accept any decision at the ballot box. If I am voted in, I will always give 100 per cent effort.
However, if I am not voted in, I have a wonderful life to lead, with a wonderful husband, children and grandchildren, and some day I look forward to leading that life. Yet I do still feel sad, because I genuinely care very much about the many views of the constituents across the Riverina. To know that many will feel that I have not done the right thing in this debate does fill me with sadness. But, as I said, it is not because I am seeking their vote; it is because I genuinely would like to do the best that I can in my representation on their behalf.

Of course, there are those who are making personal judgments on my morality, and this I absolutely object to. There has been so much hype and emotional blackmail fired at me that is totally out of line and unacceptable, and I feel that I have exercised great tolerance of the accusing abuse, simply because I can understand why people get upset on an issue that may see a woman making the decision to terminate a pregnancy. But I do not feel that anyone has the right to judge me for doing the job that I was put here to do—that is, to weigh up all of the factual evidence I can, to make a decision and then to have the courage to stand here and be counted.

So, if you believe that I have taken the wrong stance and because of that you have no confidence in my representation on all other areas to do with the Riverina and its issues, I accept that. I absolutely accept that, and I have no argument, nor do I have any defence. However, I do not believe that anyone has the right to judge my morals. There is only one maker that I am answerable to, and I have no concerns about that day.

I will make reference to my view on abortion, lest it be said that I tried to hide from this issue by asserting that this debate is not about abortion. I do support a woman’s right to access a termination if she finds herself confronting a situation that, by the grace of God, I have never had to face. I have so much in my life to be grateful for, and this is one decision that I have been spared from making. I have seriously thought about it over the last few months, and I have asserted that it is a decision that I could not personally make. But, in a conversation yesterday, it became apparent to me that I could not say that, because I would not know the decision that I would make until I had actually been placed in that position.

It is obvious that my age means that I will never have to make that decision, but I will certainly not make judgments for those who may make this decision. What I will do is cast a vote to put the assessment of the safety and efficacy of RU486 into the appropriate place, in order that the rigorous analysis that the TGA employs on all other drugs can be applied. Should that assessment pass health and safety tests, then it is up to others to determine for themselves whether they will ever access that drug. I would hope that the decision to terminate a pregnancy would be a last resort and the very last choice that any woman, her partner and their families have to make. However, I firmly believe that, whilst it should be the last choice, nonetheless it should be a choice.

I would like to dispel another misunderstanding by the people who are claiming to me that RU486 is a do-it-yourself abortion procedure that will see the purchase of RU486 over the internet and almost without question. They are absolutely wrong. Medical abortion is not a do-it-yourself option. The facts are that you need to comply with the abortion laws of the state where you reside and that, whether it is a medical or a surgical termination, it requires medical oversight and approval. If a state requires the satisfying of mental health or physical tests or any other reason for a surgical termination, the same conditions will have to be sat-
isfied, should this product be proven, available for the market and able to be utilised for a termination.

Another factor that needs to be considered in respect of RU486 is the benefit it brings as a treatment for inoperable tumours and cancers, including breast cancer and prostate cancer. Whilst there is a claim that RU486 has claimed lives, and that is true, it must also be said that RU486 can save lives, and that is also true. It has been stated in correspondence to me that RU486 is currently approved by the TGA for those illnesses but, factually, that is not correct. The Secretary to the Department of Health and Ageing acknowledged only last year that only a very small number of cancer patients had gained any access to RU486.

I again remind the House that, although I feel compelled to address the issue of abortion in this debate, simply because the debate has been hijacked towards this area, I am only charged with making one decision. That decision is about the correct procedure for all drug assessments in Australia. I assert again that my vote is nothing to do with a vote of no confidence in Tony Abbott, the Minister for Health and Ageing. In fact, it is a vote of no confidence in the procedural position that we have found ourselves in.

I have been emotionally hit by the contributions of member after member, who have stood in this parliament and emotionally outlined their justification for doing the job they were put here to do. This issue has had members reaching into their past, their present and their future. Members have questioned themselves—many to the point of exhaustion at times—and it has hit me that there are far too few people out there in voter land who really have any idea of the difficulty in terms of commitment that members of parliament face. I am proud of each person who has stood in this parliament on this debate, no matter what decision they have come to, because I know that each of them has put themself through a personally confronting process in order to come to their position. This is what true democracy is all about. I support the bill as it stands in the parliament.

Mr GARRETT (Kingsford Smith) (10.54 am)—I rise in support of the comments of the member for Riverina and others in the House and in support of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. As this debate allows for a conscience vote of members in this House, I do not claim to speak for all the people in Kingsford Smith—some are opposed to this bill and some are in favour of it. In this instance, I only claim to speak for myself, and I say to the people in Kingsford Smith that I have thought long and hard about this issue and I hope they understand my reasons for coming to the decision to support the bill.

Primarily my reason is a simple one, and it has been stated by others. I do not believe that the bill before us is about abortion at all, although the debate surrounding the bill has understandably expanded into that domain. This bill concerns the appropriate way for a drug to be regulated and approved, and it is on that basis—on the substance of the bill itself—that I have come to the view that I should support it. I believe that the question of appropriate drug approvals and regulations is separate and distinct from broader discussions about the merits of the matter, which go to questions of belief and values—factors that are important for me but which are not the nub of this debate or this legislation.

For those many Australians who have strong concerns about abortion—and I share some of those concerns, albeit from my own perspective—I think the issue properly turns
on whether or not the approval of a drug of this kind would automatically increase the number of abortions that take place in Australia and would expose women to additional health risks. On a thorough reading of the available evidence and on consideration of the points that have been brought to this debate by other members—and by senators to the debate in the Senate—I do not believe that this will be the case. As the member for Riverina properly said, what should concern members is that this debate is about an evidence based evaluation of whether or not there is a safe drug available for women who are considering this most serious of matters.

I listened carefully yesterday to a number of contributions honourable members made. I acknowledge the depth of feeling in the House. I thought the arguments and the views advanced by the member for Murray in support of the bill were well made. I note too that the bill has come to us as a bipartisan bill. It has come from women senators, and a majority of women in the Senate voted in favour of that bill. I note too that medical practitioners with medical expertise within the parliament are speaking in favour of the bill. I note that the bill has come to us as a bipartisan bill. It has come from women senators, and a majority of women in the Senate voted in favour of that bill. I note too that medical practitioners with medical expertise within the parliament are speaking in favour of the bill. It is true that some are speaking against it—and, in terms of the respective amendments that are before us, I believe they would only add more confusion and more layers to what properly ought to be a fairly straightforward decision: that is, what is the most appropriate body to provide the regulatory framework and the approvals framework for a drug of this kind. To that extent and even more, I support the bill.

Mr EDWARDS (Cowan) (10.58 am)—Like others in this place, I have listened intently to the debate and to the various arguments put by both sides of the House since the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 was introduced yesterday afternoon. I have always publicly opposed abortion and have voted according to my beliefs and my conscience as a member in a state government in a previous political life. Of course, the question of the legality or the availability of abortion is one for the states.

As others have said, this is not a debate about the legality or availability of abortion. This is a debate about a restricted good, a restricted drug. It is a debate about who should be responsible for the evaluation, listing, registration or importation of that drug, RU486. The argument here is whether this drug should be assessed by the TGA or whether the responsibility should remain the prerogative of one person, being the minister for health.

I agree with many who have spoken in this debate who have said that there are far too many abortions in Australia. I agree. That is a concern that I share with them. It is interesting to note, then, that while we may agree that there are too many abortions in Australia there is no evidence at all to suggest that the incidence of abortion in Australia would rise if we were to support this bill. Indeed it has been pointed out in the course of the debate that in other countries where RU486 is available abortions are lower in number than they are in Australia. We should ask the question: why is that the case? Why is it that other countries have a far lower rate of abortion than we do here in Australia?

I suspect that it has a lot to do with the issue of proper sex education. It seems to me
that for too long in Australia members of parliament, state and federal, have been running scared of those people who come out and criticise and threaten us whenever it is considered that we should turn to a more enlightened sex education being taught in our schools and whenever it is suggested that we should run more public, higher profile campaigns on sex education, on the practice of safe sex and on the practice of prevention. I think it is time that we really did focus on some of the things that are being done overseas. It is time that we had a good, hard look at why it is that other countries seem to be able to do these things much more successfully. Indeed, it is time that we brought the debate out of the dark and into the light. If we are going to lower the incidence of abortion in Australia, these are the things we simply must do.

The question is whether the minister should be the one to make the decision in relation to this drug or whether this is a decision that should be taken by a woman in consultation with her family doctor. If it is the latter, as I believe it should be, then that doctor and that woman should be able to take the decision based on the knowledge that this is a drug that has been properly evaluated by the most appropriate people. Of course the most appropriate people are those with the training, the knowledge, the experience and the expertise—they are the people who make up the TGA.

In making up my mind as to how I would vote, I have listened to the arguments. I must say I have largely been swayed by the member for Moore, in Perth, Dr Washer. The seats of Moore and Cowan are joined. I have a fair bit to do with Dr Washer from time to time. I listened to his speech when he introduced the bill yesterday afternoon and I thought he did an excellent job in the way he presented the arguments and in the way that he set the scene for this debate. I was also very impressed with our own Julia Gillard when she responded in a like way. I think between the two of those people they have set the scene for a very mature and even-handed debate. Dr Washer, when he was a GP, was my mother’s doctor when she was aged and when she was quite ill. She had a great deal of respect for his judgment, and it is a respect that I, too, have and want to acknowledge. I have been swayed by Dr Washer and I thank him for the way that he has presented his arguments in this parliament.

I have also received many emails and a number of letters, just as every other member in this place has. I have had many phone calls in my electorate office and of course over here in Canberra. I have listened to the arguments that people have put. There are many arguments on both sides of the point—many arguments for, many arguments against. But there can only be one vote. That is my conscience vote. I will be supporting this bill. I will not be supporting the amendments. I will support the bill as it stands.

I just want to quote one of the many emails that I have received because, for me, it really has summed up the pertinent points of this argument. It says:

Dear Graham Edwards,

As a member of your electorate and a labor voter—I might say that this could just have easily been a National Party voter or a Liberal Party voter—that is not the point—I am emailing you because the Federal Parliament will soon be deciding whether a politician or health professionals will determine access to the drug RU486. used to treat serious illnesses including cancers and brain tumours and to terminate early pregnancies. While this issue has become the subject of heated debate about abortion I believe that the greater issues here are whether medical professionals or politicians make such decisions now and in future, and the rights of Australian citizens to choose their medical treat-
ments from the full range available. Clearly the way in which the legitimate use of RU486 in varied applications has been prevented solely on the grounds of personal views of politicians regarding a single application of the drug, makes it clear these decisions are more appropriately made by health professionals. I therefore urge you to make your vote on this matter mindful that this is not simply a vote for or against abortion but one encompassing far greater issues affecting the rights and freedoms of all Australians. I ask you to vote to remove the health ministers veto on RU486.

Yours sincerely ...

and we do not need the person’s name. As I have said, I have read the emails and the letters and I have listened to the phone calls; I have evaluated them. I have listened to the debate. I feel very comfortable in my decision to support the bill, for the reasons largely set out by one of my constituents.

Mr JOHNSON (Ryan) (11.09 am)—I am very pleased and very honoured to have the opportunity to speak in the House of Representatives, as a member of this parliament and as the representative of the people of Ryan but on this occasion also in my own capacity just as Michael Johnson, a citizen of this country. I am pleased to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005.

This is the second occasion on which I have been given the opportunity to speak on a bill in the parliament where the Prime Minister has allowed a free vote or a conscience vote; the first was the Research Involving Embryos Bill 2002. At the outset, I express my thanks to the Prime Minister for affording individual members and senators this opportunity. Indeed, my own view is that this parliament should perhaps have more opportunities for free votes or conscience votes; but that is a debate for another day.

I also want to declare my personal respect for and understanding of the views of all my colleagues in the parliament. I know that this vote is very difficult and confronting for many of my colleagues in the parliament; for others, that may not be the case. I also want to thank the hundreds of Ryan residents who have taken the time to call my office, to email me or to write to me expressing their personal views. Almost all those who have taken the time to contact me have expressed their views, one way or the other, in no uncertain terms. In all cases, I have welcomed their contact very much.

As for my own position, I have expressed it publicly and privately. I will be supporting this bill in its current form. I will be voting for the passing of this bill here in the House of Representatives chamber. I will be voting to take away from the Minister for Health and Ageing responsibility for the approval of this drug. In holding this position, I am comfortable with this decision, I am at peace within myself and my conscience is clear and strong. I am comfortable in supporting and voting for this bill, both as a citizen of this country and in my professional capacity as the elected representative of the people of Ryan. I will be voting in favour of this bill, irrespective of the position of those who have lobbied me one way or the other. I know that with my vote I will be angering and deeply disappointing the views of many Ryan residents. Equally, I know that by voting in favour of this bill I will be pleasing many other Ryan residents whose views coincide with my own. To me, this is not the point, as this is a conscience vote.

I believe that, this being a conscience vote, it is incumbent upon me nevertheless to try to explain the reasons for my position; I believe I owe that to my electorate. At the outset, let me say that any abortion or termination of pregnancy is deeply regretful and deeply sad. One abortion is one too many. As far as is humanly possible, we must do all we can in this country to minimise the number
of abortions there are. As members of parliament and as a national government, we must do all we can to educate our citizens, especially our young people, about the implications of termination. We must step up and make uniform in our schools across the country the content of our sex education. While this alone will not eliminate the number of abortions there are, surely it will have some positive impact. Surely it will help some young Australians in the future to prevent situations where unwanted pregnancies might arise.

I want to reiterate the fundamental legal position on abortion in our country. As the law stands today, in February 2006, abortion is legal in certain circumstances in the states and territories of Australia. It should also be made clear that abortion in this country is entirely a matter for the state parliaments of this country. Therefore, this bill is not about the legality of abortion per se. In all the intense lobbying and the strong and emotional debate, I have found this fact to have been overwhelmingly ignored. If we want to change that position, we can have a debate about the legality of abortion. However, at this time the position in this country is clear. We have had the debate about legality and I am disappointed that some colleagues and many in the community have tried to portray the current debate as an abortion debate; we had that debate three decades ago. This bill is not about making abortion legal or illegal.

Due to time restrictions, I will restrict my remarks to dealing with what I believe is the central issue in this debate. In my view the central question which confronts me in this issue is: who is best placed to make the decision on the usage of the drug RU486? This is the fundamental question. Is the health minister of the day best placed to make this decision or is it another individual, another organisation or another body—in this case, the Therapeutic Goods Administration, the federal government’s regulator for drug approval?

In my view this issue is not about politics; rather, it is about health. This issue to me is entirely about the health and the wellbeing of the individual woman in question. It is not about health policy or the government’s management of health issues. It follows, therefore, that in my view the health minister of the day is not the best person to make decisions in relation to this drug and its approval. I want to echo the sentiments of my colleagues in terms of the current health minister, the Hon. Tony Abbott. This is not about a vote of confidence in the Minister for Health and Ageing. Indeed, I wish to say unequivocally in the parliament that, in my view, Mr Abbott is doing a splendid job. He has my complete respect and my support as the nation’s federal health minister. Rather, this bill asks me to determine in good faith whether a politician or a health professional is better placed to decide on the suitability of a drug for usage by Australian women. In this counterbalance, surely professionals are better placed to make the decision, not members of parliament or an individual minister.

If it is not to be the health minister, who should be giving the approval for the use of RU486? In the context of this bill and this debate, the alternative of course is the TGA. The TGA has probably never received so much attention or publicity than it has in recent weeks. In my view the TGA is a world-class organisation and Australians should be proud of its international reputation. The TGA is a unit of the Australian government’s Department of Health and Ageing and is the expert body that should be charged with the responsibility of overseeing the approval of drugs such as RU486.

I do understand that one of the strongest reasons given by those who do not support this bill is to contend that, by giving the TGA
the responsibility to determine approvals, the parliament would lose accountability, that somehow the government and the executive would be subservient to the TGA, to health professionals or to like-minded organisations as an extension of government. With the greatest respect to my colleagues who assert this position, in my view this view simply does not wash. By investing the responsibility of making approvals in the hands of the TGA, we do not in any way whatsoever diminish the standing or the status of the Australian parliament. We do not diminish the authority, the prestige or the accountability of the executive, the minister or the parliament. The parliament in our Westminster system will always remain supreme in this nation. It is the parliament which ultimately gives the executive and the Prime Minister the authority to govern this country.

From time to time every government delegates its authority to agencies, to tribunals or to other bureaucrats who have professional knowledge or expertise in a particular area. We have all kinds of tribunals and panels given huge responsibilities and powers to make decisions which governments or ministers feel are inappropriate for them to make or which they feel they should be at arm’s length from. Immigration tribunals are a good example, and I only give that one example due to time restrictions. I reiterate that at all times the parliament of Australia remains the ultimate legislative authority in this country and has the right to revoke any decision or law it has previously made.

While I understand that research into RU486 has shown that it can be used successfully in the treatment of a range of illnesses—including, as I understand, brain tumours—there can be no mistake that in the context of this bill and this discussion this drug is all about a particular purpose. The debate is about the approval of the drug RU486 and its application to the termination of unwanted pregnancies. Many people believe that human life begins at conception. I respect very much those who hold that view. I do not personally believe this to be the case. Some have argued passionately that this bill will promote more abortions in this country. I do not accept this view either. I cannot bring myself to accept that a woman would determine to have an abortion lightly. I am sure that some would make that decision more lightly than others but surely not with ease or indifference. I am sure that those decisions would remain with those women for the time of their natural life.

In the debate on this issue, I have found some of the presentations by my colleagues troubling in their personal attacks and in the way they have cast aspersions on opposing views held by other colleagues. In a conscience vote there must be complete respect for and appreciation of the views of others. In a conscience vote there is no call to accept the views of colleagues, but there is a call to respect and understand the views of colleagues. Clearly a diversity of opinion will emanate from within one’s own party, as will be the case in this debate. Some of the debate has been emotional, and that is clearly understandable, but some of the remarks of some of my colleagues have been truly unbecoming to their office and status as members or senators of the federal parliament. I regret that some colleagues have tried to create maximum attention for this issue through political cheap shots and stunts.

The decision a woman makes to terminate a pregnancy is surely a deeply personal one and a terribly difficult one. It must surely be one of the most heart-wrenching and traumatic decisions a woman can make, either alone, with her partner or with her family. I can only imagine what it would be like to have to confront such a decision. It is my prayer that I will never have to confront such a decision. However, in this debate it is my
view that ultimately such a decision should be the decision of the woman. It must be based on her own circumstances and life situation, not coloured by the politics of the times or constrained by the beliefs of individual members of parliament. Where the law of the land has already deemed that the termination of pregnancy in certain circumstances is legal, it is incumbent upon us all to make it as safe as possible for that woman. As I speak at this time, in my view the safest way of approaching this issue is for the TGA, the federal government’s own body of experienced medical professionals, to assess all possible medical alternatives, including the drug RU486.

In conclusion, I want to express again my thanks to those in my electorate who have contacted me to express their very deep and very personal views on this bill. I also want to compliment my colleagues from both sides of the House and on both sides of this issue who have taken it upon themselves to conduct this debate in a mature and respectful manner. There is nothing inconsistent with holding very strong views and being able to present those views in a passionate but respectful fashion. There is absolutely no need or place in the Australian parliament for members and senators to express their views in anything but a respectful and courteous fashion.

I began by saying that coming to this decision will be very difficult for many of my colleagues. Again, I take this opportunity in the parliament to express my respect for the views of those colleagues on this issue. Due to the often difficult decisions that governments and members of parliament have to make, we are often portrayed in the community and by the media as callous or indifferent. Of course, as a member of parliament I absolutely repudiate that view, and I hope very much that all members and senators stand shoulder to shoulder with me in rejecting a view that devalues the parliament and devalues the status of the office we hold as representatives of the people.

I would like to think, therefore, that this debate has revealed a more human side to those who serve in this parliament. In particular, some of our colleagues have revealed compelling accounts of personal experiences. I say to them: I salute you; I admire your courage and hope that as a national parliament we are stronger for those revelations. For these reasons and others, which, unfortunately, time does not permit me to go into, I commend the bill to the House.

Mr BEVIS (Brisbane) (11.24 am)—It is not often that members of this parliament have a free vote on matters that come before it. In fact, this is only the third occasion in a decade on which that opportunity has been presented to the parliament. It is appropriate that members of parliament have a free or, as it is often referred to, conscience vote on matters of this sort. It is a recognition that members of this parliament, as with all fair-minded people, as with all Australians, can in good faith, with a good heart and with a clear conscience, arrive at quite different views and, in those circumstances, the proper course of action is that there should be a free or conscience vote.

Like all members of parliament, I have had many emails, phone calls and letters from constituents and people around Australia who are concerned about pursuing one or other view of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I am reminded of a conversation I had just a short time ago with one of my constituents from Ashgrove. The simple fact is that in a conscience vote none of us in this place can pretend to represent either the collective conscience of our 90,000-odd constituents or the individual conscience of any one of them.
can represent my own conscience and no other, and I think that is the situation all of us find ourselves in.

RU486 can currently be imported into Australia for research and clinical use but only with the permission of both the Therapeutic Goods Administration, the TGA, and the Minister for Health and Ageing, who is required under the current law to notify the parliament of his or her decision. That restriction has imposed an effective ban on the drug in Australia. These special requirements for RU486, which do not apply to any other drug, were incorporated into the act with the passage of the Therapeutic Goods Amendment Bill in 1996. At the time, that bill was supported by the coalition, by the Labor Party and by all the minor parties. Now, 10 years later, there is a private member’s bill through which we are reconsidering those issues.

There have been a number of arguments raised in this parliament and outside by those who are concerned about the bill and intend to vote against it or move amendments to it, and I want to deal with the concerns that have been raised. One of the principal issues that featured in the advertisements that have run in the public press has been concern about side effects and the potential lethal effects should RU486 be used. It is instructive to look at the evidence presented to the Senate Community Affairs Committee inquiry in relation to the matter. I want to quote from the committee’s report, where it discusses a submission that was given in evidence by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. The report said:

The College noted that there had been few randomised trials comparing early medical and surgical termination but the data they presented was a compilation of the best available evidence. It goes on to quote the evidence:

Serious complications are rare and occur in approximately 4/1 000 procedures with either method. Mortality and serious morbidity occurs less frequently than if a pregnancy went to term ...

That is, the risk of serious injury and death is greater if the pregnancy goes to term and a birth occurs than if there is medical or surgical intervention. That is not to say that there is not a risk when medical or surgical intervention occurs but, as a matter of fact, the threat of death and serious injury is greater in childbirth than in the process of medical or surgical intervention. In fact, a long list of medical experts providing evidence and others providing expert advice to the Senate committee endorsed the use of RU486.

Paragraph 1.72 of the Senate committee’s report notes the groups who had formally expressed their support for the availability of RU486: the World Health Organisation, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the Australian Medical Association, the Rural Doctors Association of Australia, the Public Health Association of Australia, the Royal College of Obstetricians and Gynaecologists in the UK, the American College of Obstetricians and Gynaecologists, the American Medical Association, the American Association for Advancement of Science, the US Federal Drug Administration and the Federation of International Gynaecology and Obstetrics. That is a long and impressive list of major medical authorities who have, as a matter of science, determined that the drug is safe to be used within appropriate parameters.

I believe the decision about the nature of any side-effects, and the risk management associated with the use of the drug having regard to any side-effects, should be made by the TGA, and doctors in consultation with their patients. Deciding whether or not a drug is dangerous for people to take in cer-
tain circumstances is not a decision for politicians, unless it can be demonstrated that the TGA has failed in its duties. There is no evidence—no evidence at all—to suggest that that is the case.

Those who have argued that this bill should be defeated because of concern about side-effects have, I think, misplaced their concerns. RU486 has been approved for use in many countries around the world, including the United Kingdom, the United States, New Zealand, France, Sweden, Austria, Belgium, Denmark, Finland, Germany, Greece, Israel, Luxembourg, the Netherlands, Spain, Switzerland and Norway, amongst others. Each one of these countries maintain careful checks to ensure drugs are safe to be used as prescribed. The technical and clinical evidence is in and it demonstrates overwhelmingly that RU486 is a drug which can be used without serious concern for safety, provided it is used under medical supervision. I note also, as has been mentioned by some other speakers, that RU486 is in fact used in a number of countries around the world for treatment of other diseases such as cancer and, I believe, Alzheimer’s.

It has been argued—with, I think, some merit—that politicians and not doctors should decide these issues. Those who have argued against the private member’s bill and who have supported amendments do so. I put it to them and to those who hold that view that that is precisely what we are doing now. This is not an abrogation of parliament’s responsibilities; this is not politicians stepping away; this is not politicians passing to bureaucrats an important decision that the people of Australia rightly expect politicians to have some role in. That is precisely what we are doing now. This is the point—right now, right here—where politicians are exercising their responsibilities and their conscience in determining that issue. I frankly regard it as a smokescreen for those who have argued in support of the amendment that we somehow need to maintain ongoing parliamentary supervision in this question. The clinical evidence around the world is quite overwhelming.

The only argument in relation to this issue seems to me now to be the question of whether or not, for other reasons, the parliament should legislate to override the scientific evidence and prevent the availability of this drug. One of the things that has been said as to why that should happen is that the TGA is not the appropriate body to deal with these things because it deals with medications and remedies for illnesses and, as pregnancy is not an illness, on that basis the TGA should not have a role. In fact, that also mis-states the role of the TGA.

The TGA’s responsibilities under the act are to monitor the safety, quality and efficacy of medicines coming into Australia and extend well beyond the definition that those critics have applied to it. Its role is not limited only to medically essential treatments. For example, the TGA has a role in approving such items as breast implants and a range of cosmetic procedures, neither of which is used to prevent or treat diseases. The TGA is the appropriate body to be considering these matters.

I understand that for some this is not simply an issue about side-effects or about safety but a question of belief as to when life is created. Some who oppose RU486 hold very deep concerns associated very often with a religious belief and, in all cases, I suspect, a view of when life commences. I fully respect the sincerity and depth of concern and belief that they hold. Indeed, many of my good and close friends—many of my good and close friends in the Labor Party—hold those views and I respect them deeply. Like many in our community, I have thought about the questions involved in this debate.
for many years, long before I became a member of parliament. I have to say I do not share the view that life begins with conception.

I think it is also important to note that this is not a debate about whether abortion should be legalised. It is a point that has been made by other speakers. It was also, I think, clearly made in evidence to the Senate committee by Professors Rogers, Ankeny and Dodds, who said:

Induced abortion is a legal, albeit heavily regulated, procedure in Australia; the licensing of RU486 will not alter this situation. What will change if RU486 is licensed is that Australian women and their medical practitioners will have an increased range of options from which to select the safest and most efficacious treatment for any particular patient.

The Royal Women’s Hospital in Melbourne made the same point and I think it is worth recording here in the debate. They expressed the belief that:

... for many women a medical abortion, which can be performed earlier in pregnancy than surgical abortion, would be preferable ... Some women undergoing a termination of pregnancy want a safe alternative to surgery and to avoid being anaeasthetised, which can cause a sense of a loss of control ... Nevertheless, some women will continue to want surgery, and both options should be made available. Several other studies have shown that women value choice, have a strong preference for one or other approach, and are more likely to be satisfied with a method they choose.

I think they are all important parts of this debate which, sadly, because of time restrictions we are not able to go into more fully. But it is important to understand that this is not a debate about whether abortion is legal or not legal in this country—as a matter of law, it is. The questions we confront are different from that.

The amendments that have been proposed and moved do nothing to add to the situation that presently prevails. Having listened to the debate in this parliament, having listened to the views of many constituents and having been involved in debates about matters of this kind for some years, it is my strong view that the private member’s bill is the correct course to follow. The parliament is exercising the responsibility that, as politicians, we should. Those who argue that the parliament is abrogating its responsibility misunderstand the process we are involved in at this time. I will be voting in favour of the private member’s bill.

Mr FORREST (Mallee) (11.37 am)—Let me declare from the outset my position on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I am opposed to the bill. I want to briefly explain my position to my electorate, many of whom, I know, are listening very keenly to the discussion we are having.

People have argued that this is not a debate about abortion. I understand that, but the reality is that it is. I will be saying more about that. There are a large number of Australians who are very uncomfortable at the direction the nation has taken. I do not accept the proposition that the debate was had 30 years ago or that it is not appropriate to continue the discussion.

Issues like the ones to which this bill relates are never easy. Members of the community have strong views on either side and are not backward in expressing their point of view. It is an interesting experience when issues like this arise—issues of great moral and ethical import. We see a bombardment of mail, both electronic and by the conventional method, which is simply incredible. There are literally thousands of emails—a very large number from my constituency. I saw this in regard to the discussion we had on euthanasia. I saw it in regard to the discussion the chambers had on cloning and stem
cell research. I even recall the first time the parliament considered the very matter we are discussing now, way back in 1996. It certainly arouses the passions.

I have tried to keep an open mind and put my personal convictions about the sanctity of human life aside. I have tried to listen fairly to the propositions being put. But I do declare a deep-seated conviction about what I believe as the empirical truth—that we are all, each of us, nine months older than we give ourselves credit for. I am very much pro-life. But let me put that aside for the moment.

The proponents of this bill argue strongly that the decision on a restricted good like RU486 should not rest with the minister. They argue that the Therapeutic Goods Administration should be the final arbiter for approval for mainstream community use. But in dwelling on that matter, it has to be said that RU486 is no ordinary drug. It is different from the other drugs that come under the jurisdiction of the TGA. By its very name, the TGA is about therapeutic goods—that is, research and the approval of drugs which make people well. That is, after all, the Macquarie Dictionary’s definition of the word ‘therapeutic’: ‘relating to the treating or curing of disease’. RU486 is just not another drug in that context. It is a drug which destroys human life. And human life, in the expectation of many Australians—the great bulk of Australians—is life. The drug is designed to terminate a pregnancy. I would not have thought of a pregnancy as being an illness or a disease. Let us get that clear: this is no ordinary drug, and it certainly should not be considered as a medicine.

As I have also said—and I have been part of a very strong community discussion, certainly in my own constituency—people hold strong views. In that context, I think it appropriate that a restricted good like this enjoys the supervision of this very chamber and those who are represented here. It is appropriate for an elected, accountable person to be the final arbiter—despite the views of those who argue that the debate about abortion in the nation is over it is 30 years old. I believe that the great bulk of the Australian community expect that.

The proponents of this bill argue very strongly that this is a discussion about process, not abortion. I have considered that point and dwelt on it. However, it is impossible to reconcile a proposal on decisions with great moral impact—on matters on which Australians are evenly divided, fifty-fifty, and where they have indicated that they are very uncomfortable with the very issue of abortion. For the decisions that contain that kind of strong medical ethics import, the parliament and the officers who are part of the parliament should be the final arbiter. As much as we appreciate the great work of the TGA and the medical community in regard to medical advancement and the contribution they make to good health and wellbeing, they are not accountable to the community in that strong sense.

I have been somewhat staggered to see the comments of supporters of the bill. In the Senate inquiry, Reproductive Choice Australia, which is a very strong pro-abortion group, gave evidence that politics has no place in medicine. I am astounded at that, especially when I think of just how much time is consumed in the discussions that we as members of parliament have in assessing and deciding on appropriate health policy. It comes down to the position that competency on an issue of moral and ethical significance appropriately rests with the parliament and its representatives.

Getting back to the point about whether this discussion is about abortion or not, if the discussion is not about abortion, what is it
about? We are discussing an abortifacient, a drug that is designed to create an abortion. Of course it is about abortion. It is about a drug designed to make that process more accessible and more convenient. It is a little too cute. I have had too much trouble trying to come to grips with the suggestion. My community happens to regard it as a discussion about abortion.

The other thing I have been trying to do is to listen to my constituency, in a genuine effort not to impose my own pro-life position. I said from the outset towards the end of last year, when this discussion first started across the community, that I thought the sentiment of my own constituency would be fifty-fifty on the general issue and that at that stage the challenge was to choose between democracy and conscience. I have come to the position that I have chosen the latter. It is always very difficult to get a handle on these things, but I believe from the mail in my electorate—and I have differentiated between the electronic and the ordinary mail from outside my electorate—that the position is 60-40 in favour of maintaining the status quo.

I also take note of some national surveys. According to an article by Fleming and Ewing entitled ‘Give Women Choice: Australia Speaks on Abortion’, published by Southern Cross Bioethics Institute last year, 87 per cent of Australians are seeking a reduction in the number of abortions in this country. That is an indication of their level of discomfort with how many are conducted. We are having a discussion here about a drug that will not achieve this objective.

I also note another opinion poll conducted in August/September last year that produced some very interesting results. I have a copy with me. It is entitled ‘What Australians Really Think About Abortion’, published by the Australian Federation of Right to Life Associations in February this year. The findings were that 51 per cent of 1,200 Australians interviewed did not support abortion for financial, social or non-medical reasons and 54 per cent believed that abortion involves the taking of a human life. Whether or not those proponents of the bill argue it is not about abortion per se, the reality is that the perception in many Australians’ minds indicate their discomfort with the whole issue. So I conclude that my original assessment of around fifty-fifty is about right. Those 50 per cent of people opposed to the bill deserve to have their voices heard in this chamber. That is what I am attempting to do.

I would like to make one final point. I want to indicate how curious I find the position that, while our Australian parliament is now wrestling with the issue of deregulating the approval of this drug, the US House of Representatives is wrestling with ways to ban, or at least regulate, its use in the United States after some very tragic outcomes there. It is an interesting observation.

The previous speaker, the member for Brisbane, did mention some serious questions about the safety of this drug. I am not convinced either way. That is not the central issue for me; I am focusing entirely on the conscience of a large number of Australians who have very strong views on this matter. I believe that, on issues containing such core moral and ethical import, it is quite proper and right that the accountable members of this place reflect that view.

One thing I would like to see is a renewed discussion, given the direction that abortion has taken. It is estimated, for example, that there are 100,000 children aborted every year in Australia. We do not even have a good handle on that figure, yet here we are discussing a so-called medication that would make such procedures even more accessible.
with adverse circumstances that we just do not know.

I will conclude by commenting on the number of amendments offered, which I am considering. I will do that as they arise. But, at the end of the debate, I favour the final arbiter being the parliament, its elected members, in particular the persons in the executive that the current legislation prescribes, to be that final arbiter. I think the huge ethical issues associated with this matter warrant such a position. I am opposed to the bill. I commend all members. I am grateful to be part of a genuine discussion where all points of view can be respected.

Ms JULIE BISHOP (Curtin—Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues) (11.49 am)—The debate we are having here today on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 is not about whether RU486 is a good drug or a bad drug. It is not an opportunity to reconsider the legality of abortion. It is not about the number of abortions that take place every year in Australia. I expect that most if not all people in this place regret deeply the number of abortions undertaken in this country each year. Indeed, most people regret the difficult and profoundly disturbing decision some women make to bring a pregnancy to an end, whether for personal or medical reasons.

A broader community debate perhaps should take place on our high rate of teen pregnancy and whether we need more responsible contraception or sex education that is early, sensible, appropriate and thorough; more counselling for women who are pregnant; or a greater emphasis on adoption. These are all matters that should exercise the minds of thinking members of our society and a broader debate may well trigger a change in social attitudes or a change in community expectations.

But let us not confuse the issue. This debate is not whether abortion should be allowed. This country’s laws permit abortion in specified and regulated circumstances, and there is no proposal by any state, territory or federal government to change these laws. Put simply, abortion is legal, subject to restrictions. Let us make it as safe as it can possibly be. There are health risks associated with drugs. There are health risks associated with pregnancy. There are health risks associated with a surgical abortion, which involves extremely delicate procedures inside the uterus, with small but real risks of perforation, infection or haemorrhage. It is performed under general anaesthetic, which has its own risks, including death.

In the triennium 1997-99 there were 90 maternal deaths from pregnancy complications in Australia. There were no deaths from terminations for the same period. If there is another way, a safer way, with risks lower than surgical abortions, should not that option be available to a woman on the advice of and supervised or monitored by her medical adviser? If that safer way or that other option is a drug, should there not be a consistent, reliable assessment procedure to determine its safety and efficacy? Or should a woman have to place her reproductive health and risks to her health in the hands of one politician, albeit a minister of the Crown? The debate we are having today is whether the power to evaluate, approve and register an abortifacient is ultimately one which rests with the Therapeutic Goods Administration or whether the minister for health of the day should retain an effective power of veto over this drug, as is currently the case. This is a question of control over and access to a treatment widely available in 22 countries in the world but not available to medical practi-
tioners to prescribe for their female patients in Australia.

Over the last few months the debate on this bill has extended well beyond its remit of the minister’s power and the TGA’s role. The original precept of the bill—that is, the need for a ministerial power of veto over RU486—has sometimes been lost in what has become an extremely emotional and often very personal debate. The debate has also moved to an area of particular concern to me, that of scrutiny and accountability. There has been comparison of the scrutiny or perceived scrutiny of a decision made by an elected member of parliament and minister contrasted with decisions made by the TGA or, as some have suggested, ‘faceless bureaucrats’ within the Department of Health and Ageing.

I want to make a few comments which I trust will be of assistance to the debate on this issue of scrutiny—both public and parliamentary—of the decision as to whether to permit an evaluation, listing or registration of RU486. At present, there is minimal public or parliamentary scrutiny of a decision of a health minister to approve or otherwise the evaluation, listing or registration of RU486 as an abortifacient. Some will say in response, ‘Oh well, the minister is answerable to the public.’ Well, yes, he or she will face a general election every three years, but that is not the level of scrutiny that this issue demands.

The only scrutiny, if you can call it that, is contained under section 23AA of the Therapeutic Goods Act 1989, whereby the minister is required to notify the parliament of a decision to approve an application for the evaluation, registration or listing of RU486 by the TGA within five sitting days of that approval. The minister is not required to seek advice and is not required to follow any protocol when making a decision regarding an application for listing or registration of RU486. The minister is not required to give any reasons when making a decision regarding the evaluation, listing or registration of RU486. The minister’s decision is not disallowable by the parliament. The minister’s decisions cannot be challenged in the Administrative Appeals Tribunal. Theoretically, a minister’s decision may be challenged under the Administrative Decisions (Judicial Review) Act, the only way a statement of reasons can be acquired compulsorily. However, this would not provide for a review on the merits of that decision. Rather, it would make available a review only on legal grounds, including error of law and irrelevant considerations. So let us be clear: under the current provisions of the Therapeutic Goods Act there is no requirement for the minister to give reasons and no opportunity for review on the merits of the minister’s decision.

By contrast, the Therapeutic Goods Administration is subject to considerable public and parliamentary scrutiny in the exercise of its functions and is accountable for them. The TGA does not itself carry out the assessment of prescription drugs. It is not accurate to say that these tasks are performed by bureaucrats in the Department of Health and Ageing. The task of assessing prescription drugs is in fact carried out by the Australian Drug Evaluation Committee, which was established in 1963 and has the role of providing independent, scientific advice to the federal government on new drugs. This body consists of six or seven core members of experts and up to 20 associate members. Of the core members, at least three must be eminent medical practitioners with at least two specialists in clinical medicine and one must be a pharmacologist or hold a degree in science, specialising in pharmaceutical science. The associate members must include at least one pharmaceutical chemist with recent
manufacturing experience in therapeutic goods, at least one toxicologist and a medical practitioner in general practice. All of them are appointed by the Minister for Health and Ageing. They are health experts who are working in medical and clinical settings every day.

The Australian Drug Evaluation Committee’s recommendations for approval of new drugs or changes to registration of existing drugs are publicly available on their website and their recommendations are published in the Gazette. The committee, ADEC, makes its recommendations to the delegate of the Secretary to the Department of Health and Ageing, who is in fact a senior medical officer of the TGA. The delegate’s decision ultimately to approve or not to approve may be challenged in the Administrative Appeals Tribunal, and this provides the option of a review on the merits. The AAT stands in the position of the original decision maker and determines if the decision was in fact the right one. If the TGA determines to approve a drug, it is then listed on the Australian Register of Therapeutic Goods, a publicly available document.

Any drug approved by the TGA then goes through the further process of an evaluation by the National Drugs and Poisons Schedule Committee, which comprises state and territory government members and other persons appointed by the Minister for Health and Ageing—such as technical experts and representatives of various sectional interests, such as the professional colleges. This body makes determinations, decisions and recommendations pertaining to a drug’s retail supply and can restrict its use. Further, reports of serious reactions, for example, are forwarded to the Adverse Drug Reactions Advisory Committee for further assessment. This committee is composed of independent medical experts who have expertise in areas of importance to the evaluation of a medicine’s safety. This committee can make any of several decisions for a report, including that there be publication of the reaction to raise awareness, through to recommending the restriction or even the removal of the drug from the market.

Finally, the TGA is accountable to the parliament, first, through the provision of annual reports provided to government. The TGA is considered to be part of the Department of Health and Ageing for this purpose. Secondly, the TGA appears before the Senate estimates committee and is regularly interrogated by senators on specific drug evaluations and approvals. Parliament can hold inquiries into issues of public concern, including into the functions of the TGA, if it so wishes. The function or act of delegation under the Therapeutic Goods Act can be changed by legislation. It is subject to the scrutiny of our National Audit Office.

The situation which our current laws have produced is perverse. Under the current laws, RU486 is currently being trialled and used in Australia for other indications under the clinical trials and the special access schemes provided for in the Therapeutic Goods Act 1989. In the Senate Community Affairs Committee inquiry we heard evidence that RU486 is currently used for the purposes of emergency contraception, the control of unacceptable bleeding and in cancer research. Those who obtain approval to test a drug for the purposes of a clinical trial not related to an abortifacient function are not required to seek the approval of the Minister for Health and Ageing. By contrast, a range of drugs listed as restricted goods for the purposes of the Customs (Prohibited Imports) Regulations 1956 which can have an abortifacient effect are currently in use, including as abortifacients.

Misoprostol, a prostaglandin, is approved in this country to be used in the treatment of
gastric or duodenal ulcers. However, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists has recognised the use of misoprostol as an aid to medical abortions. The drug is used under controlled circumstances in teaching hospitals where there are protocols and ethics committees to ensure it is used in appropriate and safe circumstances.

The medical profession, led by experts with solid clinical and pharmacological expertise and experience, has had to find ways of providing women—for example, those who cannot tolerate anaesthetics—with a medically essential choice to overcome the perverse situation which the 1996 amendments to the Therapeutics Goods Act created. I ask my colleagues: if you or your wife or partner or sister or daughter were facing a termination, for whatever reason, would you want her to have access to what health experts may consider the best, most appropriate medical treatment as prescribed by her doctor for her particular circumstances?

Under our parliamentary system ministers come and ministers go. It is time to recognise the value of the system this parliament put in place in 1989. It is a system of expert evaluation of proposed prescription drugs subject to significant public and parliament scrutiny: the expert Drug Evaluation Committee, whose findings are public; the decision of the TGA, whose findings are public; the national drugs body, comprising state and territory representatives, whose findings are public; and the Adverse Drug Reaction Advisory Committee, whose findings are public. At each level it is subject to scrutiny and, overall, subject to administrative appeals review. The evaluation of all drugs through this rigorous process is a system worthy of our trust and our support. For these reasons, I support this bill.

Mr CREAN (Hotham) (12.03 pm)—I, like the Minister for Education, Science and Training, support the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I do not support the amendment that has been put forward. I do acknowledge, like all speakers in this debate, that it is a difficult and an emotional issue. I think all of us as parliamentarians can attest to that, because all of us in one way or another have been lobbied in relation to it. I am very conscious that there are people of goodwill on both sides of this parliament who hold very strong views and beliefs that have shaped their decision in relation to how they will vote.

I acknowledge the contribution to this debate in the parliament not just from the Minister for Education, Science and Training, who has just spoken, but from the mover and seconder of the motion to bring this bill before the House for debate, the member for Moore and the member for Lalor. It is also appropriate in the context of the bill that is before us to acknowledge the cross-party promotion of the bill in the Senate by Senators Allison, Moore, Troeth and Nash. The opportunity for both sides of the parliament to get together to present common positions is very welcome whenever it occurs in this place.

Of course we should be examining the issue calmly and objectively when we come to make a decision. I do not think it helps to have slogans and simplistic messages displayed around the parliament. I do recognise the calm and rational way in which most members of this House have spoken so far and the way in which they have contributed to the debate. I also recognise and respect the very personal feelings and experiences that some members and senators have introduced into this debate.
There is a conscience vote associated with this bill. That, in itself, is a rare occurrence in this chamber. It does bring with it a different tone. It brings with it a lot of soul-searching, a lot of personal experiences—people grappling with competing arguments.

In many cases this has been a difficult and agonising process of personal reflection and consultation with friends and family, with organisations, whether they are in our constituency or of a national nature, as well as with specialists and medical experts.

Like all other members in both chambers, I have thought long and hard about this issue. I have been reading as much as I can about the medical, moral and ethical aspects of the matter. I am also very grateful for the advice and comments I have received from many of my constituents on the matter. I have received a large number of representations from the people of Hotham in relation to this issue. I respect their views. I always have and I always will. Interestingly, they have divided almost equally on each side of this issue.

We are being asked to decide who should decide on the importation of the drug RU486 and other drugs of that class of abortifacients. Should it be the minister for health or the Therapeutic Goods Administration? Ten years ago, when the parliament had to consider this issue, it decided in favour of the minister. Ten years on, medical knowledge has advanced significantly. Speaking to medical experts, as I have, different treatments and new drugs have clearly become available and are continuing to be developed. I have the very strong view that it should be the medical experts and not the minister for health who should determine whether or not they are appropriate for use in particular circumstances.

This is not a debate about abortion or about the personality, character and beliefs of the current minister for health. Nevertheless, it is a debate that raises difficult moral and medical issues. Because of that, all parties have decided that there should be a conscience vote in relation to it. A conscience vote means just that—that members should be permitted to vote according to their consciences. I have said before that I know views differ on this side of the House, but I respect the honesty and the depth of feeling that are behind those views. Labor’s policy as expressed in our platform does not specifically deal with RU486, but it does say that Labor will:

... support the rights of women to determine their own reproductive lives, particularly the right to choose appropriate fertility control and abortion.

I agree with that position. I think that matters of reproductive health and of abortion should be matters for a woman and her doctor. As to whether or not a particular drug should be made available, that should be a matter for the Therapeutic Goods Administration, the statutory authority established by this parliament which determines access to all kinds of other drugs, including drugs that may well be dangerous or addictive if misused. It should not be a matter for a politician to veto—one person with his or her own views who may or may not seek appropriate expert advice. Here we are talking of a conscience vote determining the deliberation of this bill but, the way things stand, one person’s conscience can veto whether or not tests can be conducted.

Since 1996 we have had an effective veto on RU486. The requirement for ministerial approval has been such a disincentive that since 1996 RU486 has not been imported for research or clinical use. Labor supported the amendment in 1996 that required ministerial approval for the importation of RU486. We did so then in recognition of the sensitive nature of the issue and the undoubted community concern about it. We also supported
the amendment in 1996 because at the time there were concerns about the long-term health effects of RU486. There is no doubt that community concern still exists about it today, but we now have far greater knowledge about RU486. Ten years on, there have been huge leaps in the understanding of it. In 1996 we did not intend the amendment to constitute a ban on RU486, but that is what it has become.

My fundamental position on the specific question of the availability of RU486 is that the decision should be made by the expert body, the Therapeutic Goods Administration. That is why I support this bill. We entrust the TGA with decisions on other drugs, drugs that can be dangerous or addictive if misused. We should entrust it also with this class of drugs. I do not accept the argument that the TGA is somehow unaccountable and the minister is more accountable and should make the decision. It was interesting to hear the minister for education in her contribution point to all of the bodies that have to be associated and the way they have to be publicly accountable.

If it were the case that the minister must always override, why have expert bodies? Why have those expert bodies make decisions on anything? Why not just leave it to the minister? Clearly, that is an absurd proposition. There is always the need to delegate responsibility to expert committees where matters of a technical nature and matters of health and safety are clearly concerned. As to the pressure that is being put on people to vote in a certain way, possibly by pressure groups or by the views of the Prime Minister or the minister for health or by the result of the vote in the Senate, I am confident that the members of this House are sufficiently independent and honest to make their own decisions. This is not a no-confidence vote in the minister or in the parliament—that is a ridiculous proposition. It is a vote of confidence that members and senators can weigh up the evidence, examine their own consciences and come to a decision which they can justify to their constituents and to themselves. This is not a debate about abortion either. It is not a debate about whether or not abortion should be legal. The courts have decided that in certain circumstances it is legal. Given that it is legal in certain circumstances, the medical advice must be based on providing the best possible solution. That must be a decision for the experts. Currently the experts cannot prescribe the drug because of a ministerial veto. This bill is about ending that veto and leaving the consideration of a woman’s health to medical experts.

What we are debating is who should determine whether this drug should be made available. This is a conscience vote, and each member will be voting according to their conscience. It is ironic that, if this bill is not passed, the matter will continue to be determined by the conscience of one person: the Minister for Health and Ageing. I believe that it should be a decision for medical experts and not for the minister for health. That is why I support the bill.

Mrs VALE (Hughes) (12.15 pm)—I begin my remarks on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 by acknowledging the depth of conviction thoughtfully held by my colleagues on both sides of the House on this issue. I have listened to many of their speeches, and I am aware that their points of view are very genuinely held. However, I have heard nothing that can persuade me from voting against this bill.

In the time available to me, I will set out some of the major issues that are raised in
this Senate amendment bill. Firstly, it must be pointed out that this bill is not about the accessibility of abortion for Australian women. Surgical abortion is available in every Australian state and territory and has been for many years.

Secondly, the subject matter of this debate is an abortifacient called RU486, which, if this bill succeeds, will be approved in the normal administrative processes of the Therapeutic Goods Administration, as are all other pharmaceuticals before they are dispensed in Australia. It is the role of the TGA to evaluate and approve each new drug for its safety, efficacy and quality. However, the TGA can only evaluate drugs on the basis of physical efficacy, not on the basis of any psychological or emotional effect.

At the present time, RU486 is subject to section 23AA of the act and, because it is an aborting agent, it is classified as a ‘restricted good’, which means that the TGA can evaluate RU486 only after the approval of the Minister for Health and Ageing. This amendment will mean that the minister’s approval is no longer required. RU486 will be assessed by the TGA in the normal course of its administrative activities, as if it were a normal therapeutic drug.

Thirdly, as an aborting agent, RU486 can end a developing human life. It has been suggested by the proponents of this Senate amendment bill that the bill is strictly about process and only process. However, precisely because RU486 is an abortifacient and can end a developing human life, it also raises issues of ethical, moral, social and political concerns and issues of health and safety for the mother.

Fourthly, this matter is about the accountability of the process. It is about ministerial responsibility and accountability. I cannot imagine any other circumstance of great ethical, moral, social, and political import that calls upon a minister to exercise his or her authority in the way legislation such as this does. Such concerns are not able to be appropriately considered by an administrative body. That is not the function of the Therapeutic Goods Administration. No matter how worthy its members may be, they are not accountable to the people of Australia. That is not their responsibility. As I have earlier pointed out, the role of the TGA is an administrative one. They are bureaucrats. In our system of government, it is the minister who, standing between the people and the bureaucracy, carries the responsibility for policy. It is the minister who, as an elected representative, is responsible and accountable to the people of Australia.

In 1996 when the Therapeutic Goods Amendment Bill was passed, it was agreed by both sides of the House that drugs such as RU486 should not be allowed into Australia without the approval of the health minister. In the debate on the bill, Senator Harradine pointed out:

People on both sides of the abortion debate agree that the importation, trials, registration and marketing of such agents ... should not be left in the hands of bureaucrats and science technologists. There should be ministerial responsibility ... I wholeheartedly agreed with the Senator’s statement then, and I do now. I see no reason to change it.

Further, I cannot help wondering whether, if the present minister was of a mind to approve the referral of RU486 to the TGA, we would be debating this legislation today at all. While the present Minister for Health and Ageing is not of a mind to give his approval to the TGA to assess this abortifacient, a future minister may well be inclined to do so. Such a decision will be a matter for that minister, and he or she will be accountable for that decision to the people of Australia.
Fifthly, another very important aspect of this debate is the issue of the health and safety of the mother. I understand that it was noted on ABC 666 last Wednesday morning that the UK Royal College of Obstetricians and Gynaecologists has highlighted that it is difficult to come to a definitive conclusion on RU486, simply because the scientific evidence is inconclusive. Moreover, what science has been conducted regarding RU486 is considered by the college to be very problematic or ‘grey’ in nature, given its ideological slant either way. I also understand that science has not yet discredited the argument that RU486 contributes to breast cancer.

RU486 is a highly controversial agent, and we in this place must also be concerned that there is documented evidence in the United States and in Canada of women dying after the use of RU486. Moreover, I understand that, even after using RU486 to induce an abortion, a number of women haemorrhage and still require a surgical abortion. I am informed that the Italian government has also placed a limited ban on RU486 because of these same concerns, in that one in 20 women experienced partial abortions and excessive bleeding. I understand that the warning label on RU486 clearly indicates that some women may need a surgical procedure afterwards, either to complete the termination or to address excessive bleeding. The proponents of RU486 clearly warn that this agent should only be administered under strict medical supervision.

In this regard, I find it difficult to understand the argument put by the proponents of the bill that this agent should be available to women in rural areas who, because of a shortage of doctors in their areas, are unable to access surgical abortions. This situation raises a number of serious ethical questions about how we can best provide women in rural areas with the best possible health care, along with their right of personal choice in such matters. We certainly cannot leave women to the effects of a drug whose manufacturers recommend that it be administered ‘only under strict medical supervision’, when those women live in rural areas where there is no medical supervision available.

The proponents of the Senate amendment claim this bill is not about abortion, but the many speeches that I have read all mention abortion to some degree—and, in some cases, to a very personal degree. In dealing with any legislation before this House, each and every one of us has to be mindful of its consequences within the wider community. With this particular piece of legislation, that is especially so.

Abortion is available in Australia and, while women may exercise their choice, I would also like to see the government give women more choices. Every unborn child has the potential to make a significant and wonderful contribution to our great nation. I believe as a government we should actively invest in that potential and provide Australian mothers with more practical support, more financial assistance, more accommodation options, more education and training for themselves and more appropriate provision of child care, so that they can have more choice with respect to keeping their children rather than more choice with respect to how to abort them. I note the amendments on the table which give parliamentary scrutiny of the legislation to the House. I support the member for Lindsay’s amendment, which maintains ministerial responsibility.

I now wish to refer to certain statements I have made in recent days in considering RU486—and to some media reports on my comments, especially those that accuse me of being a racist. I am not a racist, and I never have been. Most of the colleagues on both sides of the House with whom I have had the
privilege of working for these last 10 years know that I am not a racist and never have been. I utterly and totally reject such accusations as those that have come from some sections of the media. Regrettably, some members of our fourth estate have gone over the top in their reporting of this issue, and I believe they are striving to find racism where there is none. However, I need to clarify the point that I was trying to make in a media interview the other day when, in saying that Australians are aborting themselves almost out of existence, I made reference to Muslim Australians. Muslim Australians place a high value on their children and, like many other faith communities, see that the core issue is the right to life of the unborn child; and, indeed, that sexual conduct carries with it a responsibility. I also note that the Muslim community of Australia continues to oppose abortion. I strongly share this belief.

The reported estimate of abortions in Australia, somewhere between 80,000 and 100,000, has to be alarming to each and every thinking Australian. Australia today, for most of us, is a wonderful, comfortable, modern, convenient, instant, high-tech indulgent society. We are constantly told that if we want it we can have it. For most of us, we have such control over our lives. Importantly, since the sixties we have also had control over our own fertility in a way that no generation before us in all of human history has. This has given us unprecedented power over who we are and what we want to become. It has also given us a terrible control over the next generation. We appear to exercise this control without any thought as to the cost—and nothing is free. The cost is ultimately paid by all of us in the kind of society that we have become today.

The core issue of this debate is the right to life of the unborn human being. Let us make no mistake about it. We can call it ‘process’, we can refer to ministerial accountability, but ultimately the core issue of this debate is the right to life of the unborn human being. This debate is about the sanctity of life itself. We were made by love, we were made to love and we were made to be loved. We were born to recreate. In our history, the values of religion and faith communities were centred on the principle of the sanctity of life. Today, we do not value life simply because it is a life, and I believe the loss of this core value in the wider Australian community, evidenced by the large abortion rate—albeit an educated estimate—impacts on so many other aspects of Australian society today.

Once upon a time in our history, children were seen as producers and wealth creators for their families and the future sustenance of their village communities. Children were valued. In our self-indulgent, convenient, modern, easy contemporary Australian lifestyle, children are now seen in some sections as consumers and polluters and just plain hard work. Of course, there are many children who are treasured by their families, but the increasing numbers of children across Australia who are neglected and abused must be a concern to us all.

We can also point to the decline in civil society. Graciousness and good manners are no longer seen as an attribute. We often hear complaints of lack of respect generally, of children who are uncontrollable, of concerns about an increasing number of children who are, for want of a better word, ‘feral’. I am mindful of the two 14-year-old girls in Sydney who are currently charged with murder. Such children are products of the society we have become—and collectively, as a society, we have failed these two girls.

We also see signs of the weakening of the fabric of our society in the way in which we treat our mentally ill and our disabled citizens—or anyone else, for that matter, who is not considered to be perfect. In other words,
because we have such control over our fertility, the cost has been to lose respect and awe for human life itself. Hence, human beings in contemporary Australia have become another commodity. Human beings are capable of exceptional rational thought and judgment and of full and rampant emotions. Human beings can show laughter and sadness and are capable of awesome heroism and defiant bravery. Human beings are capable of exquisite poetical expression, groundbreaking innovation and invention. Human beings have an unbounded potential to contribute to the welfare of their fellows and are the epitome of God’s creation. But contemporary Australia, based on those large abortion numbers, has lost sight of the true meaning of a life—a human life, valued by the rest of its community simply because it is a life.

We can see the impact of this loss in the society we have become. I use this opportunity to call for Australia to return to the core values of our forebears, who, unafraid of the hard road and the harsher life, made this country, this Australia, the great nation that it has become. Then, together with all of the various faith communities in our land, we can face our future in understanding and mutual respect. I do hope that this clarifies in some way what I was trying to say in a very clumsy way in a live interview the other day, for I deeply regret any offence that might have been taken by members of the Australian Muslim community.

Mr STEPHEN SMITH (Perth) (12.30 pm)—I support the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. For reasons which I will outline, I do not support the amendments. It has been suggested by some that this bill, this debate, is not about abortion. I do not agree; I think it is about abortion. It clearly is. I do not think we should pretend otherwise, nor should we shy away from that. So far as abortion is concerned, my starting point is that abortion is a matter of conscience for the individual concerned. The choice to have or not have an abortion is a matter of conscience for the individual woman in consultation with her medical advisers. This is not a view I have come to lightly or quickly, but over the years of my adulthood that is the view I have come to hold. I also strongly believe that as a matter of conscience we should not seek to impose any one view on anyone else. We should not, and I do not, criticise others for their views or their choices in this matter.

In Australia as a nation-state we have over time addressed the abortion issue. And we have come as a nation-state to a number of conclusions. First and foremost, it is a matter of conscience. This itself is reflected in our approach to this parliamentary debate both here and in the Senate. Second, abortion is legally available under state and territory law as a medical procedure under certain conditions. Under Australian state and territory law abortion is a legally available medical procedure for women to choose. Third, the Commonwealth—the Commonwealth generically, as the Prime Minister says these days; namely, the parliament, the government, the Prime Minister and the minister for health—generically accepts this approach and position. That is done through Commonwealth funding and financial support of abortion as a legally available medical procedure, whether that is through Commonwealth funding for state public hospitals, through Commonwealth financial support for private hospitals or through Medicare through items under the Medicare Benefits Schedule or the Medicare safety net. That has been the case for some considerable time.

The threshold decision on abortion so far as the Commonwealth is concerned and so far as this parliament is concerned was made nearly 30 years ago. That occurred in the
Lusher debate of 1979, where this House resolved:
... this House is of the opinion that the Commonwealth Government should not pay any medical benefits for or in relation to the termination of pregnancy unless the procedure is performed in accordance with the law of a State or Territory.
No Commonwealth government has sought to disturb that approach since then. It is open to members, senators, ministers or prime ministers who conscientiously disagree with that approach to seek to disturb or change that position and approach. But the key point is this: this parliament long ago made a threshold decision that abortions are legally available medical procedures for women to choose under the laws of the states and territories, and the Commonwealth parliament and the Commonwealth government accept that and fund that.

I make that point because I have seen the argument that to agree with this bill is to abrogate responsibility as parliamentarians and to leave the question of abortion to faceless bureaucrats. Mind you, these so-called faceless bureaucrats are the same people—scientists, medical practitioners, clinicians, specialists, experts—to whom we leave the decision making to judge the safety and appropriateness of medical procedures and pharmaceuticals. We leave it to them on the public policy basis that these decisions are best made by experts reliant upon the best scientific and medical advice, not by ministers, members or senators. That is why this parliament established the Therapeutic Goods Administration. As a matter of public policy, the parliament believes the TGA is best placed to make those decisions.

I make this point about threshold decisions and the legislative framework because I believe there is an appropriate analogy here. The last occasion this House had a conscience vote and a conscience debate was in respect of stem cells. We said that was a matter of conscience, and as a parliament we made a threshold decision. We determined the parameters of the use of stem cells for research and we expressly prohibited a range of approaches. Having determined the parameters, members of this parliament are not now in every laboratory or every research facility making day-to-day clinical or research decisions. Those day-to-day clinical and research decisions are made on the basis of science in accordance with the legislative framework and the threshold decision this parliament has made.

The same is, in my opinion, true of this debate. Having accepted the parameters and the threshold about abortion, the issue of this bill is whether a particular medical approach, a pharmaceutical, should be available in addition to surgical procedures for abortions under state and territory laws. The judgment has to be made whether that is a safe and appropriate medical procedure and approach. I believe that decision is best left to clinical, scientific, medical expert advice. That is the best way to judge the risk and the appropriateness of its use. As I said earlier, that is why as a parliament we established the Therapeutic Goods Administration.

I believe things are qualitatively different now than when this parliament made its previous decision in 1996. The TGA is now in a position to review international experience of over a decade. RU486 has been used in the United States of America, the United Kingdom, New Zealand, Israel and France for over a decade. The TGA can assess the clinical and medical experience from those countries. The TGA, in my view, is best placed to judge the risks, not a member or minister of this parliament. I have seen no argument which would persuade me that RU486 should be treated differently—should have a separate or different approach—to the 50,000 or so items which the TGA has previously dealt with. I do not believe that this is
an abrogation of responsibility. I believe that it is a sensible public policy judgment that the TGA is best placed to make that assessment. I oppose the amendments because they would simply see this same debate brought back here on a case-by-case basis.

If the Prime Minister, the Minister for Health and Ageing or any other member or senator in this parliament as a matter of conscience disagrees with the threshold approach that the Commonwealth has taken or with the legislative framework that exists, it is open to them as a matter of conscience to do something about it in moving to take away Commonwealth financial and funding support for the current framework. I do not believe that will occur. I do not believe that the Prime Minister or the Minister for Health would do that—and that is because, I believe, a clear majority of Australians believe that the current framework is appropriate, based as it is on regarding it as a matter for an individual concerned, on the basis of medical advice received from a medical practitioner.

I have seen some criticism that to adopt such an attitude is to promote abortions. I find the idea of one abortion profoundly distressing—let alone how profoundly distressing it must be for a woman who has to choose to have an abortion or not have an abortion, whether the reason for the abortion is the health and safety of the woman concerned, the fact that the sex causing the pregnancy had not been consented to by the woman concerned or that the pregnancy was unplanned.

It was said earlier that slogans in this area are not useful, and I think that is right. But my attention has been drawn to the comment of a former President of the United States, who said that he wanted abortions to be safe, legal and rare. If you want abortions to be rare, in my view, you have to be up front about sex education in schools and in the wider community and up front about contraceptives. If you want to ensure that abortions are minimised or rare, you have to be up front about prevention.

It has been suggested also that this is a debate or an issue where only women can have a view; that men are not entitled to have a view. I profoundly disagree with that sentiment. We are all equal members of our society. But, just as equally, I strongly agree with the view that no woman or man should seek to impose her or his view on an individual woman who is making a choice about whether to have an abortion or not.

As part of this debate, some have suggested that the Minister for Health and Ageing has been attacked for his Catholicism. I do not attack or criticise the Minister for Health and Ageing or anyone else for being a Catholic or for not being a Catholic—for holding religious views or not holding religious views. It has to be said, though, of the Minister for Health and Ageing that, as a member of public office, he does wear his Catholicism on his sleeve. This will see some supporting him and some criticising him. In my experience, the vast bulk of practising Catholics, whether they are in this place, in public life or in the wider community, do not wear their Catholicism on their sleeve. They practise their Catholicism quietly, conscientiously and reverently.

If I were to utter in public a criticism of the Minister for Health and Ageing, it would be this: advertently or inadvertently, he seems to have made this issue and abortion the sole test of Catholicism. I do not believe that that is right. Members of the Catholic community that I speak to have diverse views on abortions; they have diverse views on RU486. Some—or many or the majority; I do not know, and I do not seek to quantify it—devout practising Catholics do not follow
the church’s teachings and rulings on these matters. But I do not believe that makes them any less of a Catholic. I do not believe that this issue is the sole or single test of Catholicism or faith.

I have, for example, in my own electorate in Perth been subject to the views of a woman over 70 years of age who is a devout Catholic, who tells me advisedly and assuredly that, when it comes to abortions, ‘Stephen, it has nothing to do with the Pope; it has nothing to do with you as a member of parliament. It is something for the woman concerned in consultation with her own doctor.’ So there are diverse views, as far as the Catholic community is concerned.

I might just draw from an example that I found in the West Australian in February 1998, where a Catholic woman who had had an abortion regretfully had that matter made public. The woman became pregnant when her husband’s vasectomy reversed itself. The woman, who was named as ‘Sue’—although that is not her real name—was Catholic, had three children and also had had three stillborn babies. She is quoted in the West Australian as saying:

We are people—

referring to herself and her husband—

who value human life. We approached this decision with a great deal of difficulty. I believe my God is a forgiving God. My God will forgive me for what I have done.

There is the view of one devout Catholic who had an abortion. It was a profoundly difficult decision but, if in the end she had done the wrong thing, her God was a forgiving God and her God would forgive her.

I have not seen an argument that would persuade me of anything other than that the correct public policy position in this area is that the question of the use and availability of RU486 should be left, in the usual manner, to the scientific, medical and expert advice of the Therapeutic Goods Administration and that, if the Therapeutic Goods Administration authorises its general availability, medical practitioners in individual cases should make decisions about its use in particular circumstances, depending on their expert medical advice. I commend the bill to the House.

Mr ENTSCH (Leichhardt) (12.43 pm)—I welcome the opportunity to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I will keep my words reason-ably brief to provide a chance to as many members as possible to speak. In commencing my remarks, I would say that the amount of correspondence and communication I have received on this issue and the broad range of opinions that have been put forward in relation to this debate have been amazing. I am also amazed at the number of experts there are, because the overwhelming majority of comments that have come through to me are from individuals professing to have quite a comprehensive understanding of the properties of this particular drug, when advocating or opposing its application.

As the previous speaker rightfully said, the debate has certainly focused on the issue of abortion and whether or not we should accept abortion in this country. But he is also right in saying that in fact legal abortions have been accepted in this country for some 30-odd years now and have been funded both by state governments and by Australian governments through our Medicare system. Of course the policy view is that the support is for safe and legitimate medical procedures.

I think the argument that accepting the TGA’s advice on this particular drug is going to lead to a massive increase in the number of terminations in this country is false. While personally I have an issue with abortion—it is not something I would advocate in my
own circumstances or for family or for friends—I accept that at times there are circumstances where termination is considered and where it is sometimes necessary in saving a life. In my view, it is a decision that is never taken lightly. Some suggest that it is a convenient means of birth control. I certainly reject that argument. For those I know who have had to go down this road, the decision, once taken and once the procedure has occurred, is with them for the rest of their lives. So it is not something that is taken lightly. But, in relation to RU486, it is at the point after the decision is made between an individual and her doctor to terminate a pregnancy, for whatever reason, that they start to consider what options are available in relation to that termination.

While the Therapeutic Goods Authority is an administrative authority and while there has been some argument that it is a faceless bureaucracy that is not qualified to make a decision in relation to whether or not this drug is suitable to be used by the Australian public, I reject that in so much as it is but one layer of an assessment process that examines all drugs. We have the Australian Drug Evaluation Committee, which is in fact appointed by the minister. That committee is made up of a team of highly qualified experts, and their qualifications cover all areas of medicine. Their job is to provide independent scientific advice on any new drugs, within the policy framework of government. They look at the quality, risk benefit, effectiveness and access within a reasonable time frame of any drugs referred to them for evaluation and at medical and scientific evaluations of applications for registration of prescription drugs, new chemical entities, new forms of previously registered drugs and therapeutic variations to registered drugs. It is their responsibility, as experts, to evaluate these drugs and make recommendations to the minister. Quite frankly, once these experts have made these decisions and once they have given their recommendations, I do not believe there is anybody in this place who would be qualified to argue whether or not that advice is accurate.

We rely on this process for every other single drug that we have available to Australians in this country, and it is my view that this expert panel should also be used to make decisions about RU486. I recall correspondence suggesting that there have been nine deaths around the world attributed to the use of RU486. Those who argue very strongly on that basis do not provide statistics in relation to the number of deaths from other procedures for termination, nor do they provide any information in relation to the number of deaths from childbirth itself. I cannot take their point of view into consideration if it is argued without providing the rest of the information.

I have not made this decision lightly. Like many of my colleagues, I have had a huge amount of mail on this issue—probably equally balanced between those for and those against—and I have had to consider my own personal view. At one stage there was a suggestion that if this particular drug were to be provided in remote Aboriginal communities—in my electorate, for example—it would cause serious problems for women in those communities.

But the advice I have received about the application of this drug is that, if the decision is made to use it as a method of termination, it is not something that can be picked up on prescription, which is something that a lot of people believe. It has to be collected and administered by the doctor and, of course, ongoing medical support has to go with it. I see it as another option available to women who are facing a very difficult decision in their lives—one that many may choose not to
take, but the option is there if they choose to have it available.

It is not available now; it still has to be evaluated. We may find, given the myriad information that is being provided to me, that the experts who are involved in the evaluation process—and I am sure that that information and more will be available to them—may decide that the drug is not suitable, and the debate may well be for nought. But I believe that it is critical that we maintain the integrity of the evaluation system that has served us so well for so many years, and I believe that a decision on which drugs are suitable for Australians should be taken by the expert committee. So I will be supporting the bill, and I will not be supporting the amendments that are being put up.

Mr ANDREN (Calare) (12.54 pm)—Let me say at the outset that I will abstain from voting on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I know that that may be regarded as a cop-out and as disfranchising my electorate, but I hope that I can explain my dilemma. Let me also state that I support pregnancy termination for medical purposes. I also recognise that abortion is more and more available, not just for medical reasons but as a form of birth control. I am not happy with that trend but acknowledge that it is a fact of life beyond the control of parliament—unless it were to outlaw abortion and return us to the time when abortion was hidden and the outcomes often terribly damaging.

So where does this leave the argument on my position? Logic suggests that the Therapeutic Goods Administration is the only body capable of judging the efficacy of a drug entering the Australian market. It should not be the role of one minister, cabinet or parliament as a whole to impose political judgment on such approvals, for it would be a judgment with little or no medical expertise. The judgment of a drug’s production, side effects, efficacy and administration should rest with a professional organisation such as the TGA but with a rider—as we move into assessing a drug that has so many ethical, as well as medical and scientific, questions about it, surely there needs to be an ethicist on board the TGA process.

I am not convinced that the TGA has the necessary powers to monitor this particular drug, or set of drugs, as this process we are examining really entails, for this involves mifepristone and a prostaglandin taken in tandem to achieve a termination. I do not disagree that where a surgical or medical option is available a woman should have a choice. But it is not the choice but the supervision of the choice that disturbs me. My concern surrounds the protocols for administration and follow-up in the use of these drugs. I am not convinced in my examination of the TGA’s responsibilities that sufficient protocols are currently in place to ensure that doctors prescribing these drugs would be involved sufficiently in the entire process, especially in country areas. I am not satisfied that key bodies such as the AMA have even considered the need for much tighter protocols in the case of these drugs.

What concerns me is that vulnerable women, many of them very young, will, if not required to self-administer these drugs, be alone while the termination process is occurring. In response to concerns about some outcomes from the use of the drugs, a US Food and Drug Administration alert of July 2005 states:

Patients should contact a healthcare professional right away if they have taken these medicines and develop stomach pain or discomfort, or have weakness, nausea, vomiting, or diarrhea with or without fever, more than 24 hours after taking misoprostol. These symptoms, even without a
fever, may indicate sepsis. Make sure your healthcare practitioner knows that you are undergoing a medical abortion.

To my mind, the American situation leaves the onus very much on the patient, and therein lies some of my concerns about the protocols that may in future be in place here.

If I were convinced that these drugs were administered within a clinic and the woman supervised and cared for in a clinic as with a surgical abortion, I would have no problems. But this drug is being promoted as an answer to isolation, for country women to be able to achieve terminations without the expensive, time-consuming trip to a city or major centre. It may save time on travel to an urban clinic, but I doubt that it will offer emotional security anywhere near as much as a clinical procedure, where at least there is medical and, one would hope, psychological support.

I am conscious of the written advice to the Minister for Health and Ageing from Chief Medical Officer Professor John Horvath that the use of RU486 for abortion ‘carries a significantly higher risk’ than surgical abortion of later adverse events and that the use of medical abortion by GPs in situations where there was not ‘an established relationship with an obstetric service that could deal with emergency complications outside normal clinic hours would substantially increase the risks to women undergoing termination’. The AMA executive, councillor and obstetrician, Dr Andrew Resce, responded to the CMO’s advice by stating that women would only be able to gain access to medical abortion ‘under the supervision and advice of a doctor who would be responsible for managing the entire termination process’.

Therein lies my concern. How is this possible in all circumstances, especially in remote and not so remote rural communities—in Indigenous communities as close to Bathurst, say, as Hill End, an hour and 15 minutes away over a lot of winding gravel road? I do not believe the supervision, the obstetric backup or the management processes are in place. Equally, I do not believe the minister of the day or parliament should be the judge on this. Nor do I believe that women should, as some have suggested, be the judge and that men should butt out. A pregnancy also involves a male.

There is much pressure on many women to take the abortion route, and we must ensure we have in place absolutely every support necessary to enable a woman to also exercise her own choice to continue a pregnancy. For many young people—indeed, for many women in general in our society—the prospect of an unexpected pregnancy is accompanied by financial panic, a lack of child-care options or perhaps pressure from partners to abandon the relationship. The reality is an unexpected pregnancy has financial consequences long before the emotional and medical issues are considered.

The most recent Bureau of Statistics child-care survey shows only one in five children from low-income families in Sydney can access long day care or preschool, and in a society where the extended family is more and more becoming a truncated and disjointed one almost 80 per cent of these families do not have grandparent care. The child-care situation is even more critical in rural areas, including my electorate. Barnardos Australia says there are simply not enough child-care places and that they are too expensive anyway, even with the maximum child-care benefit. The AMA, in its submission to the Senate inquiry, at least in part recognising this crisis suggested child-care costs should be claimed as an expense and paid pre tax. The AMA seems to ignore those many pregnant women who may be below the tax-free threshold. They do not need tax breaks; they just need a break. These are the vulnerable for whom every emotional, finan-
cial and medical support must be available in the event of a termination, if indeed it is recommended.

I have carefully studied the Senate Community Affairs Legislation Committee report on the bill. At page 14 it states:

The medical groups emphasised the need for legal terminations to be performed safely and to the highest possible standard to ensure that women who choose this option do not suffer unnecessary harm.

Can those medical groups guarantee that medical abortions offer as many safeguards as clinical termination, especially for women in rural and remote areas? The TGA risk management approach states:

… the healthcare provider (the medical practitioner) evaluates risks for the individual patient …

That may be so, but I ask: how can the risks be assessed on a woman suffering heavy bleeding, monitoring her condition perhaps alone or with inexpert company in the 12 days or so between the taking of the second of the two drugs and the return visit? A phone call to the doctor is an option, but will the GP always be available in a country area? Do we rely on mobile phones? The TGA risk management approach also says it encourages practitioners to report adverse events and that it communicates through peak bodies and forums. I do not think these procedures are sufficient in the case of what could be a largely self-managed medical procedure of such monumental emotional and physical impact.

In New Zealand there is the Abortion Supervisory Committee which oversees the operation of protocols for early medical abortion procedures. That would seem to be the very least we need here. Contrary to statements in the Senate report, I do not have confidence that under the TGA’s current drug oversight women will have the level of medical supervision currently required in a surgical termination. In evidence to the Senate inquiry, Dr Renate Klein, who does not oppose abortion but does oppose this medical option, proposed the establishment of a committee of informed community members, including social scientists, doctors, pharmacists and, importantly, ethicists, to conduct its own investigation into the availability of RU486 and its accompanying drug regime. This would run in parallel to any TGA study.

In the Senate committee report, the Royal Women’s Hospital noted that ‘gynaecologists are suitably trained to supervise medical abortion’. The RWH also says:

Protocols would be established regarding all of the steps required for medical abortion.

‘Would be established’ is a key phrase. Until they are in place, the TGA cannot effectively supervise and regulate the use of those drugs covered in this bill. The parliament’s job is perhaps to put in place those regulations to give the TGA the power to do its job properly. However, while parliament should be responsible for making laws and regulations to ensure the safe administration of drugs, it is not the parliament’s role through cabinet or disallowance instruments to sit in judgment on the efficacy or risks of a drug, even one that is strictly not therapeutic in intent.

That perhaps approximates the Treasurer’s position—I hope I do not misrepresent him; I listened very carefully to his excellent contribution—but I cannot support the TGA option until I am convinced of its preparedness and ability to supervise this type of drug. The Rural Doctors Association of Australia told the inquiry that rural doctors are ‘keenly aware of their duty’. Of course they are; that is not in dispute. The Rural Doctors Association went on to say:

They know the range of treatment they and their nearest hospital can provide …

The fact is quite a few rural hospitals are not near enough. Some do not have sufficient
emergency services to cover unexpected procedures. We have single doctors in single communities covering vast areas, on call at all hours of the night, without the availability when the need is there. That is quite a reality in circumstances like this. A country hospital several hours away is little comfort if something goes wrong.

As the Senate committee report noted, there is a climate of review developing around these drugs. The US Congress has the RU-486 Suspension and Review Act before it. On 30 January the Italian government imposed restrictions requiring every individual request for the use of RU486 to be justified on precise clinical and epidemiological grounds. Trials of the drug have been suspended in Canada despite the country’s liberal abortion laws. Some European countries, according to the Senate committee report, require supervised administration of the drug in a hospital setting and appropriate follow-up. This is closer to the position that I would support, but at this point I cannot see anything in the TGA approach to this that encourages me to think that that will be the outcome.

Indeed, consultant psychiatrists Stephen and Dianne Grocott told the Senate inquiry:
There is a need for independent research into the true psychological consequences of RU486, especially the consequences for women who decline to attend for follow-up.

This, however, is not an argument for continued ministerial control and approval; it is an argument for a proper framework within which our drug advisory and administration process can properly work and guarantee absolutely safe treatment.

The question facing all of us was perhaps summed up by Drs Elvis Seman and David van Gend when they told the inquiry:
The debate on RU486 provides an opportunity for the profession to reaffirm the ethical distinction between medically essential termination of pregnancy and abortion for non-medical reasons.

I ask those who would argue for the sanctity of life in all circumstances to be as passionate on the issue of capital punishment—a dilemma we are faced with at this very moment. It should also be recognised that, among the data available on this issue, medical termination has reduced the death toll from crude, non-clinical abortion in some Third World countries.

I thank all of those people and organisations, particularly my own individual constituents, who have made such strong submissions to me on this issue. I congratulate members for the deep thought they have put into this debate. I reach an impasse: I cannot agree to hand over control of this process at this stage to what I see as inadequate TGA protocols, yet I certainly believe the assessment of all drugs should be in the hands of independent medical and ethics professionals. I certainly do not believe such assessment should be subject to the prevailing position of various governments, cabinets and individual MPs at various times. I reject the amendments, for they also risk political and ill-informed judgments and prejudices based on the whims and vagaries of the parliament of the time on what should be strictly medical and ethical decisions. I hope my position on this bill helps highlight the need to closely examine and review the TGA risk management approach, particularly for the drug regime we are debating here. All my votes are in essence a conscience vote. On this occasion I choose, in good conscience, not to cast one.

Mrs MARKUS (Greenway) (1.09 pm)—I rise today to make my contribution to the very important issue of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 that is before the chamber today. I acknowledge from the outset that this is a
complex and difficult issue that requires careful consideration. There are several issues that we need to consider today, not only the medical implications of the drug RU486 but also the principle that important decisions affecting the community should be made by those people who are directly accountable to the community.

I want to state from the outset that I support the amendment proposed by the member for Lindsay. The amendment strikes a balance between recommendation from the Therapeutic Goods Administration and parliamentary and ministerial accountability. This is a debate of many discrete parts and is about the process of approving abortifacients. People have offered many reasons as to why this drug should be considered differently from those drugs which ordinarily come before the Therapeutic Goods Administration. RU486 is an abortifacient, provoking reaction from all corners of the debate and ought not to be regarded as ‘ordinary’. It was for this reason that in 1996 the drug was moved into the hands of the health minister.

I would like to quickly examine the facts behind RU486. The drug mifepristone is a synthetic steroid that induces medical abortion and is an alternative to surgical termination. It works by blocking the transmission in the body of progesterone, a drug that is crucial to the progression of pregnancy. The uterine lining breaks down, making it impossible for the uterus to hold the foetus. The administration of the drug occurs in two phases. An initial dosage is administered, followed two days later by a course of prostaglandin. This causes the uterus to contract and expel the foetus within hours.

It is commonly administered during the first nine weeks of pregnancy but also within the second trimester and even then in conjunction with prostaglandin. RU486 can lead to serious side effects for those women who choose to end their pregnancy in this way. Women can experience internal bleeding and infection as a result of the retained parts of the foetus within the uterus. These women require urgent medical attention. In those cases where the use of RU486 has not worked, urgent surgical care and completion is required. In other cases, the mother experiences severe complications that can lead to death.

Currently, RU486 falls under a category of drug known as restricted goods—generally abortifacients—within the Therapeutic Goods Act. These goods must have the written approval of the health minister for evaluation, registration, listing and importation. Restricted goods provisions were introduced in 1996 and supported by both sides of the chamber. The amendments were based on the philosophy that the minister for health ought to be ultimately accountable for decisions in relation to the evaluation, registration, listing and importation of abortifacients because they are a special category of drugs which require additional public scrutiny. More than this, the Senate at the time recognised the health risks of the drug for women, including the damage to the long-term reproductive health of women and the risk of fatality. I agree with the position put forward by others that, in a case such as that of RU486, a sensitive community issue, it is not sufficient to assess only scientific criteria.

So now the situation remains that, should a sponsor wish to introduce RU486 into Australia, they must obtain written consent from the Minister for Health and Ageing before progressing to the Therapeutic Goods Administration. The Nash-Moore-Allison-Troeth bill which was debated and passed in the Senate last week seeks to remove the role of the minister from the approval process. Instead approval for the registration, listing
and importation of the drug would rest with the TGA.

Firstly, I believe that this proposition removes ministerial accountability from the equation. I agree with the commitment of the Prime Minister and the Minister for Health and Ageing to ministerial accountability. Australia is an elected democracy based on an amalgam of responsible government and the Westminster system. I believe that we need to respect the office of the minister and the responsibilities and conventions that sit alongside it. Those of us who are privileged to serve our communities through election to parliament bear a grave responsibility. As elected officials, we are charged with making informed decisions on behalf of the nation and we are expected to be accountable for those decisions. In a case such as this, where we are dealing with a procedure inextricably linked to a sensitive community issue, one cannot remove ministerial accountability. We expect ministers to be responsible for making tough and sensitive decisions, and this case should be no different. At the end of the day the Therapeutic Goods Administration, with all its expertise, is not accountable in the same fashion as a minister of the Crown.

One of the reasons given to change the situation is to improve access to such procedures for women in rural and regional Australia. Women in these areas face challenges in gaining access to GPs and medical practitioners. The use of RU486 really does require strict supervision and is administered in many other nations within the context of a clinic. To provide it in any other way would actually present grave risks to any woman who chooses this option in rural Australia.

The amendment of the member for Lindsay strikes a balance between receiving scientific advice from the TGA and honouring the concept of ministerial responsibility. This amendment allows for the provision of RU486 to function as follows. Any sponsor seeking the listing, registration, evaluation or importation of RU486 makes application. The health minister receives written advice from the Therapeutic Goods Administration in relation to the safety and efficacy of the drug. The minister is then required to provide a written statement of reasons as to the approval or refusal to grant the importation. This advice is tabled in each house of parliament by the minister within five sitting days. The approval or refusal is a disallowable legislative instrument, meaning that in the case of grave concern the minister’s advice may be overturned, but only by the parliament. Parliamentary accountability is retained in the final decision.

There are an estimated 73,000 to 91,000 abortions in Australia every year. It seems to me that many feel their only options are to either keep the baby and struggle on—often alone and without support—or seek an abortion. Pregnancy is viewed through a lens, and a number of women feel as though their choices are limited. A third option, to complete the pregnancy and place the child in adoption, is often not encouraged and requires support and services. Last year there were only 70 adoptions across the nation despite the enormous estimated number of abortions. No matter what their age, women need support, advice and assistance for all options.

It is important for me to say that, while abortion is not an option that I would choose for myself, I am not here to judge those women who face enormous challenges. I do believe that women require advice about all options available and that support structures are critical to women being able to make real choices. It is important that we provide women with education on all options open to them, including adoption. In many other debates we focus on the value of humanity and the rights and responsibilities of individuals.
I feel it is important to focus for a moment on the potential of the human life within the womb to have a future—a contribution unmeasured and significant, no matter how small or large, to a family, a community, a nation and, potentially, our world. In conclusion, I strongly support the amendment of the member for Lindsay and I do not support the private member’s bill.

Mr WINDSOR (New England) (1.19 pm)—Irrespective of the outcome of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, the debate has highlighted a very significant issue that I think this parliament should reflect on a little more: the issue of when members of parliament are given some degree of freedom in the way they vote. They do take it seriously. An enormous amount of research has been conducted by members on both sides of this issue, and I give credit to them. I think that is something that the executive government should pick up on as well. People are not sheep, if you like, in the major parties; they can think for themselves and express themselves very well on key issues before the parliament. I congratulate those people on the work and effort they have put in.

I support the legislation before the parliament today. I will not be supporting the proposed amendments. I see this vote as very much a vote about who determines the use of a drug. I do not see it in the light of the abortion debate. I have personal views on abortion, but this is not a debate on abortion. It is a debate about the assessment and regulation of a drug that is available in some parts of the world and may or may not become available in this part of the world. If this legislation is passed, it will not necessarily mean that RU486 will be available to the Australian population. It will mean that a medical process will take place to assess the safety risks.

I take on board the comments that the member for Calare made, and I understand some of those concerns—I think most people do. All drugs carry risk. This drug may carry risks as well. But I do not believe, as some people do in relation to the amendments to the bill coming before the parliament, that I have the technical skills to make decisions about this drug. I do not believe I have those skills in relation to other drugs. If we open up the debate that members of parliament should suddenly become experts on the use of and safety measures for drugs, we will have a whole range of drugs before the parliament asking for similar consideration. So I believe that the TGA, the medical experts, should be the ones who make the decision on the use of RU486.

We have heard the differing views within the parliament. There are medical practitioners, two of whom I listened to quite intently. I regard them as men of high esteem. They had differing views on this drug, and they are trained in the use of drugs generally and in patient care. A number of people in my electorate, as within all electorates, have raised concerns on both sides of the debate. I thank those people for the information they have transferred to me. I have to say that I thought many more constituents would have raised this issue, because on many other issues there has been much greater concern and personal interaction. I note that some of the members of parliament have done mini polls of their constituencies or have counted up letters for and against and come up with some indication of where their electorates are taking them. It is interesting to see that they do that, and I would encourage them to follow that particular line on other issues. I note that quite a lot of them did not bother to follow the so-called instructions of their electorates on some other important issues that have come before the parliament in recent months.
I listened quite intently to the Treasurer’s contribution this morning. The Treasurer spent some time talking about the personal dilemma that he faced in consideration of a termination some years ago in his life. I know that in my family we also have been touched by this issue in years gone past. I took on board the concerns that the member for Riverina raised—and I do not want to verbal her—about her not wanting to be put into the situation where she would have to make that decision. I think she made a valid point: it would be a hard decision to make if you were placed in that position. Unless people have actually been there they really cannot know what that sort of decision process is about.

In saying that I think we really must respect the choice that women of varying ages have to make—they might be young girls or they might be women in their 40s. It is not an easy choice. I personally do not feel that I want to be in the position of removing a particular choice about how a legal abortion can take place. Abortion is legal on the state statutes, and I do not want to be in the position of deciding how that process can be conducted. Some regard has to be taken of the process that the TGA will use in its assessment of this drug. In supporting this bill I am not supporting the use of RU486; I am supporting a legitimate medical process to determine whether this drug is safe and whether it should be assessed as suitable for treatment within Australia.

I am not a medical person, and so I do not have the expertise, but there may well be certain restrictions that could be placed on its use in relation to distance from medical facilities. There may well be some restrictions about the clinical use of the drug. There may be recommendations that if you live in certain areas this drug may not be as safe as having a surgical abortion. One thing is for sure: if the TGA does legitimise the use of this drug, there will be pressure on the recommendations of GPs for its use and on the relationship between patient and doctor. Real pressure will be put on those people to make sure that some of the things that have been talked about here—for example, picking up the drug and just wandering off into the bush and carrying out an abortion at home—cannot occur and that there is close contact between the medical practitioner and the woman concerned.

There are a couple of other issues that I would like to raise. I think most of us have seen from time to time that one of the worst things we can do is have people having unwanted children. There are two issues here: the woman concerned and, obviously, the foetus. We have too many unwanted children in Australia now for whom we are trying to pick up the pieces and patch together their lives. The last thing we really should be encouraging is for women to be mothers who do not want to be mothers, irrespective of their age, and not being given the choice of being able to terminate that pregnancy.

I conclude by reiterating that the safety issues that the member for Calare and many others have spoken about really do have to be discussed both within this place and within the processes of the TGA. Proper protocols need to be put in place so that a lot of concerns that many people within the parliament have in relation to this issue can be alleviated.

I would highlight, particularly to my constituents who have concerns about this debate, that most of the letters I have received—and, as I have said, I have not received a great number of them—that are opposed to the legislation or are suggesting that I should vote against RU486 or the TGA being the determining body for the usage of it have essentially talked about the issue of termination of pregnancy rather than the is-
sue of who makes the determination as to whether the drug in question is used. As I said at the start of my contribution, I will be supporting the legislation before the parliament, and I will not be supporting the two amendments that are being proposed.

Mr Nairn (Eden-Monaro—Special Minister of State) (1.30 pm)—The first thing I would like to say in speaking in this debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 is to generally thank the many people of Eden-Monaro for their emails, letters, faxes and telephone calls offering their view on the bill. It is important for all members to listen to their constituents. However, I say ’generally thank’ because unfortunately there have been contributions from just a few constituents that, in all honesty, I cannot say thank you to. I hasten to add that the contributions I refer to have come from both sides of the debate—as members would expect, both extremes of the debate. One measured contribution encouraged me to vote on this bill according to my conscience and not on emotional or religious grounds. I can assure all constituents of Eden-Monaro I will not be voting on either emotional or religious grounds.

I have also been reminded that this debate is not about abortion. This is absolutely correct, but unfortunately many of the people encouraging me to oppose this bill have argued strongly against abortion. Also, many people encouraging me to support the bill have done so on the basis of being strongly pro-abortion. Both of these arguments are not appropriate for this bill. If passed, this bill simply takes the responsibility to register a particular drug away from the Minister for Health and Ageing and places it in the hands of the Therapeutic Goods Authority. It has no impact on the legality or otherwise of abortion.

Much has been argued about which of these two should have that responsibility. If it remains with the minister, the minister of the day could take whatever advice he or she believed appropriate before making a decision. The TGA has a process for determining the safety, efficacy and quality of all drugs that are lodged with it seeking registration. What has not been stated very widely is the detail surrounding an application to the TGA and subsequent to the registration if successful. Firstly, an application for registration to the TGA must be submitted in a specified format, which includes the provision of detailed documentation about the conduct and outcomes of clinical trials in humans in order to establish the product’s safety, efficacy and quality. The data submitted are subject to extensive review by the TGA staff and contracted clinical experts. A summary of the TGA’s evaluation of the application is then put to the Australian Drug Evaluation Committee—ADEC—for advice. If registered by the TGA, restriction on the availability of mifepristone, or RU486, can occur on a recommendation by the National Drugs and Poisons Schedule Committee to the states and territories.

Other restrictions on use which might possibly be recommended by ADEC or be a condition of registration imposed by the TGA, such as limitation of prescribing to medical practitioners who have undergone some form of additional training, can be enforced by the state and territory governments, who control medical practices. Therefore, there is substantial opportunity for the many people who have argued abortion specific matters in this debate to have input not only to the TGA but also to the Australian Drug Evaluation Committee, the National Drugs and Poisons Schedule Committee and their respective state and territory governments. My unemotional, considered view of this matter is that the TGA is the appropri-
ately constituted and qualified body to carry out the necessary independent investigations to determine whether RU486 would be registered if such an application was made. I would also add that the TGA would determine the conditions under which such a registration was made if it determined a registration was warranted.

I am well aware my decision will disappoint many constituents—probably anger many as well. Many in that category are close friends and supporters. Equally, my decision will be welcomed by many. To both those disappointed and those pleased, I emphasise that my vote is not a vote in favour of widespread abortions. Irrespective of the circumstances, I remain strongly of the view that the termination of a pregnancy is a matter for the mother and the father and their health professional. Any individual placed in such a traumatic circumstance is under enough personal strain without added political pressure. For that reason as well, I do not support the amendments proposed as they would simply ensure multiple divisive debates in this House in future years that would only further encourage the two extremes of the abortion debate and do nothing for those having to deal with personal trauma. I intend voting in support of the bill as first introduced.

Dr LAWRENCE (Fremantle) (1.36 pm)—I am sure that many members have spoken with such conviction about their view on ministerial and parliamentary approval for RU486 without fully understanding the process by which it was singled out from other drugs normally approved by the TGA. I have been around a little while, and I am aware of what happened in 1996. It is useful to remind members of the history of this decision. It was not the result of careful analysis or an extended parliamentary debate like this one. Rather, it was a deal done when the government did not have control of the Senate to secure Senator Harradine’s vote for the sale of Telstra and other matters. It was never a matter of high principle. Rather, the women of Australia were denied access to what has now been shown to be an effective and medically approved method of terminating pregnancy because of what was effectively a political deal. To my dismay, and contrary to the views of many of our members at the time, it was not opposed by Labor in the Senate either.

During 1994, when I was Minister for Human Services and Health in the Keating Labor government, trials of RU486 were being conducted in Australia as part of a multitrial program sponsored by the World Health Organisation. The trials were conducted at the Sydney Centre for Reproductive Health, which examined the use of RU486 as an emergency post-coital contraceptive, as they described it, and by the Monash University Department of Obstetrics and Gynaecology at the Family Planning Association of Victoria, who were assessing the effectiveness of combined RU486 and prostaglandin as a method of early pregnancy termination.

In May of that year, as part of his continuing campaign—which I respect—to stop abortions in Australia, Senator Harradine raised questions about the TGA approval for the import of the drug and the ethics committee processes which were in place for the trials to get informed consent from the women. Controversy surrounding the trials came to a head in late 1994 following an article in the Canberra Times which expressed concern about whether women in the trials had actually been given sufficient information to give properly informed consent. A number of pro-choice women active in family planning were also concerned that:

Compared with existing methods of abortion ... It has a greater degree of nausea, pain, prolonged bleeding ...
Women coming to the Family Planning Association in Victoria in particular, as one woman put it, ‘come expecting to get a curette and they’re being coerced into volunteering for a trial’. At the same time, the Catholic bishops—the feminists and the Catholic bishops was an unusual combination of forces which I do not think we have seen for some time—took the opportunity to lobby the Prime Minister, without success as it turns out, to prevent the trials continuing. They said publicly that they regarded me as a lost cause—my views are well known on this matter—although I was in fact concerned that the processes for obtaining informed consent from the women in the Victorian trial may indeed have been inadequate.

After discussions with those conducting the trials in Victoria, the trials were actually suspended to allow an examination of the ethics and consent procedures by a consent review panel consisting of Bryce, Clarke and Funder. I also established a separate review into the operation of institutional ethics committees more broadly to ensure that ‘they are as effective as possible in overseeing and monitoring clinical trials’.

Once the Victorian panel had reported and its recommendations had been incorporated into the trial’s protocols, the trials resumed and concluded. The Committee on Institutional Ethics that I had set up subsequently reported to Dr Wooldridge, the then Minister for Health and Family Services, following the change of government, and many of its recommendations were subsequently incorporated into institutional ethics protocols and do deserve to be reviewed from time to time.

The results of the trials, reported in 1997, confirmed international evaluation and indicated that RU486 could be used safely, with many women in fact expressing a preference for such medical termination over surgical procedures.

But in the meantime, in 1996, soon after the current government was installed, Senator Harradine was successful in inserting ministerial approval for RU486 into the Therapeutic Goods Amendment Bill, which was before the House at that time. This of course was not recommended by either of the committees that I referred to that had assessed the question of the conduct of the trials. The matter was never fully canvassed within my own party or, indeed, within the wider community and several members, including me, argued vehemently against supporting the Harradine proposal.

As a result of the deal that I mentioned, a special category of drugs, to include RU486, was created for the first time in 1996. Under the Therapeutic Goods Act, these ‘restricted goods’, as they are described, cannot now be evaluated, registered, listed or imported without the express written approval of the minister for health. In those amendments, restricted goods were defined as medicines ‘intended for use in women as abortifacients’. In other words, the restricted goods provisions apply exclusively to medicines intended to induce an abortion.

As members well know—they will have at least heard the discussion—all other medicines used for any purpose other than abortion are evaluated and regulated by the Therapeutic Goods Administration without any requirement for approval from the Minister for Health and Ageing. The TGA provides a scientifically rigorous and comprehensive process of assessment for drugs and other therapeutic goods in Australia to ensure the quality, safety and efficacy of medicines and medical devices. Like other government departments, of course, it is answerable through the responsible minister to this parliament.

Under the present act, a sponsor seeking approval to market an abortifacient can apply
through the same process as exists for all prescription medicines in Australia—that is, an application would need to be submitted with supporting data to demonstrate the quality, safety and effectiveness of the drug. The key difference as a result of the restricted goods provisions is that, in addition to the supporting data, written ministerial approval is required before a restricted good such as RU486 can even be evaluated by the TGA. I think it is fair to say that there is no guarantee that this Minister for Health and Ageing or any other—it is not personal—would be guided by the same careful and dispassionate assessment of the drug that is required of the TGA. In any case, such a person would be unlikely to have the expertise.

At the time the amendments were agreed, some senators predicted in the debate that potential sponsors might make the judgment that it would not be worth their while to make application because of the likely expense and controversy surrounding the ministerial decision. Whatever else we might say about those who oppose abortion on any grounds, they are very public, persistent and sometimes emotive. Not all drug companies are willing to subject themselves to such opprobrium. Perhaps as a result, and as was predicted at the time, no application has ever been lodged in Australia despite the fact that, strictly speaking, it is possible to apply for approval to market RU486. The fact that RU486 is currently licensed for use in a large number of countries apart from Australia lends credence to the view that the current legislation represents a barrier to potential sponsors seeking approval. That is why this legislation is necessary, and I welcome it, and it is why the amendments should be rejected.

All the evidence suggests that, given the choice, a substantial proportion of women prefer medical methods of abortion and that it is safe to do so. I quote from the International Planned Parenthood Federation:

There is overwhelming evidence, based on numerous studies and clinical trials to support the statement that this drug is safe and efficacious for medical abortion.

Of course, that has to be assessed in Australia by the TGA. After reviewing existing literature and the results of clinical studies and trials on RU486 for medical abortion, they found unanimously that the drug is safe and effective. As members also know, the WHO has declared medical abortions safe, effective and acceptable if the few conditions which warrant control are identified and post-abortion care is available. No procedure, as members know, is without risk—and nor is child birth. We live every day, consent to drugs and are subjected to medical procedures with known and measurable risks and side effects. And we do so after these drugs and procedures have been meticulously evaluated by the TGA and following medical advice. RU486 should be no different.

I want to end on this note. Like most people, I believe it is desirable to reduce the need for terminations by reducing the number of unwanted pregnancies, not by restricting access to terminations. Most women, their partners and their families would prefer not to be in the position of having to decide whether or not to terminate in the first place. Although we have to accept the fact that contraceptive methods are not foolproof, we can do a lot more in Australia to reduce unwanted pregnancies. Other wealthy nations have lower rates of abortion than we do. I would argue that we need more comprehensive and sustained sex education for young people and a greater willingness to talk frankly to young people about responsible relationships and the risks of premature sexual activity.
We need more easily accessible and affordable family planning information and advice. We need more professional counselling for people with psychological problems, who are sometimes at risk of an unwanted pregnancy. We also need more readily available contraceptives, especially for younger people who are sexually active, and serious strategies to reduce violence, especially sexual violence, in relationships. Women subjected to such violence often seek to end their pregnancies—perhaps understandably. If we adopted such an agenda and promoted it with some energy, we would have fewer unwanted pregnancies and fewer abortions in this country—a goal I am sure we all share.

Mr SECKER (Barker) (1.47 pm)—We have a conscience vote on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. It is my second in 7½ years, so it is not often that as members of parliament we get the opportunity to have a conscience vote without any pressure from parties, prime ministers, leaders of the opposition and so on.

It has been very interesting to hear the different arguments put forward by members in their contributions to the debate on this bill. I agree with many of the arguments that have been put forward by those members whose vote will be quite different from mine. For example, I agree with the suggestion by the previous speaker, the member for Fremantle, that we need to do more to reduce abortions by providing better sex education and availability of contraception. But I could not be further from her view on where she will be voting.

Like every other politician here, I have received a lot of emails, phone calls and letters about the bill. Interestingly, in my electorate I think two people have suggested that I support the bill and, at last count, about 60 against. Even on that representation, my electorate seems to be a little different from others. In the end this is a conscience vote, and we as politicians have a duty to vote according to our consciences, which can never be the same as those of our constituents. I am sure that some will agree with me and some will disagree with me.

There are two questions to ask when referring to this bill. The first question is: who makes the decision about this drug? I have heard the various arguments that this drug should be dealt with in the same way as every other drug in this country. But not every other drug in this country causes abortions. The second question is: is this bill about abortion? Whether the bill is technically about abortion or not, most members have referred to abortion and expressed their views on it. It is very hard to divorce yourself from your beliefs on abortion, and for many it is the reason they will be supporting or opposing the bill. And I am the same: I will oppose it because of my belief in the sanctity of life.

It is interesting that we have four choices on this issue. We have the status quo, where the Minister for Health and Ageing has the veto power. That could vary quite considerably, depending on who the minister of the day is. I think the first amendment—the ‘Jackie Kelly amendment’—is the best course of action. Failing that, I would support the ‘Andrew Laming amendment’. If both amendments fail, then I would oppose the bill, which is the fourth choice. I will explain to the House why I have that view. I have heard many speakers say that this bill is not about abortion but about what is the best way to decide on a drug. That might be the technical argument that we are looking at, but out there in voter land I can assure you that this bill is about abortion. The voters have certainly expressed to all of us that they believe this bill is about abortion—with one
argument about the right of women to do what they shall with their own bodies and the other about abortion being wrong. While most of the speakers in this parliament have said this is a technical argument about the best way to make a decision, I do not think any of us could say that the whole theory and philosophy about abortion has not come into this argument.

Normally, it is a state government decision. State governments all around Australia, with varying conditions, have legalised abortion. That has been the case for some time now. If I were in state parliament I would have voted against those decisions, but I have never been in state parliament. Thankfully, I am in federal parliament and, normally, we do not have to make these decisions because they are the prerogative of state governments. But, because we are talking about the importation of a drug into Australia, it now becomes the role of the federal government to make that decision.

I am concerned that, if this bill is passed, we will be taking away the role of politicians to make a decision on what is a very strong and ethical issue for many people and giving it to bureaucrats who do not have to face up to the public. I have heard the arguments that we can come back and reject that decision later, but that is all much harder to do. It worries me that some people in this parliament are willing to take away the responsibility from an elected politician and give it to an unelected bureaucrat. There has been too much of that in probably the last two decades. I remember having a discussion about this with a well-known person—and I do not need to name him—but he thought it was a worrying trend also. He was hoping the trend to give the responsibility for making decisions to unelected bureaucrats rather than to politicians who are doing their job and making the decisions themselves would be reversed.

We have heard all the arguments about whether RU486 is a safe or dangerous drug. I am sure the TGA can judge that. But this is not about judging whether a drug is safe or considering the efficacy of it. I reject all those arguments. It is all about whether we should have drugs for abortion. This is my only opportunity, as a pro-life person, to oppose this bill because of that sentiment. I have another concern if RU486 is eventually legalised. Every politician in this House—and probably many other people out there in their electorates—get bombarded almost hourly with advertisements on the net for Viagra, Cialis and so on. Of course, we automatically delete them because we are not interested in them. This bill will give people the opportunity to buy this drug over the net and have it imported into this country legally.

There is nothing in this bill that actually says that we will be stopping RU486 from being imported over the net. The trouble with that is that it will be done without medical supervision. Anyone who has spoken about this drug has always added the rider that, if you use this drug, it should be with proper medical supervision. But, if you are buying it over the net, that supervision will not be there, and that has to be a concern that has not been addressed by this bill at all. Like it or not, this bill has become a bill about abortion—that is fact and perception. As I said, I am unashamedly pro life, not because of religion but because I believe in the sanctity of human life.

So who should make the decision—not who should give the advice? I think we have been a bit confused here. We should always accept advice from the TGA on a decision like this. We should always accept advice from experts, whether it is advice from the TGA or from scientists or whether it is accepting what has happened overseas. But that does not mean they make the decision. Poli-
ticians are elected to make decisions; bu-
reaucrats are there to give us advice. And to
give the responsibility of making this moral
and ethical decision to unelected bureaucrats
is the basis of my rejection of the bill’s
amendment. Firstly, I will support the
amendment moved by Jackie Kelly and, if
that fails, I will support the proposed
amendment of Andrew Laming. I believe we
are elected to make these decisions, not bu-
reaucrats.

If we pass this bill, we will be the first
parliament in Australia to give the respon-
sibility of making a decision on abortion to
unelected bureaucrats. I think we need to
make that point very clearly: we will be the
first parliament in Australia’s history to give
the responsibility of making a decision about
abortion to bureaucrats. We can accept that
advice, but I assure you that in every state
parliament of Australia they did not give the
decision making on abortion to bureaucrats;
they had the guts to make that decision them-
selves. But this bill does.

As I said, we have had a fairly long and
protracted debate about this. There will be
more to come. I am not sure whether there
are many new areas that we can traverse in
this debate. But I cannot divorce myself from
a position where everyone knows that there
is a feeling and a perception out in the com-
munity that this debate is really about abor-
tion. My feeling about the bill is that it does
not give enough protection against the ability
to buy this drug on the net without any
medical supervision. I think everyone would
suggest that, if this drug is ever going to be
used, it should have very strict medical su-
pervision. In closing—I see many of my colleagues
have come into the chamber—I do not reflect
on the decision of any of my colleagues. We
all have a conscience and we all have to live
with that conscience. My conscience tells me
that I cannot support the bill. Firstly, I will
support the amendment moved by Jackie
Kelly. Secondly, if that fails, I will support
the proposed amendment by Andrew Laming. If all else fails, I will oppose the bill.

The SPEAKER—Order! It being 2 pm,
the debate is interrupted in accordance with
standing order 97. The debate may be re-
sumed at a later hour.

QUESTIONS WITHOUT NOTICE

Oil for Food Program

Mr BEAZLEY (2.00 pm)—My question
is to the Deputy Prime Minister and Minister
for Trade. Can the Deputy Prime Minister
explain why the estimated return to Austra-
lian wheat growers was only $285 per tonne
from the 2002-03 pool, when AWB Ltd was
signing contracts with Saddam Hussein of up
to $521 per tonne—like this one—assessed
and approved by his department on 12 Janu-
ary 2003? Given the $236 per tonne differ-
ence between returns to AWB Ltd and esti-
mated returns to our wheat growers, why did
he not act to protect their interests and ask
where the $236 per tonne was going? Deputy
Prime Minister, why did the government turn
a blind eye to the fact that Saddam Hussein
was making almost as much money from
Australian wheat as Australian wheat grow-
ers?

Mr VAILE—The Labor Party continue to
run this political scaremongering campaign
whilst there is an inquiry under way. They
are denigrating the reputation of Australian
wheat growers in doing this, led by the
Leader of the Opposition—

Opposition members interjecting—

The SPEAKER—Order! The Leader of
the Opposition’s question was clearly heard.
I am having great difficulty hearing the min-
ister’s response. Members will show more
respect. Has the Deputy Prime Minister
completed his answer?
Mr VAILE—The Labor Party continue to assert that these contracts were certified by the Australian government. The contracts were certified by the UN; they were signed off on by the UN. As the Leader of the Opposition knows, the process that has taken place in the United Nations—

Mr Beazley—Mr Speaker, I raise a point of order going to relevance. He is not answering the question as to why he approved them. That is an Australian—

The SPEAKER—The Leader of the Opposition knows full well that there is only one standing order and that the minister’s answer shall be relevant to the question. The minister is in order.

Mr VAILE—It has been explained in answers to previous questions exactly why that seal is on the front cover of the document that the Leader of the Opposition is waving around, but he continues to assert the allegation that the Australian government certified and signed off on these contracts, when they were contracts under the UN oil for food program and they were certified by the UN. They were checked off by UN customs officials—and he knows that. Yet they continue to run this campaign that is denigrating the reputation of Australian wheat growers and affecting Australian wheat growers’ ability to work in markets across the world.

Oil for Food Program

Mr WAKELIN (2.03 pm)—My question is addressed to the Prime Minister. Would the Prime Minister outline to the House the result of his and the Deputy Prime Minister’s discussions today with AWB Ltd?

Mr HOWARD—I thank the member for Grey, who represents many wheat growers, for this question. Today, with the Deputy Prime Minister and other senior ministers, I met the Executive Chairman and the Acting Managing Director of AWB Ltd to discuss the current tender for wheat in Iraq. I empha-
sised that the government was not prejudging the outcomes of the Cole inquiry or making any judgments about AWB. I also made it clear that the question of the single desk was a separate issue and not currently under consideration by the Australian government. The government’s principal concern, and I know it is of the member for Grey, is the wellbeing of Australian wheat growers.

The government noted the statements by the Iraqi Grain Board that business relations with AWB would be suspended until the results of the Cole inquiry were known. The government is continuing to make representations to the Iraqi government on access for Australian wheat into the Iraqi market, noting reports that the tender process has been deferred.

Taking advantage of the time available from this deferral, the government will send a delegation to Iraq to discuss the current Iraqi tender. The delegation will leave as soon as possible. The delegation will be led by my colleague the Deputy Prime Minister and trade minister. It will include the Executive Chairman of AWB Ltd, Mr Brendan Stewart, for the very simple reason that AWB holds the wheat in the pool. The delegation will also include representatives of Australian wheat growers.

The delegation’s goal is to protect the interests of Australian wheat growers and the value of the wheat in the Australian pool. The delegation will explore all options to secure the continued access of Australian wheat to this important market. Among these options AWB Ltd has indicated its willingness, on a voluntary basis, not to exercise its veto on this tender if necessary to secure a positive outcome for Australian wheat growers. The Australian government is committed to working with the Australian wheat industry to secure our longstanding markets and
the best outcome for Australian wheat growers.

**Oil for Food Program**

Mr BEAZLEY (2.06 pm)—My question is to the Prime Minister and follows that question and the previous one I asked the Deputy Prime Minister. Prime Minister, given that UN Security Council resolution 661 imposes a legal responsibility on national governments, and nobody else, to enforce UN sanctions against Saddam Hussein’s regime, do you accept any responsibility for the suspension of Iraqi imports of wheat from Australian farmers?

Mr HOWARD—The Australian government has discharged its responsibilities under all UN resolutions. The Australian government has gone further. The Australian government has done more than any government in the world to establish a freestanding independent inquiry of integrity to get to the bottom of this matter. Let me say on behalf of every member who sits behind me: this government has nothing to apologise for. This government has done the right thing by the wheat growers of Australia and will go on doing so.

**DISTINGUISHED VISITORS**

The SPEAKER (2.08 pm)—I inform the House that we have present in the gallery this afternoon members of the Joint Committee on Transport from the Irish parliament. On behalf of the House I extend a very warm welcome to the members.

Honourable members—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Wheat Exports**

Mrs HULL (2.08 pm)—My question is addressed to the Deputy Prime Minister and Minister for Trade. Would the Deputy Prime Minister outline to the House actions the government has taken to support the efforts of Australian wheat growers in the Iraq market? Are there any alternative views?

Mr VAILE—I thank the member for Riverina for her question. The member for Riverina represents an area that produces a lot of prime hard wheat in the state of New South Wales. It goes to exports to many of the markets across the world.

While the Australian Labor Party engage in this blatant politicking around this issue and make themselves out as having now become the best friend of US Wheat Associates—that is what the Australian Labor Party have done; they have become the best friend of US Wheat Associates, who are competitors with Australian wheat growers—we are getting on and looking after the interests of Australian grain growers. Iraq is one of our top five wheat markets and is a key market. It has been a key market for over 50 years. We are going to continue to make every effort to protect our growers’ interests in that market.

Mr Danby interjecting—

The SPEAKER—The member for Melbourne Ports!

Mr VAILE—On Monday I asked our ambassador to Iraq to make representations to the Iraqi government over wheat sales during the Cole inquiry. The ambassador met with Iraqi Deputy Prime Minister Chalabi overnight. Mr Chalabi has assured us that the Iraqis want to continue to buy Australian wheat. I note that Iraq has rejected a tender from the US wheat growers in recent days, while another of our top five markets, Egypt, has just confirmed another order with AWB overnight.

The message that I am hearing from Australian wheat growers is that they want the National and Liberal parties to keep Ruddy’s hands off their interests and the single desk. As the Grains Council of Australia said in a recent media release, ‘grain producers refuse
to suffer the consequences of the political grandstanding and loose talk’—particularly that coming from the ALP.

More than 80 per cent of Australian wheat growers support the single desk. We know the Labor Party’s view about the single desk. The member for Hunter has made some comments on the Labor Party’s website about the single desk.

*Mr Wilkie interjecting—*

**The SPEAKER**—Order!

*Mr VAILE—* We know what the Labor Party will do with the single desk.

*Mr Wilkie interjecting—*

**The SPEAKER**—Order! The member for Swan!

*Mr VAILE—* Wheat growers will not trust—

*Mr Wilkie interjecting—*

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

*Mr VAILE—* the Australian Labor Party on this. When we are talking about the interests of Australian wheat growers, it is interesting to note that there are not too many people on the Labor Party side that have much experience, let alone any interest, in Australian wheat growers and wheat farming in Australia. There are a couple of people. One is the shadow minister, the member for Corio, who presumably has taken the opportunity to talk to wheat growers across Australia. But what has the Leader of the Opposition done to him? He has cut him adrift in his preselection to get rid of him—to get out of the system the one person who knows something about it. The one person in the Labor Party who has had any ministerial experience in the Australian wheat industry is the member for Hotham, and the Leader of the Opposition has certainly cut him adrift. At least he has had experience—and you are going to get rid of him. You are going to get rid of him from your front bench. You are going to let some union hack come in and represent the seat of Hotham. He is finding it hard to keep it. We wish him well. But it is a fact: he is the only member of the Labor Party that has any experience with Australian wheat growers.

*Opposition members interjecting—*

**The SPEAKER**—Order! There are far too many interjections—and the member for Brisbane is warned.

*Mr VAILE—* The point is that the government is doing everything that it possibly can to ensure that we maintain access into the markets of the world for Australian wheat growers.

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

*Mr VAILE—* Yes.

*Mr Neville—* Mr Speaker, I rise on a point of order. I am loath to do this but we cannot hear the responses up in this part of the chamber.

**The SPEAKER**—I accept the point of order from the member for Hinkler. I would remind all members that it is their duty to allow other members to be heard when they are on their feet.

**Oil for Food Program**

*Mr RUDD* (2.13 pm)—My question is to the Deputy Prime Minister. I refer to his statement today that the government had moved quickly to address the current crisis confronting Australia’s hardworking wheat farmers and the Prime Minister’s statement just now that he had discharged all his responsibilities to protect the interests of those wheat farmers. Does the Deputy Prime Minister believe, to use his own words, that the government moved quickly to try and address any of the 15 warnings delivered to the government over the five-year period that this $300 million ‘wheat for weapons’ scan-
Mr Danby — They can’t hear and you can’t read!

The SPEAKER — Order! The member for Melbourne Ports is warned! Before calling the Deputy Prime Minister, I remind the member for Griffith that he should not be asking for an opinion. The Deputy Prime Minister is not obliged to answer the middle part of the question. I call the Deputy Prime Minister.

Mr VAILE — This is again part of the political scaremongering campaign that the member for Griffith is running on this issue to progress his own leadership aspirations. He has been in the media all the time talking about how he has still got the baton in the knapsack. He continues to say that—

Mr Rudd — Mr Speaker, I rise on a point of order. Under any interpretation of the standing orders, how could that be possibly relevant to the question that has just been asked about the warnings on the ‘wheat for weapons’ scandal?

Mr Abbott — Mr Speaker, I raise a point of order. Points of order are being used clearly by members opposite to completely corrupt this question time and to prevent ministers from quite properly answering the questions that they are asked. I really do think that, if the order of the House is to be maintained, these points of order need to be curtailed.

Mr Beazley — Mr Speaker, on the point of order: we have, as an opposition, an opportunity in question time to deal with the issue of relevance. Quite clearly, the Deputy Prime Minister has decided on a strategy of bluster.

The SPEAKER — Order! The Leader of the House will resume his seat. I will rule on the previous two points of order. The Deputy Prime Minister has only just begun to answer his question. I think it is reasonable to give him time to get to the question. He is therefore in order. I call the Deputy Prime Minister.

Mr VAILE — The core of the member for Griffith’s question was about how quickly the government moved to look after the interests of Australian wheat growers. Can I say that the government moved very quickly to assist the Volcker inquiry; the government moved very quickly to establish the Cole commission of inquiry, straight after Volcker reported; and, when the news came out about the Iraqi market this week, the government moved very quickly to look after the interests of Australian wheat growers.

Avian Influenza

Mr BAIRD (2.17 pm) — My question is addressed to the Treasurer. Would the Treasurer outline to the House the possible effects to the Australian economy of a pandemic caused by avian influenza? What is the government doing to prepare for this possibility?

Mr COSTELLO — I thank the honourable member for Cook for his question. I can tell him that the Australian government has been working on a range of measures to respond to the threat of a pandemic caused by avian influenza. The government has budgeted a total of $555 million over five years, including $414 million on domestic health responses and $141 million to help our regional neighbours.

It should be stated that there has been no case yet of human to human transmission of the virus, but most of the preparations are going ahead on the possibility that that could occur—a possibility that is assessed at
around a 10 per cent chance by international health authorities. A similar assessment has been made by Australia’s Chief Medical Officer.

Today the Australian Treasury has released a working paper called *A primer on the macroeconomic effects of an influenza pandemic*. It tries to have a look at the economic effects of a pandemic. One should say at the outset that all of these things are based largely on assumptions and one cannot be particularly precise about what would happen to the economy in the event of an outbreak. But the paper does say that confidence effects on both business and consumers would be severe; tourism services would be particularly affected; and the consequences on the overall economy could be very severe. The paper notes that the Australian authorities are well placed to deal with a pandemic and it highlights as policy implications the role of government in promoting an environment where people can quickly resume economic activity, and the role that monetary and fiscal policy will need to play in stimulating the Australian economy.

The fact that the Treasury has released this paper, and modelling has been done, does not mean that a pandemic is inevitable. All steps will be taken here in Australia and, I believe, around the world to try and do what can be done to prevent such a pandemic occurring. But we must prepare on a worst possible case basis. I want to assure the Australian public that our preparations in the health area and in regional cooperation are advanced, as too are our preparations in the economic area, for an event that we hope never occurs.

**Oil for Food Program**

**Mr BEAZLEY** (2.21 pm)—My question is to the Deputy Prime Minister and Minister for Trade. It follows the last answer that he gave to the member for Griffith, in which he said that the government assisted in every way the Volcker inquiry. Can the minister confirm that the government’s Wheat Export Authority, whose job it is to scrutinise Australian wheat contracts, did not provide any documents to the Volcker inquiry? Given that the minister failed to answer this question when he was asked twice yesterday, surely he is able to answer it now.

**Mr VAILE**—As I said yesterday, when the Volcker inquiry came to Australia the investigators spent two weeks at DFAT going through the documentation. We assisted them and gave every bit of information that they had on this whole issue. That was recognised by Volcker.

**Mr Howard interjecting**—

**Mr Beazley**—Mr Speaker, I rise on a point of order. Of course it is relevant, Prime Minister. The question was not about what DFAT gave; the question was about the Wheat Export Authority.

**The SPEAKER**—The Deputy Prime Minister has only just begun his answer. He is in order.

**Mrs Irwin**—Tell the truth!

**The SPEAKER**—Order! The member for Fowler will withdraw that.

**Mrs Irwin**—Mr Speaker, is telling the truth unparsliamentary? This minister should resign.

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

**Mrs Irwin**—This is the people’s parliament and he should be telling the people’s parliament the truth.

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

The member for Fowler then left the chamber.
Mr Price—Mr Speaker, I rise on a point of order. I notice that you have asked the member for Fowler to withdraw. The remark that I heard her make was, ‘Tell the truth.’ I cannot see how asking someone to tell the truth is unparliamentary.

The SPEAKER—As the Chief Opposition Whip would be aware, standing order 94(a) applies to disorderly conduct. The member was displaying disorderly conduct in defying the chair. That is why she was asked to withdraw.

Mr Price—Mr Speaker, I rise on a point of order. I have no difficulty with that explanation. You asked her to withdraw her interjection—which I admit was disorderly—that the minister should tell the truth. You asked her to withdraw that.

The SPEAKER—I have ruled on that incident and I do not intend to revisit it. I call the Deputy Prime Minister.

Opposition members interjecting—

The SPEAKER—Order! The Deputy Prime Minister has the call, and members will show the respect that is expected of them.

Mr VAILE—As I was saying, I answered this question from the Leader of the Opposition yesterday. The answer is the same today, in that the government cooperated fully with the Volcker inquiry. Volcker investigators spent two weeks at DFAT going through documentation. Those were DFAT documents but documents from across government. We now have established the Cole commission of inquiry, which is the Australian inquiry. The government is cooperating fully with the Cole commission of inquiry.

Mr Beazley—Mr Speaker, I raise a point of order going to relevance. There was a very simple, clear thing asked of him. He was asked this yesterday, as he rightly said. The Wheat Export Authority—

The SPEAKER—The Leader of the Opposition is well aware that when he takes a point of order he does not have to repeat the question. Once the chair is aware of what the point of order is, the chair is able to rule.

Mr Abbott—Mr Speaker, further to the point of order raised by the Leader of the Opposition: I wish to make the point that, just because the opposition do not like the answer, that does not entitle them to take a point of order on it.

Drugs: Bali

Dr SOUTHCOTT (2.27 pm)—My question is addressed to the Minister for Foreign Affairs. Would the minister advise the House of steps the government can take to assist Australians who have been arrested and convicted for drug offences in Asia?

Mr DOWNER—First, can I thank the honourable member for Boothby for his question and for his interest. Let me begin by making this point perfectly clear: the Australian government regards drug trafficking as an extremely serious offence. It is the view of the Australian government that we should do all we reasonably can to stop the trafficking of drugs into Australia. We work with other countries in the region and beyond the region in order to achieve that objective, and we do that unapologetically because we do that in the interests of protecting the Australian community. We know we are protecting the lives of Australians by stopping drug trafficking. A number of Australians are facing charges overseas; there are 223 in total in 56 countries. Of those people, 54 are facing drug charges and 22 are facing drug charges in Asia. In terms of those who have been sentenced, there are 188 Australians serving sentences overseas. Of those, 87 have drug related convictions and 42 of those are in Asia. The simple point is that there are a high number of Australians who have been arrested and convicted for trafficking in
drugs, and these people should not have been trafficking in drugs in the first place.

In the second place, the Department of Foreign Affairs and Trade, through our embassies and consulates overseas, do, if people are arrested, provide consular assistance—that is, consular officers visit those arrested as soon as possible; they give them a list of local lawyers; they continue to visit them regularly; they attend trials if possible, which is usually the case; they keep families informed; they monitor the situation to ensure that Australians in custody are treated properly; and they take up with prison authorities any well-founded concerns about a prisoner’s health, ill-treatment or security.

I am sure all honourable members know this, but I think more broadly in the community it needs to be remembered that the Australian government cannot intervene in legal cases in other countries, just as we do not intervene in court processes in Australia in the normal course of events. Of course, we would not tolerate foreign governments intervening in our own courts or legal processes either. We cannot just get Australians released from prison. We cannot, if you like, launch rescue missions into other countries. At the end of the day it is up to individuals to take responsibility for their own behaviour.

In conclusion, and I said this yesterday, when it comes to Australians being sentenced to death, we will always plead for clemency for those people—that is, for the death sentence to be commuted to a substantial custodial sentence. In the case of the two Australians who were sentenced to death yesterday by the Denpasar District Court in Bali, they will be able to appeal that sentence to the Bali High Court and, if they are unsuccessful, subsequently to the Supreme Court of Indonesia. Through this process we have made clear and we will continue to make it clear to the Indonesian government that we would always seek an act of clemency by the President if the appeals fail.

But that is not to detract from the very harsh view this government has of anybody who traffics drugs, including obviously heroin, because the consequences of drug trafficking for the people of Australia are very severe. Drug trafficking costs lives, and we do what we can to protect the lives of Australians, including of course seeking clemency for those who are sentenced to death. We have two Australians who have been sentenced to death in Vietnam, and we are making representations in support of a clemency appeal for them to the President of Vietnam. We have one in China, and we obviously make representations there, although in that particular case the Australian has been given a suspended death sentence. The final sentence will be determined on the basis of his behaviour in prison. We do seek clemency but, having said that, people who get involved in drug trafficking in Asia know the consequences. They should understand the consequences and they should understand that we do cooperate with our regional partners in order to try to crack down on drug trafficking so we can save lives in Australia.

**Oil for Food Program**

Mr Rudd (2.32 pm)—My question is to the Deputy Prime Minister. Did the government provide any documents from the Wheat Export Authority to the Volcker inquiry?

Mr Vaile—With reference to this matter, I repeat again what I said today and yesterday: the government cooperated fully with the Volcker inquiry, with the investigators when they spent two weeks at DFAT going through the documentation and the electronic files down here.

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

The Speaker—Order! The minister has just begun his answer.
Mr Beazley—Yes or no?

The SPEAKER—Order! I have not called the Leader of the Opposition. The Leader of the Opposition on a point of order?

Mr Beazley—Yes, relevance. It was a very simple, direct question. This answer is not related—

The SPEAKER—The Leader of the Opposition will resume his seat. The minister has just begun his answer and he is relevant.

Mr Abbott—On the point of order, Mr Speaker. Just because the Leader of the Opposition wants a yes or no answer does not mean that he can demand that from the minister. Ministers are—

The SPEAKER—The Leader of the House is debating the issue. Does the Leader of the House have a point of order?

Mr Abbott—My point of order is that disorderly points of order are being regularly taken by the Leader of the Opposition—

The SPEAKER—The Leader of the House will resume his seat!

Mr Beazley—On a point of order, Mr Speaker, both sides of this House deserve equal treatment. Deal with him!

The SPEAKER—The Leader of the Opposition does not have the call. The Deputy Prime Minister is in order. As I have said, he has only just begun his answer. He is relevant and he deserves the opportunity to be heard.

Mr VAILE—I just make a couple of points here. If the Leader of the Opposition were prepared to keep on board his frontbenchers who knew something about this matter, he would understand the answer. They should know—

Mr Rudd—Mr Speaker, I raise a point of order. With respect, this is the fourth time we have asked this question. It requires a simple answer and the Deputy Prime Minister is making a mockery—

The SPEAKER—that is not a point of order. There is no point of order and if the member for Griffith continues to take that type of point of order I will deal with him.

Mr VAILE—The point I want to make is that the WEA, in terms of their inquiries and the work that they do, have certain restrictions imposed on them by the Wheat Marketing Act. The member for Hotham knows that, and I am sure the member for Corio knows that, but, because of the way the Leader of the Opposition is treating them, they are not likely to tell him. As I have said, the government has handed over all the documents and has assisted the Volcker inquiry fully.

The WEA analysis, I am advised, was being undertaken while the Volcker inquiry was under way. That analysis—and they only look at AWB information—was based on AWB contract data, and they found no problems. The chair, Tim Besley, has already stated that. They found nothing untoward. When he gave that response the Labor Party attacked him personally in Senate estimates. The WEA analysis is based on AWB contract data. They do not have any information of their own; it is only AWB data. The government had encouraged AWB to cooperate fully with the Volcker inquiry, and DFAT cooperated fully with the Volcker inquiry.

Higher Education: Medicine

Mr VASTA (2.37 pm)—My question is addressed to the Minister for Education, Science and Training. Would the minister inform the House about what the Howard government is doing to increase the number of doctors in Australia. Are there any alternative policies?

Ms JULIE BISHOP—I thank the member for Bonner for his question and note his deep interest in this matter. Last Friday the
Prime Minister announced the outcome of the COAG decision to increase the number of medical places in Australia and to increase the support for the costs of that education. Specifically, the Australian government will lift the cap on fully funded medical places from 10 per cent to 25 per cent. This will mean that up to 400 more medical students will be able to study medicine. These places are in addition to the 2,195 HECS places for medicine that will be made available up to 2008. In addition, the Prime Minister announced an increase in FEE-HELP for medical students—from $50,000 to $80,000.

This was a most welcome announcement. It is interesting that the strongest proponent of this initiative was not the Prime Minister, although he supported the initiative, but a state Labor premier; it was Premier Peter Beattie. He was supported by the other state Labor premiers in this initiative. He was almost overcome with excitement. It is worth quoting from the transcript of the press release:

PREMIER BEATTIE: Well, I’m happy, I’m very happy, these COAGs just get better. And you get happier too. As a result of today’s decision the University of Queensland, in partnership with the Greenslopes Hospital — the member for Griffith will be interested in this — will be able to start training another 60 doctors. Now this is a result of lifting the quota from 10% to 25%.

Premier Beattie goes on:

I fully support this and I express my appreciation to my colleagues for supporting this proposition from Queensland because we do have a doctor shortage.

He goes on:

So today in terms of health it is a very significant breakthrough and I am delighted, as I said. I thank the Prime Minister ... my colleagues. I endorse all the other things that have been said. And as I said, the COAGs just get better.

Premier Beattie was then reported in the Australian Financial Review as saying he would not allow ideology to stand in the way of a solution to the state’s shortage of doctors. Perhaps Premier Beattie should have told his federal Labor counterparts, for we learn today that federal Labor will move to disallow the increase of the cap from 10 per cent to 25 per cent for medical students in this country. Labor will deny up to 400 medical students the opportunity to study medicine. They will be shutting out bright, competent students from undertaking a medical degree and building this country’s health workforce.

Ms King interjecting—

The SPEAKER—Order! The member for Ballarat is warned.

Ms JULIE BISHOP—Once again, federal Labor members show how out of touch they are, not only with their state colleagues but with all Australians.

Oil for Food Program

Mr RUDD (2.41 pm)—My question is to the Deputy Prime Minister. I refer him to his formal statement to the Australian parliament:

All the information that we had was provided to the Volcker inquiry.

I ask the minister, for the fifth time: did the government provide any documents from the Wheat Export Authority to the Volcker inquiry?

Mr VAILE—I answered this question a moment ago. In terms of the background of the work of the WEA, the responsibilities under the Wheat Marketing Act and the time frame of the Volcker inquiry, it has been answered.

Health and Ageing

Mr RICHARDSON (2.42 pm)—My question is addressed to the Minister for
Health and Ageing. Would the minister inform the House of measures the government is taking to promote a healthier Australian community, particularly through health checks under our Medicare system?

Mr ABBOTT—I thank the member for Kingston—the very healthy member for Kingston—for his question. I can inform him that this government has long been committed to a health system which promotes well-being rather than just treats sickness, because, as all of us know, prevention is better than cure. In 2003 my distinguished predecessor, Senator Patterson, actually said that this government had ‘installed prevention as the fourth pillar of the Australian health care system.’

Way back in 1999 the government first introduced a comprehensive Medicare funded health check for people over 75. In 2004 the government introduced comprehensive Medicare funded health checks for Indigenous people over 15. These will be extended to Indigenous children shortly. Last week at COAG, the government announced a comprehensive Medicare funded health check for middle-aged people with health risks such as smoking or obesity. We did this because by 2020 it is estimated that 80 per cent of all health care costs will be due to chronic disease. Most of these diseases are linked to lifestyle factors such as diet and exercise and they can be delayed or prevented by the right advice or the right treatment at the right time. That is precisely what we think will happen under this new Medicare item. What we saw last week, through COAG, was another example of a government which does not just talk about the health of the Australian people. We do not just talk about our Medicare system; we take the practical steps necessary to make a good system even better.

Oil for Food Program

Mr RUDD (2.44 pm)—My question is to the Deputy Prime Minister. When did the government provide the September 2003 US Department of Defense report into the misuse of the oil for food program to the Cole inquiry?

Mr VAILE—Quite clearly, after the Cole commission of inquiry started.

Building and Construction Industry

Mr BARRESI (2.45 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister update the House on the implementation of the National Code of Practice for the Building and Construction Industry?

Mr ANDREWS—I can report to the member for Deakin, who has a great interest in this matter, that all states and territories have now agreed to sign the national code for the building and construction industry. This means that some $12.7 billion worth of AusLink funding will now flow to important infrastructure projects right around Australia.

I remind the House that the national code is a set of principles which prescribe best practice in respect of a number of things: workplace relations; occupational health and safety; procurement; and security of payment. The national code also upholds freedom of association, right of entry and the promotion of best practice in relation to standards of honesty and fair dealing in the building and construction industry.

In addition to this, all state government projects which receive Commonwealth funding will also comply with the code in the future. That means that we have a much better chance of eliminating the rorts and inefficiencies that have existed in this industry in the past and of ensuring that taxpayers’ money is saved on major construction projects.
In contrast to what the Commonwealth has sought to do—and the states have finally paid up—we have seen just in the last day or so some further instances where state government projects which do not comply and had not complied with the building construction code in the past have led to major imposts in terms of the outcome. For example, in the Australian newspaper yesterday, it is reported that Grocon, the builder responsible for the redevelopment of the MCG in Melbourne where the Commonwealth Games will largely occur in a few weeks time, is suing for some $50 million in relation to a cost blow-out because of a failure to comply with the sorts of things which are in the building construction code. We also read in the same article that Leighton Holdings, the builders of the new Southern Cross Station in Melbourne, are also seeking some $54 million from the state government in Victoria, again because of a failure to ensure that we had a lawful system operating.

This is not just isolated to Victoria and the Labor government of Victoria. In Western Australia we had a report yesterday, this time in the West Australian newspaper, that Leightons are also seeking claims against the state Labor government in Western Australia for cost blow-outs on the Perth to Mandurah railway line, which have reached almost $300 million.

Putting this code in place and having the Labor states and territories sign up to it means that we will have a better chance in the future of eliminating the sorts of debacles which I have illustrated today. The irony is that, after each Labor state and territory government has signed up to the national code, there is only one Labor Party in Australia that now does not support the national code. Which Labor Party would that be? None other than the federal Labor Party.

A government member—The Beazley party.

Mr ANDREWS—The Beazley party, although we do not know for how much longer. It is only the federal Labor Party that does not support the national code. Of course, there would not be any coincidence in the fact that the CFMEU last year donated to federal Labor some $670,000!

Oil for Food Program

Mr RUDD (2.49 pm)—My question is to the Deputy Prime Minister. Deputy Prime Minister, did the government provide the October 2003 Australian Treasury officers’ report to DFAT’s Iraq task force on the corruption of the oil for food program to the Cole inquiry before it appeared on the front page of the Sydney Morning Herald this week?

Mr VAILE—The information that has been provided to the Cole commission of inquiry by DFAT has not been released publicly yet. The member for Griffith knows that. That information is all in the possession of Commissioner Cole, and when he releases that is his responsibility. I would suggest that the member for Griffith needs to respect the fact that this commission has been set up to fully investigate the oil for food program and the contracts therein, and it is up to Commissioner Cole as to when he publicly releases those documents.

Mr Rudd interjecting—

The SPEAKER—Order! I have not called any member at this stage.

Mr Rudd—Mr Speaker, I raise a point of order. Under the standing orders, the Deputy Prime Minister is required to answer a question, which had one point.

The SPEAKER—The member for Griffith will resume his seat. I will rule on that point of order. I think that, for as long as all members can remember, there have been
times when ministers may not have given the answers that they had hoped for. But members do not have the right to demand that the minister answers a question in the terms of their choosing. If members would like to refer to the House of Representatives Practice, they will see that there is quite an extensive section on that point.

Mr Rudd—Mr Speaker, just on your ruling: the Deputy Prime Minister has today made a mockery of question time by not answering any questions.

The Speaker—The member for Griffith will resume his seat. That was not a point of order. If the member for Griffith continues to take frivolous points of order I will deal with him.

Family Law

Mrs Markus (2.52 pm)—My question is addressed to the Attorney-General. Would the Attorney-General advise the House on how the government’s family law reforms will protect families from violence? Are there any alternative policies?

Mr Ruddock—I thank the honourable member for Greenway for her question. I know of her particular interest in the importance of families, including support for families and protecting children from violence. This government has introduced the most significant changes in family law that we have seen for some 30 years. These reforms are designed to protect children from the risk of violence or abuse, making that a primary factor to be considered in child custody cases, along with, as I have said for some time, the right of children to know both of their parents. This legislation will also go a long way to changing the lawyer-driven culture that dominates family separation in Australia today. We want children to be protected from exposure to violence and from growing up with conflict when parents separate, but our view is that the court should be the last resort, not the first.

Yesterday the member for Gellibrand issued a press release which claimed that Labor generally—I note the word ‘generally’—supports these changes. Yet the amendments she proposed were clearly designed to undermine them. I read the release very carefully. She said:

Family law should not be about a tug-of-war between mums or dads, or a brawl between Liberal and Labor.

I have to say that there has been no brawl between the government and the Labor Party—at least, the majority of members of the Labor Party who served on the parliamentary committee that considered these matters.

I noticed amongst the amendments that the Labor Party is proposing: an amendment to the definition of family violence, which overturns the committee’s recommendation; removal of the two-tier hierarchy of best interest factors, which would remove the hierarchy approved by the committee; changes to equal, shared parental responsibility—to be moved back to joint parental responsibility—which overturns the committee’s recommendation; omitting the cost provisions relating to false allegations, which overturns the committee’s recommendation; and a modification of the enforcement provisions, which overturns the committee’s recommendation.

It is quite clear that, in relation to these matters, the member for Gellibrand wants to remove the requirement that parents who go to court should first make a genuine effort to resolve their issues by mediation. This and other amendments that she proposes clearly conflict with the views of the member for Lowe, the member for Chifley and the member for Denison, who were party to the committee report and whose recommendations I have accepted. So the important ques-
tion is not, in the terms the honourable member used, whether or not we will have a brawl between Liberal and Labor; the question is whether we will adopt the measures proposed by a committee that had bipartisan support from the member for Lowe, the member for Chifley and the member for Denison or whether we will adopt the unilateral view of the member for Gellibrand on this issue. I think children deserve better than the status quo in our family law system, and I would hope the parliament would support the measures that we are vigorously pressing, which had the support of so many members of parliament from both sides.

Wheat Exports

Mr WINDSOR (2.57 pm)—My question is to the Deputy Prime Minister. Will the Deputy Prime Minister and Minister for Trade and Leader of the National Party guarantee Australian wheat growers that the National Party will continue to support the single desk arrangements for wheat exports?

Mr VAILE—I thank the honourable member for New England for his question. As far as the single desk arrangements are concerned, the government has continued to make very clear its commitment to the single desk while the global markets are as distorted as they are and while the single desk provides the service that is needed by Australian wheat growers. We are seeing that at the moment where there are enormous levels of export subsidies provided by the European Community and enormous levels of domestic support—I read some out in the parliament earlier this week—provided to US wheat growers, the people whom you would think were the Australian Labor Party’s best friends. So the current arrangements that are in place are there to best serve Australian wheat growers—to ensure they are as competitive as they possibly can be in the circumstances they confront in the global marketplace. The government’s policy is that we keep those arrangements in place while we are confronting those global distortions.

Greenhouse Gas Emissions

Dr JENSEN (2.59 pm)—My question is addressed to the Minister for Industry, Tourism and Resources. Would the minister outline to the House government and industry efforts to secure a reduction in greenhouse gas emissions? Are there any alternative policies?

Mr IAN MACFARLANE—I thank the member for Tangney for his question and also for his strong interest in the provision of scientific solutions to greenhouse gas emissions. This government stands proud of its record on greenhouse gas abatement. Greenhouse gas emissions will rise only eight per cent between 1990 and 2010 while, during a similar time, the economy will almost double in size. It is by any global measure an impressive result and one which Australian industry is very much a part of achieving. The aluminium smelting industry, a member of the government’s Greenhouse Challenge program, has cut emissions by 48 per cent per tonne of product produced, while the cement industry has likewise achieved cuts of some 15 per cent per tonne of product produced.

Industry action continues to be mobilised through government initiatives, such as our $500 million low emissions technology demonstration fund, the $100 million Renewable Energy Development Initiative, the $75 million Solar Cities initiative and, more recently, the Asia-Pacific Partnership on Clean Development and Climate, including a further $100 million towards that process, of which some $25 million is exclusively set aside for renewable energy. It is by any measure a sign of the government’s practical approach that keeps our economy strong and
makes inroads into greenhouse gas emissions.

I am asked by the member for Tangney about alternative policies. Almost two years after the government unveiled its $700 million energy white paper, the Leader of the Opposition says he is almost ready to respond. Of course, along with the member for Grayndler, the Leader of the Opposition remains blindly and ideologically committed to a Beazley government ratifying the Kyoto protocol and sending Australian jobs offshore. But the voices of reason within Labor are starting to sound on these matters. The member for Batman—and he knows this is coming—has said:

It’s time to abandon the political correctness espoused by the green movement ... Let’s be real: without getting business on board we cannot achieve anything.

If the Leader of the Opposition is fair dinkum about Australian jobs then he should take some advice from the member for Hunter, who said recently on his local radio station that the Kyoto protocol is ‘pretty much dead in the water’.

The government has the balance right between jobs, growth and greenhouse gas reductions—practical solutions to a global problem rather than the pontificating and idealism that we see from the Leader of the Opposition. Some on the ALP front bench are acknowledging the government’s progress in this area. It is about time the Leader of the Opposition did that as well and got behind sensible policies to deal with climate change.

Oil for Food Program

Mr BEAZLEY (3.03 pm)—My question is to the Deputy Prime Minister. Haven’t the Deputy Prime Minister’s actions today been all about protecting the government rather than protecting the interests of wheat farmers, who have suffered as a result of six years of the government turning a blind eye to the ‘wheat for weapons’ scandal? Isn’t it the case that, as a result of the government’s failure to act on at least 14 warnings, Australian wheat farmers are now paying the price, our bargaining position in trade negotiations has been undermined and our reputation as an honest player has been trashed? Does the Deputy Prime Minister continue to accept no responsibility for this state of affairs whatsoever? When is he going to do the right thing and beg for forgiveness from the hardworking wheat farmers that he has let down so badly?

Mr VAILE—The answer to the first series of questions that the Leader of the Opposition raised is no. When am I going to talk to wheat growers? I am going to talk to wheat growers tomorrow morning here and next week in Victoria. The question is: when are you going to talk to wheat growers? When is he going to talk to wheat growers about the problems that he is creating by elevating this issue in the public arena?

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

DEPUTY PRIME MINISTER

Censure Motion

Mr BEAZLEY (Brand—Leader of the Opposition) (3.04 pm)—I seek leave to move:

That this House censure the Deputy Prime Minister for concealing from the Parliament his knowledge of the Wheat Export Authority’s failure to provide documents relating to breaches by AWB Limited of the United Nations Oil for Food Program to the Volcker inquiry and his failure to protect the interest of hardworking Australian wheat farmers.

Leave not granted.

Mr BEAZLEY—I move:

That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving immediately that this
House censure the Deputy Prime Minister for concealing from the Parliament his knowledge of the Wheat Export Authority’s failure to provide documents relating to breaches by AWB Limited of the United Nations Oil for Food Program to the Volcker inquiry and his failure to protect the interest of hardworking Australian wheat farmers.

This is a disgrace. This is the worst case of corruption perpetrated by a federal government in my lifetime at least—$300 million dollars to Saddam Hussein. And this is the third time the government have refused a censure motion on this. Of all the issues that have come before this parliament in which you would think that this parliament would have some interest in holding the government accountable, this is undoubtedly the worst—and yet again they refuse a motion of censure on it.

I am going to spend a couple of minutes on process here, because the story of this government over the course of the last two weeks has been one of the suppression of inquiry in the parliament—suppression of inquiry in the Senate and suppression of inquiry in the House. They have refused to answer questions in this place. The Deputy Prime Minister has come to each question time pathetically unprepared even though he is the minister most directly responsible for all of this. The treatment of this parliament by this government has been an absolute disgrace. Question time is full of abuse for the opposition but no answers to serious questions. This parliament cannot conduct itself in this way on serious matters. If these matters are not dealt with by the Leader of the House, who connives at it, and the others who are responsible then this parliament will be turned into a joke and a laughing stock.

Those are the process issues. Let us get to the substance of the performance, of why a censure motion ought to be moved with regard to this man. Yesterday he was asked a question on whether or not the Wheat Export Authority had handed its documentation across to the Volcker committee. Remember, Mr Speaker, that the whole defence of that side of the House for their behaviour and for the fact that there is an improperly designed set of propositions being put before Mr Cole for him to find on has been that the Volcker commission has had an opportunity to consider all elements of government handling of this case. That is the substance of their argument for, to a degree, truncating the Cole inquiry.

We have asked whether the Wheat Export Authority documentation has been passed across. The head of the Wheat Export Authority has said that, no, its materials were not passed across to the Volcker committee. The pathetic excuse of the minister at the table, while not directly denying that nothing had been passed across to the Volcker committee, was that the Wheat Export Authority gave some consideration to this matter whilst the Volcker committee was sitting—as though that is an excuse. Apparently, the government only passes across documentation on a one-time-only basis. But, again, it was evaded in this place.

We asked explicit questions today too about what happened to that defence document. The Deputy Prime Minister got up, with a smirk all over his phiz, and told us, we presume, that he had that matter passed across to the Cole commission at the time it sat. We have heard something quite different from that. We have heard that they got hold of a copy of that defence document when the opposition chose to raise it in this place and not a minute before. We also understand that something like that happened too to the Treasury document in relation to this issue; they got it after it was revealed in the paper. That is strongly suggestive of what we believe in this place—that the government’s protestations that they are cooperating fully
with these inquiries have very substantial caveats attached to them.

That is a serious matter. In this chamber we ought to be able to ask questions and get honest answers—and we cannot, because of the Deputy Prime Minister’s weakness and his weak performance day after day in this place, when he walks in here totally unprepared for questions that obviously will be asked of him. Only in this chamber now can this government be held accountable on this, the worst of Australia’s scandals—only in this chamber. The Cole commission of inquiry, though independent—in terms of what the commissioner is capable of finding—has a set of references that treat AWB and private officials in one way and public servants and ministers in another. They are not treated equally before the Cole commission, whatever may be the presentation of their study by this minister and this government to people elsewhere when defending the record of this government. So only in this chamber can this government be held accountable.

Day after day in this chamber, this government frustrates the holding of itself to accountability. The person at the heart of it is the incompetent, bungling Deputy Prime Minister, who should depart that job; he should leave. To think that he is the man now to fix up the problem in Iraq, remembering the last time he took that sort of job over. As we revealed here today, the consequence of the last time Mr Vaile appeared before the Iraqis or took control personally of negotiation with the Iraqis, when we were in trouble, was that Saddam Hussein got more money out of the wheat crop than did the Australian farmers. That was the last occasion on which he took up cudgels on behalf of the wheat farmers of Australia most directly, as we demonstrated today with the contract that we tabled. So this fellow has form; he has a record.

But understand this: it is a deeply held view amongst many wheat farmers in this country that the marketing of wheat should be conducted from a single desk. There is some level of disputation about it. It is a matter being considered by all political parties as to whether or not that is the appropriate way to continue. One of the defences of persisting with a single desk is that we ought to be able to use it to trade in order to break open those other markets that are closed to Australians or where our competitors are trading unfairly because of their subsidised position. It is the most important bargaining chip that Australia has.

This Deputy Prime Minister—as a result of his incompetence, along with that of his Prime Minister and the Minister for Foreign Affairs—has seriously traduced that bargaining chip. We are a source of mockery and scorn in international trade in wheat, as a result of the way in which they have operated—mockery and scorn. Now, whenever an Australian trade official raises a defence of the single desk, it will be said, ‘Well, a single desk applies to you fellows until you get into trouble, doesn’t it.’ Whenever the single desk is discussed—and it will be mentioned by those responsible for conducting negotiations or debate with us—fingers will be pointed at us and it will be said, ‘While we acted with restraint, you for six years walked in there and fed an enemy of world peace.’ That is what will be said in the course of such negotiations. You cannot escape that. They may want to escape that, but that is where they have led us.

Let me say one thing particularly to the wheat farmers of this country: the Howard government has let you down and John Howard should meet with all of you and all of your organisations—not just with the AWB—and beg forgiveness. This announcement today will be about John How-
ard’s political interests and not about the interests of our wheat farmers.

The SPEAKER—Order! The Leader of the Opposition will come back to the motion.

Mr BEAZLEY—We ought to have a censure motion so that we can point out in the course of it that John Howard is scrambling for a quick fix today to protect his hide and his government, not his farmers. Mr Howard is finally doing something, but he ignored 14 alarm bells.

The SPEAKER—Order! The Leader of the Opposition will refer to members by their titles.

Mr BEAZLEY—The Prime Minister could have saved our wheat farmers from all this pain with just a bit of diligence on his part. After having one bad poll, he has finally decided to meet with the AWB. He is trying to paint himself as a saviour, but that is just a part of his pure arrogance. Australians and, above all, Australian wheat farmers know that the government is responsible for this problem—its sloppiness and its laziness. The sloth that has dominated the way in which this government has administered its affairs since it has been in office has created now a major problem in relation to the reputation of this country and in relation to the farm incomes of wheat farmers in this country. You should be on your knees, Deputy Prime Minister, begging their forgiveness. If you will not go on your knees to the wheat farmers, how about going on your knees to all your fellow Australians, whom you have let down so badly? You should resign. (Time expired)

The SPEAKER—Could I remind all honourable members that their remarks should be addressed through the chair. Is the motion to suspend standing orders seconded?

Mr Rudd—I second the motion and reserve my right to speak.

Mr VAILE (Lyne—Minister for Trade) (3.15 pm)—Just on the issue of the suspension, there is no case for a suspension of standing orders and that is what this debate is about. The Leader of the Opposition has tried to hang his case on a few points on the way through that have been addressed in both the Cole inquiry and the Volcker inquiry and in questions in this place. The first allegation that the Leader of the Opposition raises in saying that there should be a suspension of standing orders is that this is the worst case of corruption perpetrated by the government. Blaming the government for the perpetration of this is a ludicrous and outrageous allegation against the government.

Opposition members interjecting—

The SPEAKER—Order! I remind members who have been warned that those warnings still stand.

Mr VAILE—This is an outrageous allegation against the government. At no stage did the government have any knowledge about whether kickbacks were being paid to the former Iraqi regime. I was never provided with any evidence supporting the allegation that AWB was paying kickbacks. DFAT did not approve AWB contracts under the oil for food program. That was the responsibility of the United Nations. DFAT did not approve the use of the trucking company Alia, and the government have cooperated fully with Volcker and with the Cole inquiry. The Leader of the Opposition says—and the opposition keep running this line—that there were 14 or 15 warnings on this. There were two major circumstances where allegations or concerns were raised, and they were addressed—one in 2000 and one in 2003. We have made that abundantly clear. That was made abundantly clear to the Volcker inquiry, and the Volcker inquiry recognised that.
Ms Gillard—Mr Speaker, I rise on a point of order. Could you remind the Deputy Prime Minister he is supposed to be justifying why the standing orders of the House should not be suspended. If he wants to put his case in defence, he should take the censure motion.

The SPEAKER—The Deputy Prime Minister is in order, and I call the Deputy Prime Minister.

Mr VAILLE—The points I am responding to are the points raised by the Leader of the Opposition giving reason why there should be a suspension. That is what I am responding to. At every point in this process the government has acted responsibly. From the start of this process, when allegations were raised without substantiation and without evidence, they were responded to.

The Leader of the Opposition said that, as the minister responsible, I have come in here unprepared. I am the minister responsible for trade and for providing Australian exporters with market access across the world. That is what I do, and that is what I have been doing for Australian wheat exporters—ensuring there is market access availability across the world. That is the best thing we can do to support Australian wheat growers.

I remind the Leader of the Opposition that, as a representative of our party coming from country Australia, I spend a lot of time with Australian wheat growers, talking to them about the issues that they are confronted with on a daily basis. One issue that concerns them greatly at the moment is that the political campaign being run by the Australian Labor Party is damaging their reputation across the world. They have stated that publicly—that it has been damaged across the world.

Ms Gillard—Mr Speaker, I rise on a point of order. When the Leader of the Opposition was speaking, you reminded him of his obligation to speak to the suspension motion. That must apply to the Deputy Prime Minister. The matters he is speaking on now are nowhere near the procedural question as to whether the House should move—

The SPEAKER—The Leader of the Opposition gave a fairly wide-ranging speech. I call the Deputy Prime Minister and remind him that the motion before the chair is the suspension of standing orders.

Mr VAILLE—Mr Speaker, you make a very good point, because I made a note of the points raised by the Leader of the Opposition in moving this motion and I am going to respond to them. The Leader of the Opposition was given an opportunity to make his points, and I am going to respond to them. He claims that the government have truncated the Cole commission of inquiry. Has anybody bothered to ask what the Labor Party would have done in a similar circumstance? I can guarantee that the Labor Party would never have had a commission of inquiry into this issue. They would never have moved as quickly as we moved in giving to the Cole commission of inquiry the powers that the Cole commission has. The Labor Party would never have established the Cole commission of inquiry. The government have not truncated that. The government have given the Cole commission of inquiry extensive powers under the brief that has been given to it. We have indicated that if it wants to extend its terms of reference it only has to ask. The commissioner has asked for an extension of the terms of reference in a particular area. That has been granted. In his statement—and I will read this into the Hansard—the commissioner said:

If, during the course of my inquiry, it appears to me that there might have been a breach of any Commonwealth, state or territory law by the Commonwealth or any officer of the Commonwealth related to the subject matter of the terms of reference, I will approach the Attorney-General
seeking a widening of the terms of reference to permit me to make such a finding.

He then said:

That position has not been reached.

So the commissioner has made it abundantly clear that he is not hamstrung or restricted in dealing with the issue we have asked him to address in the wide-ranging terms of reference that he has been given. So the Leader of the Opposition’s claim that the Cole commission of inquiry has been truncated by the government is absolute rubbish. He went on then to claim that the government are only supplying documents to the Cole commission after they are being raised by the Australian Labor Party. That is a ludicrous proposition. They were provided at the earliest opportunity after the Cole commission of inquiry was established.

We have continued to say all the way through this process that we are cooperating fully with Cole. We want Cole to get to the bottom of all the facts in this whole issue in terms of the operations of the oil for food contracts that the Australian companies involved in the program were engaged in, and that was the AWB and two other companies. Obviously, the focus of the inquiry so far has been on the evidence that has been sought with regard to the activities of AWB, but it has been part heard. The Labor Party are hanging people out to dry. They are acting like a kangaroo court of judge, jury and executioner when the inquiry is still under way. The legally established inquiry is still under way and is still taking evidence. There are many witnesses, we understand, who have not appeared before the Cole commission of inquiry to give their evidence, yet the Labor Party are already prepared to bring down a verdict. That is not the Australian way. This has been established. I suggest that, in the circumstances, the Labor Party would never have established a commission of inquiry.

We did; we should let it run its course, find what it is going to find and bring down its conclusions in the way it should.

In responding to the motion by the Leader of the Opposition, I say that he keeps reiterating the point, and the member for Griffith keeps reiterating the point, that there were 14 or 15 occasions of where the government should have done this and the government should have done that.

Mr Kerr interjecting—

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

Mr VAILE—When issues of concern were raised, they were responded to. We have continued to make the point that the government was not aware of and had no knowledge of any kickbacks being paid by AWB or any other Australian company. No evidence was provided of that. We went through the process and the Volcker inquiry was established. Not only did we cooperate with the Volcker inquiry but we continued to encourage AWB, who were protesting innocence at the time, to cooperate fully with the inquiry. All through the process of the oil for food program we continued to remind AWB of their responsibilities under the oil for food program and the sanctions resolution. As soon as Volcker had reported, we moved very quickly to establish the Cole commission of inquiry here in Australia, as was suggested by Volcker and by the United Nations, to test in Australia whether any domestic laws had been broken. We have given the Cole commission of inquiry wide-ranging powers—powers almost of a royal commission in terms of how they can conduct their inquiry. They are part-way through that. The Australian Labor Party should let the Cole commission of inquiry run its course, continue to gather evidence, interrogate the people it has called before it to give evidence, find its conclusions and then deliver those
conclusions to the Australian people in terms of what it believes has actually happened as far as the oil for food program is concerned. (Time expired)

Mr Rudd (Griffith) (3.25 pm)—The Deputy Prime Minister talks in this parliament of a political campaign that damages the interests of Australia’s hardworking wheat farmers and our hardworking wheat exporters. Deputy Prime Minister, one thing has damaged the interests of Australia’s hardworking wheat farmers and wheat exporters, and that is you. You have failed to discharge your responsibilities, and the reason that this is a matter of urgency—

The Speaker—Order! The member for Griffith will refer to members by their title.

Mr Rudd—for this parliament is that it has to come to grips with why it is that the Deputy Prime Minister of this country has failed to discharge his responsibilities to the country and to the wheat industry in this country. Talk of this being the responsibility of an opposition raising legitimate questions in parliament is, I have to say, the most appalling attempt at political distraction strategy 101. The reason this is urgent is that we have a crisis today in Australia’s wheat industry, because National Party ministers in this parliament, in this government, have failed to do their job. This crisis exists, and the reason this motion is urgent is that warning after warning has been ignored by these ministers. The consequences have flowed through to Iraq and now business dealings between Australia and Iraq have been suspended. But, in particular, the reason this is urgent is that it goes to the core question of the undertakings provided to Volcker. The Deputy Prime Minister said to parliament as well that all the information they had was provided to the Volcker inquiry. Today in parliament, on five occasions, we asked the Deputy Prime Minister whether he could confirm to us that what he had told us had occurred was the truth—whether, Deputy Prime Minister, you had in fact provided full documentation for the Wheat Export Authority to the Volcker inquiry. Five times we asked this question and five times the Deputy Prime Minister failed to answer.

The reason this matter is of urgency for the parliament to consider is that the Wheat Export Authority is the supreme regulatory authority sitting across the AWB and has the capability and powers to inspect all AWB contracts. That is why the question we pose about whether WEA documentation went to the Volcker inquiry is so critical: Volcker could not have made a comprehensive conclusion about whether this government had acted properly unless he had full documentation. By this minister’s silence today, we know that they did not have that full documentation—the WEA did not provide documentation to the Volcker inquiry. We know from answers already given in Senate estimates that full documentation was not provided by DFAT, because DFAT failed to provide access to its electronic files.

The case, therefore, that the government constructed in defence is unacceptable and collapses at this point, because the Prime Minister, in giving Commissioner Cole such narrow terms of reference, said that they are narrow and do not affect a government directly because the Volcker inquiry has given the Howard government a clean bill of health. We now know that the Howard government failed to provide Volcker with full documentation; therefore, on what basis could Mr Volcker have reached comprehensive conclusions about this government’s
complicity in the management of the $300 million ‘wheat for weapons’ scandal? The Deputy Prime Minister’s role in this is extraordinary. The reason this issue is a matter of urgency for our parliament is that ministers and Deputy Prime Ministers are paid a large salary in order to do a job.

If you receive—one way or another, through officials or through foreign governments, over a five-year period when $300 million is flowing through to the enemy—15 warnings and choose not to act, then frankly you should not be drawing a salary. And the 15th warning was plain as day through warnings also given by representatives of the government of the United States through the United Nations.

Deputy Prime Minister, you now tell us today that, having created this crisis for Australian wheat exporters, you are now providing the solution to this crisis by heading off to Iraq. The only good news for Australian exports this week is the news that Mark Vaile is about to be exported out of this country to Iraq.

The SPEAKER—Order! The member for Griffith will refer to the Deputy Prime Minister by his title.

Mr RUDD—And the urgency under which this should be considered relating to the censure motion is this: this man has failed to respond to warnings one after the other. He has failed to provide full documentation to Volcker. He has failed to provide any answers to this parliament and, as a consequence, Deputy Prime Minister, if you had any decency, you would stand up and you would just hand in your resignation now. You stand censured. You should resign. (Time expired)

The SPEAKER—The time for the debate has expired.

Question put:

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

The House divided. [3:35 pm]

(The Speaker—Hon. David Hawker)

Ayes…………… 60
Noes……………. 80
Majority………. 20

AYES

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

NOES

Abbott, A.J.  Anderson, J.D.
Andrews, K.J.  Bailey, F.E.
Baird, B.G.  Baker, M.
Baldwin, R.C.  Barresi, P.A.
Bartlett, K.J.  Billson, B.F.
Bishop, B.K.  Bishop, J.I.
Broadbent, R.  Brough, M.T.
Cadman, A.G.  Causley, I.R.
Ciobo, S.M.  Cobb, J.K.
Costello, P.H.  Downer, A.J.G.
Mr ABBOTT (Warringah—Leader of the House) (3.40 pm)—Mr Speaker, with your indulgence, could I just alert members to an adjustment to the sitting pattern to facilitate debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. In order to try to maximise the ability of speakers to contribute to this very important bill, it has been agreed with the opposition that the sitting tonight will be extended until midnight. But there has also been an agreement that there should be no divisions called after eight o’clock, so people who have other arrangements should not be unduly disturbed. I thank the opposition for their cooperation. It is important that everyone has whatever chance they need to contribute to this topic.

QUESTIONS TO THE SPEAKER

Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005

Mrs MAY (3.42 pm)—Mr Speaker, I have a question about the process of consideration of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. Would you please outline to the House the consequences of accepting or rejecting the second reading amendment that is before the House.

The SPEAKER—I thank the member for McPherson for her question, which raises some complex procedural considerations. I will attempt to place these considerations before the House.

The House has no precedent of its own to follow if a second reading amendment should be agreed to. However, the specific terms of the amendment indicate that the bill is unacceptable in its current form, and that a different policy approach is preferable. If the House agrees to this amendment, the effect would be similar to that if the second reading of the bill were negatived. No further progress would be possible on the bill as transmitted from the Senate.

A substitute bill could be introduced that implements the policy approach preferred in the amendment by the member for Lindsay. This would only be possible immediately following the granting of leave or the suspension of standing orders. A notice of motion to this effect could be lodged contingent on the amendment moved by the member for Lindsay being agreed to, but, to be effective for the next sitting, this would need to be lodged before the House rises today.
If the second reading amendment is negated, the House will have made a clear decision in relation to the policy approach proposed by the amendment. It would not therefore be possible to move amendments during consideration in detail that would seek to implement that policy approach.

Miss Jackie Kelly—Mr Speaker, I wish to clarify my position. I understand that there is no interest in having a suspension of standing orders. To reassure members, I have distributed a copy of the bill that will be introduced in place of the current bill in order for the proceedings to continue and a vote to be taken on my combined amendment.

Mrs May—Mr Speaker, on a note of clarification on what the member for Lindsay has said: my understanding is that, if the amendments are not successful, we will proceed with the bill before the House. If the amendments are successful, the member for Lindsay then can bring to the House a new bill. Is that correct?

The SPEAKER—As I said in my answer to the question from the member for McPherson, a substitute bill could be introduced—preferably, if notice were given, today; otherwise, it would only be possible following the granting of leave or the suspension of standing orders.

Mrs May—Mr Speaker, on another matter of clarification: if the substitute bill is brought into the House and voted on, is it then referred back to the Senate?

The SPEAKER—Clearly, the bill would be a new bill and the Senate would have to consider it.

Mr Price—Mr Speaker, I also seek clarification. If any member of the House declined leave for the honourable member for Lindsay to introduce the new private member’s bill, I take it that the bill could not be considered.

The SPEAKER—The point that I made, for the benefit of the Chief Opposition Whip, is that if notice were given—

Mr Price—Yes, but in the absence of notice. If any member of this House declined to grant leave, I take it that the private member’s bill proposed by the honourable member for Lindsay could not proceed.

The SPEAKER—if leave were not granted then there would have to be a suspension of standing orders.

Miss Jackie Kelly—Every member in this House has been distributed a copy of that bill, which will be on the Notice Paper tomorrow. A suspension of standing orders or leave will not be required.

Ms Gillard—Mr Speaker, given the importance of this debate and the fact that it is a conscience vote, I think it is very important that people are clear about the procedures. The worst of all possible worlds would be, of course, that someone exercised a vote in error because they were confused about the procedures. I understand very clearly that the effect of your ruling, with which I very strongly concur, is that if the second reading amendment moved by the member for Lindsay is carried by the House, that negates the second reading and the bill before the House is at an end. If the second reading amendment moved by the member for Lindsay is not carried by the House, we will then proceed with the second reading of the bill and on to the third reading, which would include the consideration of the amendment proposed by Mr Laming, the member for Bowman.

Can I be very clear, though—and I think this is a matter of government business scheduling as much as it is a matter of anything else: is it being suggested that, should the member for Lindsay’s second reading amendment be carried, the House would then immediately move to consideration of the
private member’s bill that the member for Lindsay has said she will make available to members? It is a very important matter. As you would know, Mr Speaker, we are here at 10 to four today and I have not seen that private member’s bill yet. I suspect very few members of this House have seen that private member’s bill. It is a matter that people would want to give the same consideration to that they have given to the bill before this House. It would be inappropriate, even by way of suspension of standing orders, which may or may not attract a conscience vote, to force the House to immediately deal with it unless it were very clear that that was going to be the course of action proposed and people could prepare themselves for that—particularly when I have heard no suggestion that the House will not rise at its normal time tomorrow, so the time available for the consideration of any subsequent private member’s bill by the member for Lindsay is dreadfully short indeed.

Mr Abbott—If I could point out to the Manager of Opposition Business that it is the government’s firm intention to facilitate the consideration of the current private member’s bill, and all matters arising from it, as speedily as possible, consistent with the right of as many members of this House who wish to speak to be able to speak on the topic. That is our intention: we wish to facilitate the expeditious handling of this whole matter.

It is my understanding that the member for Lindsay’s alternative bill is about to be distributed. It is also my understanding that the bill is precisely in the terms of the amendments that she flagged yesterday. There will be as much opportunity to consider the member for Lindsay’s bill as there has been to consider other important matters that have come before the House as part of this debate.

The SPEAKER—I believe that, in response to the Manager of Opposition Business, the Leader of the House has given an answer. It is of course contingent on what the vote is; then, if the bill is on the Notice Paper, it depends on the House.

Ms Gillard—Further to my point of order, I think the matter could be assisted. I know we are dealing with something that is a contingency, but I think it is very important that people understand what could happen in the event of that contingency. The opposition has been very cooperative with the government. Both the Leader of the House and I have privately discussed the importance of not gagging something that attracts a conscience vote, because that would be contrary to what I think would be everybody’s broad approach that, insofar as is humanly possible, people ought to get their opportunity to have a say on a matter that attracts a conscience vote. I anticipate that there would not be anybody who would suggest that, if the current bill before the House attracts a conscience vote, a bill by the member for Lindsay will not attract a conscience vote. I think everybody would concede that it too would attract a conscience vote. I am seeking an assurance from the Leader of the House that it is not his intention to gag the member for Lindsay’s bill through tomorrow.

Mr Abbott—I am happy to give that assurance. As I said, this is a very important topic. It ought to be given full consideration. That is what the government is attempting to do, and we will continue to give people the opportunity to examine things and to speak on things regardless of which way particular votes go tomorrow.

Mrs Bronwyn Bishop—I rise on a further point of clarification. We have got into a very difficult technical area. I am wondering, without having looked at the House of Representatives Practice, whether or not it is
possible for the member for Lindsay to withdraw her second reading amendment and move it as a fresh amendment at the consideration in detail stage.

The SPEAKER—That is a matter, I believe, for the member for Lindsay.

Mrs Bronwyn Bishop—There seems to be a dilemma because it has been moved as a second reading amendment. The dilemma would be solved if, as I suggested, it was withdrawn and moved as an amendment in consideration in detail, when the issue could be just as well canvassed.

The SPEAKER—Can I suggest in response to the member for Mackellar that she should discuss that matter with the member for Lindsay.

Mr Abbott—Mr Speaker, I believe that too much is being made of difficulties. The fact is that what the member for Lindsay has moved in this House, as I understand, was canvassed with the clerks beforehand. It is perfectly in order under the standing orders. There are clear procedures, which you have already outlined to the House, and any suggestion that the member for Lindsay should in any way be obliged or requested to change her procedures I think is quite wrong. Apart from anything else, this amendment has been moved and seconded and the seconder is not in this House.

Mrs Bronwyn Bishop—I am not trying to influence the member for Lindsay in any decision that she may wish to make. All I want is a simple answer to my question: can it be done?

The SPEAKER—My understanding is that if the member for Lindsay has moved that motion and wishes to withdraw it, then it is a decision for the House.

Mrs Bronwyn Bishop—The question I asked was—and I am not putting pressure on anyone or making a judgment; I just want to know the answer—is it possible for the member for Lindsay to withdraw her second reading amendment and move it as an amendment in consideration in detail? I just want to know if it is possible.

The SPEAKER—It is in the hands of the House if that course is to be followed.

Miss Jackie Kelly—Before you rule on that, Mr Speaker, can I make it clear that I do not intend to withdraw my reasoned amendment. I have followed all the procedures necessary to ensure that, if my amendment is agreed to, as flagged by Deputy Speaker McMullan virtually straight after my speech—which was the third speech on this matter—my intentions can be carried out tomorrow when voting commences. Everyone has been aware of my amendment and has had this amendment in mind when they have been discussing this issue.

The SPEAKER—I thank the member for Lindsay for that clarification.

Mr Beazley—that is the member for Lindsay's clarification, but that is not what the member for Mackellar was seeking. It is clear cut, Mr Speaker, and she deserves a clear-cut answer. It is possible for a person to remove from the chamber any amendment that they have moved in their name. They can withdraw that amendment if they want to. That is point 1. Point 2 is this: it is possible to amend the legislation in the way in which has been suggested by a foreshadowed bill in consideration in detail, which answers the second part of the member for Mackellar's question. That is possible too. That course of action is open. If the member for Lindsay does not want to take that course of action, that is fine. But the member for Mackellar is entitled to a straight answer on it.

The SPEAKER—I thank the Leader of the Opposition. I believe I have answered the member for Mackellar inasmuch as the mo-
tion has been moved and, I am informed, seconded. Therefore, the House would have to agree to take another course of action; otherwise, it would go onto the Notice Paper.

Mrs Bronwyn Bishop—I just want to make my position clear. I would like an answer from you to my question. Perhaps I can make my position clear. I intend to vote against the bill.

Mr Tanner—We’re not interested in how you’re going to vote.

Mrs Bronwyn Bishop—But I am. I do want to have an answer to my question.

The SPEAKER—I thank the member for Mackellar. I have given a detailed answer to the member for McPherson. I have given a response to the specifics that have been raised, and I believe the answer is there.

Mr Tanner—Mr Speaker, I want to ask a question to clarify one point in your ruling. I understood you to be saying that, should the second reading amendment be negatived, it would therefore preclude the member for Lindsay from moving in consideration in detail any amendments that are broadly of the same thrust. Is that personal to her or does that preclude other members from doing so, on your ruling? Is this something that you believe applies generally—that is, if a second reading amendment is negatived, it precludes any member from moving in consideration in detail an amendment that reflects broadly similar sentiments?

The SPEAKER—The short answer to the first part of his question is yes. In relation to other amendments to be considered in detail, that course of action could be followed with the agreement of members.

Mr Tanner—I am sorry, Mr Speaker, I did not understand your response. If another member, whether with respect to this bill or another bill, decides to move in considera-

- tion in detail an amendment that arguably reflects a sentiment that was contained in a second reading amendment that has been negatived, would that member be precluded from doing so? Would they be out of order in doing so?

The SPEAKER—I have responded to the member for Melbourne on the specific case. I will give consideration to the more general aspect that he has raised, but I think the immediate point has been covered.

Miss Jackie Kelly—On the second point that the Leader of the Opposition raised—that is, why wasn’t my reasoned amendment part of the detailed amendment—the answer is that this is not a technical amendment; it is an amendment on principle, which is ministerial accountability. It must remain where it is.

The SPEAKER—I thank the member for Lindsay, but I think the points are already covered.

Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005

Ms GILLARD (3.59 pm)—Mr Speaker, I have a question to you which relates to the RU486 bill. As we have been discussing, the bill before the House is a private members’ bill which has come from the Senate. A conscience vote has been extended by all political parties. Consequently, in participating in this debate, every member of the House has identical status to every other member of the House. It is not one of those government business propositions where the minister is in a special position vis-a-vis other members of the House. In light of the fact that every member of the House is in the same position as every other member of the House in dealing with this proposition, my question to you is about the appropriateness of a member of the government executive, most particularly the Parliamentary Secretary to the Minister
for Health and Ageing, using the resources of executive government to procure advice in relation to the private members’ bill, particularly advice which has not been provided in its original form to all members of the House who are seeking to vote and express a view on the private members’ bill before the House.

The SPEAKER—I thank the Manager of Opposition Business. I will give that further consideration and get back to her.

Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005

Mr MURPHY (4.00 pm)—Mr Speaker, I have a further question to you. In response to the question put to you by the member for McPherson and your prepared response to that question, would you arrange to email all members of this House a copy of your statement to this House?

The SPEAKER—I would be happy to arrange that.

PERSONAL EXPLANATIONS

Mr FITZGIBBON (Hunter) (4.01 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr FITZGIBBON—Yes.

The SPEAKER—Please proceed.

Mr FITZGIBBON—During question time the Minister for Industry, Tourism and Resources said that on a local radio program I said that Kyoto was dead in the water. As usual he was half right. What I said was that Kyoto is effectively dead in the water because the US and Australian governments refuse to sign the instrument.

AUDITOR-GENERAL’S REPORTS

Report No. 29 of 2005-06

The SPEAKER—I present the Auditor-General’s Audit report No. 29 of 2005-06 entitled Integrity of electronic customer records: Centrelink.

Ordered that the report be made a parliamentary paper.

DOCUMENTS

Mr ABBOTT (Warringah—Leader of the House) (4.02 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.

DEFENCE (ROAD TRANSPORT LEGISLATION EXEMPTION) BILL 2005

FISHERIES LEGISLATION AMENDMENT (COOPERATIVE FISHERIES ARRANGEMENTS AND OTHER MATTERS) BILL 2005

Referred to Main Committee

Mr BARTLETT (Macquarie) (4.03 pm)—by leave—I move:

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

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Defence: Equipment

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

The Government’s failure to address irregularities and inadequacies in the tendering processes of the Defence Materiel Organisation which has resulted in Australian servicemen and women being provided with substandard and unsafe clothing and essential equipment.
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 McCLELLAND (Barton) (4.03 pm)—This is an important topic for debate and should be approached in a rational and, insofar as it is possible, detailed way in the time available. I think it is fair to say that the government lauds its own national security credentials. Very frequently we see our defence forces being used as the backdrop for photographs to enhance its public perception in that respect. In that context the government’s dismissal of the significance of complaints from serving men and women regarding the quality of equipment that has been provided to them is somewhat hypocritical. It is also very concerning that there has been a lack of complete frankness on the part of the publicity section of the Department of Defence itself, which I would describe as the media section. For instance, the Australian newspaper reported this on Monday:

A Defence Department spokesman confirmed that the department’s inspector-general—that is, the Inspector-General of the ADF—was “actively investigating” the department’s Combat Clothing section.

“It is not appropriate therefore to comment further, given there is an investigation presently taking place,” he said.

Senate estimates was just told that there is no such investigation by the Inspector-General of the ADF. Such investigation as is taking place is by the head of the DMO, Mr Stephen Gumley, and his deputy in respect of certain matters—in particular, revelations that three officers within the DMO are the subject of disciplinary proceedings, and a further supervisor looks as though he, at the very least, may be moved to another position. We do not intend to focus on the identities of those individuals other than to say there are obviously some significant issues that need to be investigated in respect of the operation of the DMO in this particular area of tendering.

The Chief of Army indicated to Senate estimates that there had been some 147 RODUMS—documents which enable complaints by serving men and women regarding their equipment—submitted in the last 18 months. Again, it is not clear, but we suspect that is as a result of grouping of the RODUMS, a practice that was criticised by the Inspector-General of the ADF in his report of December last year.

There are certainly concerns. I do not put this accusation to the current minister, but there has been a tendency, when the opposition has raised national security issues as they apply to the service conditions of serving men and women, for there to be an endeavour to portray those issues—or our method of raising them—as being in some way unpatriotic or in some way evoking concern in the partners of serving personnel overseas. That is not an issue. We accept that every endeavour has been made by the defence chiefs to ensure that our troops deployed on operations are given the very best equipment available. We accept that as their intention. We are talking about a broader matter that relates to conditions and occupational health and safety—if not, potentially, to safety in a combat situation. By way of example, I have some 54 RODUMs in front of me here. By way of informing the House of the sorts of complaints made, here is a complaint by a serviceman in respect of his field pack:

Pack contains insufficient room to carry all equipment that is required to complete task. Also, pack is uncomfortable and causes skin to be rubbed off from mid to lower back. It also puts
increasing pressure onto the spine and the lower lumbar area of the back and causes neck strain. That pack may not be one used in Iraq or Afghanistan, but it is still a significant issue. Another complaint concerning a pack is as follows:

Pack is too large. It has adequate pouches on the side. However, inside is too large. When placed on an Alice frame, there is too much overhang. This causes the pack to catch on foliage. The overhang does not allow fast movement when running as it bounces all over the place. When sitting on the ground and trying to get up, the weight then moves to one side, making the pack unstable, and falls over...

Presumably the service man or woman also falls over as part of the package. A report by a sniper states:

As a sniper I require access to equipment while patrolling. Lying static or when stalking with a yowie suit—

which are the suits the snipers wear, as I understand it, when they hide in the trees—

... the basic webbing is not effective for our role and the possibility of losing equipment is high.

That is obviously a pretty dire predicament for a sniper in position. That is a sample of some of the complaints. There are complaints from serving men and women—there is no doubt about that. Those complaints must be acknowledged. A perusal of those three complaints shows that they are of substance, and they are having an effect. This is an issue that requires attention by the government.

The *Australian* newspaper carried a report—which the minister is aware of and has responded to—on two documents. I have not seen those documents first-hand, but there is no reason to doubt the quotation from those documents. The documents related to jackets being defective insofar as they glazed at night; helmets with defective bracing on them; and helmets that potentially obscured views of land mines if troop members were lying on the ground. The documents reported that females, because of hip sizes, are required to wear jackets that are too big, obstructing their hands when they are holding their weapons. We have been informed at the Senate estimates hearings that those jackets are going to be replaced, and that is to be encouraged.

There have been complaints about body armour not fitting the body precisely because of inadequate attachments and complaints about packs, which we have heard about. Boots are a real issue. I have seen, first-hand, photographs of some horrific instances of damage to feet as a result of boots. There have been reports of RAAF flying jackets with screen printing of camouflage over the material which has prevented the material from breathing and caused heat stress in those who wear them.

These complaints have been presented by service personnel. They are real. They should not be dismissed lightly; nor should they be dismissed because only seven of the 147 RODUMs, or complaints from personnel, have come from personnel serving in operations. The seven that have come from personnel serving overseas obviously need careful attention. We would expect that to happen as a matter of course. These complaints are supported by the Australian Defence Association. Neil James, who is not known to be hysterical on these matters, has said:

There have been some big complaints at bigger level recently about load bearing equipment, particularly webbing.

That is an example. As for reports about the adequacy of ballistic goggles, one service-man is quoted as saying that those on standard issue are little better than ski goggles. I would trust that those in the ASLAVs and so forth have more sophisticated goggles than that, but the standard issue is certainly in that category. Don Rowe, the Deputy National
President of the RSL, an organisation not known for its hysteria in these sorts of matters, said:

The RSL has been aware for some time that the issue of personal equipment hasn’t been up to what we would deem to be satisfactory.

He has referred to the fact that a lot of troops are purchasing their own equipment—and we have certainly heard that. It has been said—as you would expect to be the case—that as a result of the passion our troops have for their craft they may want to go out and buy a particular item of clothing, a particular pack or a particular set of sunglasses, for instance; and the Chief of Army said these were more matters of fashion than function.

We accept that, but nonetheless there are all too many reports that the purchase of equipment is not to simply address matters of fashion but to overcome inadequacies such as the complaints we have heard about backpacks. Indeed, a spokesman for Crossfire, which is a company selling military equipment from Braidwood, said that he had had reports from soldiers who are disgusted and demoralised about their equipment:

I have spoken to thousands of soldiers who all say they cannot operate at full efficiency because of poor equipment. This failure places their lives at risk.

That last part is his comment, rather than that of an expert, but nonetheless it was based on his communications with serving men and women. He says:

I know soldiers who have reluctantly left the Army because they are fed up with a system that does not value them as soldiers.

One soldier appeared on the 7.30 Report during January and said precisely that.

What has been the government’s response to that? Firstly—and again I recognise that this was prior to the current minister’s time—they put pressure on this serviceman, who had actually served in Timor and Iraq, to close down a website that facilitated complaints from other service personnel. Indeed, a briefing note from mid-2004 called for ‘an information offensive to counter criticism of combat clothing and field equipment by internet sites, the media and an increasing number of soldiers’. It is all too dismissive but, worse than that, obstructive, and the misinformation that has been given by the publicity section of the Department of Defence this week is totally inexcusable and quite offensive.

But the truth is important. Getting to the bottom of the matter is important—in the public interest, in the national interest. It is obviously crucial to issues of national security, all the more so because it applies to the terms and conditions of and the basic recognition and respect for serving men and women and their preparedness to both join and—more significantly—remain in the defence forces.

If you look at the facts that have come out, we have seen instances of officers of the DMO being responsible for crafting a proposed tender, then obtaining employment with the company that won the tender. That is certainly on the record as an event that has occurred, placing that officer in not only a potential but, we would put forward, an actual conflict of interest. We have seen instances of officers of the DMO actually providing private finance to a potential supplier of military equipment—that is, their personal finance to keep that company afloat when it was facing financial difficulties—and, sub-
sequently, one of those officers at least being involved in approving a tender from that corporation, despite the requirement in the procurement guidelines that they have regard to the financial capacity of the company. We have also seen officers involved—and I understand that this may be the subject of disciplinary action, at least for two officers—in a process of alleged prescriptive tendering, so that a particular company had a greater likelihood of succeeding in the tender.

These systems failures that have been brought out by the media and by freedom of information requests are occurring in the Defence Materiel Organisation, at least in the combat clothing and equipment section. The situation cries out for the Auditor-General to be called in to go through this section with a fine toothcomb. Clearly there is no investigation by the inspector-general of defence. That makes it all the more imperative for the Auditor-General to come through here. As the Defence Association said, nothing less will assure the Australian people and, more significantly, our serving men and women that this issue is being treated with such seriousness that these systems failures and potential issues of corrupt conduct are addressed, so that they can be satisfied that the equipment provided to them will be the very best equipment available.

Dr NELSON (Bradfield—Minister for Defence) (4.18 pm)—In introducing my remarks in response to this matter of public importance, I would say—having only recently been appointed as the Minister for Defence in the coalition government, which is a great privilege and responsibility—that throughout my tenure I will view the support given to and the equipment provided for every one of our service men and women as if those service men and women were my son or my daughter, my brother or my sister.

Mr Edwards—Mr Deputy Speaker Scott, I raise a point of order. I am having difficulty hearing the minister.

The DEPUTY SPEAKER (Hon. BC Scott)—You cannot hear the minister? There is probably some chat in your area as well.

Dr NELSON—I am sorry, Graham; by the time I finish, you will probably be saying, ‘Can you turn him down? I don’t want to hear any more.’

Mr Edwards interjecting—

The DEPUTY SPEAKER—I will ask for the levels to be checked.

Mr Edwards—Thanks very much, Mr Deputy Speaker.

Dr NELSON—in terms of dealing with this issue, I come to the portfolio with an open mind, strongly committed to the government’s policies and programs. I will take the issues and the individuals with whom I will be dealing with an open mind, and I will exercise what I hope will be the correct judgment in relation to them.

There are two issues here. One is the quality of the equipment which is provided for Australia’s service men and women. The second issue is the system which actually delivers that equipment, the so-called procurement arrangements which support it. Within the Australian defence forces there is a system called RODUM, the reporting of defective and unsatisfactory materiel. It is an excellent initiative. It means that any Army, Navy or Air Force person can formally register a complaint, a criticism, an idea, a suggestion or a proposal of some sort in relation to the equipment with which they have been issued. Essentially, it is a quality assurance arrangement. It is a feedback system.

So our defence personnel fill in these forms. The forms go back to Defence headquarters and they are analysed. They go principally to three groups: one is the Austra-
lian Defence Force itself, the second is defence industry and the third is the Defence Science and Technology Organisation. Safety issues of course are dealt with immediately by the appropriate service from which the complaint may have come. Some issues require a combination of Defence itself and defence industry to consider them and then make an adjustment in response, and some then also involve DSTO—which I will explain in a minute—because science is sometimes required in addressing the issues.

What happened was this: the Australian newspaper, for which I have a very high regard—and for that reason I was surprised by the way in which it treated this issue, but that is its prerogative—put in a freedom of information request for this RODUM system. In other words, the Defence Force’s internal quality assurance arrangements, which provide the feedback on equipment, were going into the public arena. It was published on Saturday, in the Weekend Australian, under a headline that alleged that Australian troops were put at some risk because of defective equipment. The reality is that, when you go through the report about defective and unsatisfactory materiel and you unpack it, it is at best sensationalist. I must say that, if I were in the shoes of a father or mother whose son or daughter was currently on deployment, I would find it cruel in some ways. The issues about financial arrangements in the DMO are, however, another matter, and I will get to them in a moment.

The reality is that we currently have 60,000 army boots on issue. In the 19 months of this RODUM feedback system, there were 61 reports about boots—from 60,000 army boots that are out there. Of those 61, half were about laces and eyelets. As General Peter Cosgrove, former Chief of Defence and Chief of Army, and General Leahy have said, it is difficult to imagine an Army where someone was not complaining about boots and, unfortunately, getting blisters from them. Nonetheless, as a response to those complaints—and 61 complaints means that 0.001 per cent of all army boots have had some complaint made about them—those who provide army boots for our Defence personnel are now being specifically trained to be even better at fitting out people with boots.

We heard from the member for Barton about combat packs. There are 50,000 combat packs currently on issue in the Australian Defence Force. There are 19 different types of combat packs. Out of those 50,000, there have been 45 complaints. There are as many complaints about their being too small as there are about their being too big. Of course, it is always a matter of preference whether a particular soldier prefers one pack to another.

There was a report about combat fleece jackets which ‘glow in the dark’. There are 79,000 combat fleece jackets on issue. There have been 26 complaints about them. These jackets are not intended to be camouflage for troops who are on deployment. The criticism or the concern was that they might reflect light, and ultraviolet light in particular, but it needs to be understood that they can only be seen with night vision goggles, which increase the close infrared and reflected light 700,000 times. They are not intended nor are they used as camouflage when in the field. Nonetheless, in response to the RODUM feedback, the Defence Science and Technology Organisation worked with Army to develop a new material which would not reflect light and therein be seen by night vision goggles. That is now incorporated into the disrupted pattern Army attire and is currently in the process of being incorporated into combat fleece jackets.

We were also told that our soldiers were at risk, allegedly, because of defective body
armour. There are 1,793 pieces of body armour on issue to Australian troops. In that 19-month period there were nine RODUMs, or nine concerns expressed, three of which were about cracking. The Defence Science and Technology Organisation and Army tested them for their antiballistic capacity and, because they are partly woven, they were still found to be 100 per cent effective in preventing missiles penetrating them. Nonetheless, a new lightweight non-cracking body armour has been produced.

I just heard the member for Barton talking about helmets. There are 6,000 helmets on issue. There were five criticisms about helmets. Two of them related to helmets that are only used in training. One complaint related to padding. There was one concern expressed about the Kevlar armoured helmet. With regard to looking at a claymore mine, a claymore mine is some 10 to 20 centimetres in height. In order to look at a claymore mine, a soldier has to lie prone—flat out on the ground. Under those circumstances, it is not possible to see a claymore mine with anything on your head—unless for some reason the thing is transparent, and that would still distort the vision. It is only done, I am advised by the Chief of Army, for about 30 seconds, with a soldier being protected by approximately 30 other soldiers. Nonetheless, a new combat helmet has been developed and has been provided in the first instance to our deployed troops.

On Saturday, the Chief of Army responded to this, and he said a number of things at a press conference. He said:

One of the things I would really like to do is to reassure all Australians, particularly the families and mums and dads, that the equipment that we are issuing to our soldiers to deploy forward on combat operations is amongst the best in the world. These people, frankly, are our mates. We are not going to ask them to go into these very difficult and demanding conditions without making sure they are as well equipped, as well trained, as well prepared and as well led as we can make them. We want them to come home. We are looking after them.

I noticed, when I quoted the Chief of Defence and the Chief of Army in seeking to reassure Australians about this, that the Australian newspaper editorial said, ‘It’s all very well for the minister to quote the Chief of Army and the heavies and all that sort of stuff.’ Normally I would agree with that: you always burrow to where the grassroots people, if I can use that expression, are—in this case those are our foot soldiers—to find out what the real issues are. But at that same press conference there were two sergeants, and this was not reported. One was Sergeant Moriarty, who is a soldier from the Armoured Corps. He was deployed on combat operations in the security attachment in Baghdad, Iraq. He drives and commands the light armoured vehicles and he is supported by Sergeant Crump, who recently trained in the First Division at Camp Pendleton in the United States Marine Corps.

Sergeant Moriarty, who was just back from Iraq, was asked if he had ever felt that lives had been put at risk because of inadequate equipment. He said: ‘No I don’t. I think the fact that we received minor casualties only, particularly when an incendiary device hit an ASLAV, where troops from other countries that are over there die, is testament to our equipment and our training.’ They were then asked about boots not fitting properly and so on, and Sergeant Crump said, ‘Having worn boots that were made by a number of different armies, I only wear ours now because by far they are superior for what we do and where we work.’ Sergeant Moriarty, by the way, was then asked whether he went and bought his own goggles, and he said:

Absolutely not. Whilst in Iraq there was an issue initially. We got a lot of information from the
Americans that incendiary devices were damaging their troops’ eyes. Within two days we had $170 goggles which are ballistic protection—in two days. So no, I don’t. I have never bought anything of that nature for operational service.

In fact, this being reported back to our troops on deployment in the Middle East, an email was sent to the Chief of Army by the regimental sergeant major—they are the guys with the big sticks, for those of us who are civilians—of a special operations task group. He said:

Sir,

I have spoken extensively to those who have deployed in rotations 1 and 2 of Operation Slipper and have had nothing but praise for the type of and standard of equipment. I would say everyone is happy. People will always buy gear that’s different, in many cases because it is different. On the whole I have found there are only slight gripes and certainly no big issues.

The other issue, as I said, relates to the management of this particular area. What happened was that the combat clothing area was moved into the Land Systems Division in July 2004 following some issues which had arisen in the distribution of soldiers’ equipment. The Soldier Support Systems Program Office was established in July 2004 specifically to deal with some issues that had been identified in the distribution of materiel and tendering issues. The Soldier Support Systems Program Office director was appointed. Then in July 2005 it was restructured to give that person significantly more hands-on control over tendering arrangements. In October 2005 it became a requirement that the chief engineer approve all materiel before it was on-sent to soldiers. By the way, there are 33,000 light items with $22 million a year turnover in this particular area. Then in November 2005 all of the authorities for requests for tender were revoked and instead put in the hands solely of the director of the Soldier Support Systems Program Office.

The Inspector-General of the Australian Defence Force had a look at these arrangements late last year, and a report was made available to the Department of Defence. A number of things have been initiated since, including specific training of staff in this area in fraud, ethics and working with and managing people in terms of tenders. The only people that have any financial authority or responsibility at the moment are those who have specific training to have it. As I said, all authorities for requests for tender were revoked. A plain English contract development guide has been put together in response to what the inspector-general for defence has proposed. The Defence Inspector-General Group is reviewing practices in elements that were also once part of the clothing section.

As I said in my introductory remarks, I will bring an open mind—and I do bring an open mind—to this issue. There have been significant improvements in the way the Defence Materiel Organisation and the Soldier Support Systems Program Office operate. But I will be having a very close look at this. It is not just about maintaining the confidence of our service men and women in the equipment that they have and receiving the best equipment in a timely manner. It is also about reassuring their families that that is the case, and it is about reassuring the Australian taxpayer that every last dollar they worked damned hard for is efficiently and well administered in every part of Defence. It might be a $17.5 billion portfolio—and we are talking about $22 million a year in this area—but I can assure the House that I am taking a very close personal interest in it and I will be making some further announcements in relation to it shortly.

Mr EDWARDS (Cowan) (4.34 pm)—Firstly I should take the opportunity to congratulate the Minister for Defence on being appointed to the portfolio. It is indeed a
weighty portfolio with a lot of responsibility, given the demands made on our troops in various parts of the world and in various battlegrounds of the world. I am disappointed, however, to hear the minister say that he comes to this issue with an open mind. I do not want the minister to come to this issue with an open mind. What I want him to come to this portfolio with is a determination to ensure that our troops are properly equipped, properly kitted and properly supported, whether they are in Australia or overseas.

It seems to me that some things never change with conservative governments when they send other people’s children away to fight in foreign wars. The Menzies government committed Australian troops to Vietnam, a modern war of that era. They sent young men away who were poorly equipped, with Second World War gear that was more suited to the desert than it was to the jungle environment of Vietnam—boots that fell apart in a matter of weeks, pouches and personal webbing that rotted within months and weapons which were well into obsolescence.

And who can forget the decision by the then Liberal government that any Australian soldier killed in Vietnam would be buried overseas and his body not returned to Australia? When one mother determined that she wanted her son’s body returned to Australia, the Liberal government refused to accept her wishes. When she persevered and gained the support of the media, the government relented and brought the body home. They then waited a few weeks, till after the funeral, until all had quietened down, and they sent this mother the bill for the cost of bringing her son’s body home. Of course it was a bill she never paid.

Issues involving Australian troops deployed overseas have long attracted media interest. I believe that can be a good thing. We saw the deployment of Australian soldiers in 2000 to Afghanistan and shortly afterwards started to read stories in the media about a shortage of equipment and about inappropriate, outdated and obsolete kits. Stories also hit the paper about some of our special forces soldiers doing the rounds of military disposal and camping stores buying equipment in advance of deployment in the knowledge that equipment on issue was simply not up to scratch. I know that to be the truth because I had the opportunity to speak to some of these blokes myself.

Also I was one of a number of members who had the opportunity to visit our blokes based at Bagram Air Base in Afghanistan. We flew most of the way in a Russian built Ilyushin aircraft, which was piloted by a Latvian crew. We were horrified that this plane was used to transport Australian troops. We raised this issue directly with the then minister, shortly after which we were pleased to be advised that our troops would no longer fly or be transported in that aircraft.

Australian troops are famous for going crook about a range of issues, usually the food. Many a saying has grown up in military circles about army messing standards, most of them inappropriate for the delicate ears of this chamber. But, when diggers stop going crook about the food and start talking to you seriously about their equipment—personal protection gear, weapons, ammunition and personal kit—you know that there is a genuine problem.

I might say that the issue raised with us on many occasions was the question of campaign medals. Campaign medals are an important part of a deployed soldier’s uniform on his or her return home. In my view, it is a national disgrace that our troops, five years after having done the initial job in Afghanistan and fighting with great skill and courage, still await the issuing of their campaign
medals. This is an outrageous situation. The same issue was raised with us again when we visited Iraq late last year and spoke to our troops based there.

Does this government and do our ministers not understand the importance to our troops of campaign medals? Have we not yet learnt that recognition delayed to our troops coming home is recognition denied? Promises have been made about these medals since 2004 but, as another Anzac Day looms, it appears that our troops, who have won worldwide acclaim for their exploits, will again march without their campaign medals recognizing their service in Afghanistan and Iraq. If you think the troops are not going crook about that, Mr Minister, you go and talk to them; I bet you that they will tell you exactly what they feel. The point here is that, if we do not value the worth and the efforts of our troops in various campaigns, we downgrade the worth of the individual soldier.

But the issue here, as I have said, goes well beyond campaign medals. Just as veterans in Vietnam had to contend with equipment designed for use in the desert, our troops in Afghanistan were told at the time to make do with equipment designed for the tropics. That is a fact; there is no doubt about that. When soldiers go into action, they put their faith in many things; but, above all, I think there are three things that a soldier puts his faith in. He may put his faith in God, he will certainly put his faith in his mates and he must be able to put his faith in his kit and equipment. The priority of these things may and does vary according to the circumstances. A soldier knows that he can put his trust in God, and Australian diggers know that, above all, they can put their trust in their mates—because that is the Australian tradition. Australian soldiers too need to know that they can put their trust in their kit. But, in many instances in the recent past, they have simply not been able to do that, unless they have gone out and bought, stolen, borrowed or begged equipment that they know they can trust, rely on and call their own.

My view is that, if a government underresources its diggers, that government undervalues the lives of those diggers. Is there a problem? Are our soldiers being underresourced—particularly our special services blokes, who go out into the sharp end, way beyond areas of immediate support? An article headed ‘Enemy is in Canberra, say Diggers’ was published in the Australian newspaper on Monday, 3 February—a newspaper that I think goes out of its way to support this government. The minister describes this article as, at best, sensational and, in some ways, cruel.

Dr Nelson—Mr Speaker, I rise on a point of order. Graham, it was the front-page article; it was a different one.

Mr EDWARDS—Fair enough; I am not going to argue. But I say to the minister: look, do not just dismiss these sorts of articles. Do not come into this place and say, ‘As the minister, I’m going to keep an open mind.’ Even if this article headed ‘Enemy is in Canberra, say Diggers’ is a different one, let me quote from it. It says:

Blood-filled boots and sodden jackets infested with maggots force thousands of Australian soldiers a year to buy their own military equipment. Even if it is exaggerated, even if it is only 40, what areas are these people working in? Are they our special forces? Are they the most exposed of our soldiers in the remotest areas, far away from immediate support? Minister, do not come into this place and say, ‘I come to this job with an open mind.’ Minister, I want you to go down to DMO and find out what is going on. I want you to come back to this House and report to us on what is going on. Is there truth or sensation
in these articles? Come back and tell us, Minister, because we are taking a very close
interest in the welfare of our people deployed
overseas—and we want to know from you
that they are being properly looked after.

Mr FAWCETT (Wakefield) (4.44 pm)—
As I rise to discuss this matter—which, in-
deed, is a matter of public importance—I
think it is important that we do look at what
the accusations are, the origin of these accu-
sations and some of the claims and facts be-
hind them. I do happen to agree with the
member for Cowan that these things should
not be just dismissed; they should be investi-
gated so that our troops know that not only
the military hierarchy but the government
behind it are committed to making sure that
they have the best equipment they possibly
can have for when we make decisions to put
them into harm’s way. I also happen to agree
with the member for Cowan that recognition
is important and I support his call for making
sure that we have timely recognition of peo-
ple who have served this nation.

In this specific accusation, though, there
are two areas. One area is the irregularities
and inadequacies that are claimed to exist in
the procurement system. I believe the minis-
ter has addressed those, so I will confine my
remarks to the second area, which is looking
at the accusation of substandard and unsafe
clothing or essential equipment. Where have
these accusations come from? They are me-
dia allegations which have been made re-
garding the troops operating in Iraq and Af-
ghanistan, and they have been based on a
freedom of information request made by the
media.

The member for Barton quoted the Aus-
tralian Defence Association, and I am going to
join him in that. The Australian Defence As-
sociation, commenting on these specific al-
egations and not on some of the broader
issues, said that they were ‘out of context,
inaccurate and sensationalist’. The Australian
Defence Association, which the member for
Barton quite correctly identified, are not
backward in coming forward and being
somewhat critical of the government at times
when they feel that we are not doing the right
thing by the military. I believe they correctly
labelled these allegations in the media as
being inaccurate and sensationalist.

The member for Cowan said that we
should not just dismiss them; we should in-
vestigate them. I agree, and I know that the
member for Herbert went out when those
things were published and talked to the
troops in 1st Battalion who live and work
inside his electorate to find out from both
troops and officers what the facts are, what
they really believe about that. The feedback
he has got aligns with the conclusion of the
Australian Defence Association that these are
not accurate claims.

Let us take for example the boots that are
claimed to be deficient. Some people are
saying that the government are somehow
inept because we are using a home-grown
product as opposed to buying world’s best.
What was FOI-ed? The RODUMs were, and
the minister has explained that. In fact, the
member for Barton has also talked about
that. The RODUMs were FOI-ed, and we see
that there was feedback. The minister has
mentioned the fact that some 60,000 boots
were in circulation. What he did not mention
is that the current style of boots—and there
have been some 276,000 boots issued since
1999—are about the fifth iteration of that
design. What that means is that Defence has
a very proactive approach to issuing equip-
ment and then giving troops the opportunity
to give feedback as to where there are prob-
lems. So those boots have been incremen-
tally developed.

The RODUMs have come in, and since
2004 there have been only 20 reports about
blisters. Of the 60,000, as the minister said, there have been only 60-odd reports in the last 18 months and so that is a very high satisfaction rate. Why is it satisfactory? It is satisfactory because the development that the ADF undertakes on the basis of the feedback means we continually improve the product. So the boots the troops are currently using have better shock protection and absorption in the sole, they are lighter and, importantly, there is an ever-increasing size range. There are something like five sizings available now as well as width variations for troops. In fact the ADF will hand-make boots for you if your feet are a funny shape. So the ADF will go to whatever lengths are necessary to make sure that people have the right equipment so that they can go and do their job.

Importantly also, because Defence takes this whole process of trialling equipment very seriously, units such as the 1st Battalion, for example, are at the moment trialling field equipment. They are doing field trials on new equipment, and the whole purpose of that is to take things that have been developed to try to stay at the cutting edge and to give feedback as to where problem areas are so that before a production run is made problems can be ironed out.

The member for Barton talked about flying jacket trials. I have taken part in some of those trials, and I can tell you it is a very robust process, often over at least 12 months, so that you get to wear the kit in a range of environmental conditions and you have adequate opportunity to feed back before you finally get the product at the end of it. So there is a robust system there, and I know from experience that it develops a very good product.

Why do we do some of this stuff in-house rather than just buying commercial, off-the-shelf products? Again let us come back to boots. The requirement for boots in terms of design and outcome for somebody operating in a cold, wet environment such as the traditional NATO environment in Northern Europe, which is where the majority of military equipment is designed for, is radically different to what is required if you are operating in a hot, dry, dusty environment. Although there are many boots that suit colder climates and wet climates, there are not many—in fact there are only two—that are really considered world leaders for desert boots, hot and dry boots. The Australian boot is one and the US Army boot is the other. So in terms of where our troops operate, the solution that we have developed is actually a world leader for our troops. The minister made comments before about the sergeant who said, ‘Well, I’ve tried other people’s things and I wouldn’t wear anyone else’s but our own.’ Where there is a commercial, off-the-shelf solution such as boots for cold, wet weather—and companies make products that are suitable—our Defence Force buys those, because that is the more effective way to use taxpayers’ money and provide the equipment that is required.

One of the perceptions I believe is wrong both in the media and sometimes within Defence itself is that Australia is somehow second rate in the nature of the equipment that it has and that there is always something better out there. The reality is that, because in world terms the ADF is a small defence force, we actually have the ability to upgrade across the ADF quite quickly to make sure that we are keeping up with technology and that our equipment is leading edge.

I had personal experience of this with night vision equipment when, post the accident in 1996 as we were leading up to the 2000 Olympics and we wanted to make sure the night vision equipment we had for our aircrew flying the Black Hawks was world class, we did benchmarking against the States, Europe and the UK and found the
very best equipment in a very short time frame and purchased the optimal equipment from around the world. I can tell you that, by 2000, Australia was leading the world in the quality and standard of its equipment and the consistency and the training and support mechanisms behind it. That is something that is common in many areas of the Australian Defence Force. I believe it is time that people recognised that Defence has a very good system of identifying faults and procuring equipment that actually meets the needs.

As to the question of why troops buy kit, again Neil James from the ADA points out that troops have been doing this for years. I remember, certainly going back more than two decades when I first joined the Army, that sometimes there was good reason for that—for example, what they used to call smocks tropological. They were pieces of plastic that did not keep any rain out but it was thought that they did, and so people would often go and buy waterproof kit. In fact, I remember one person who spent hundreds of dollars on a Gortex suit. Whenever he pulled it out it never rained, so we used to try to be with him.

But those days have long gone. In my experience over two decades, when people buy personal equipment now, it is because of personal choice. Very seldom have I seen in recent experience—and in the feedback I have had from serving members—situations where people need to go and buy equipment that is required for operations, unless it is personal choice.

In addressing this matter of public importance, and whilst acknowledging that in acquisition systems there are things that the minister is going to be looking into in terms of the equipment our troops are using, I believe it is important to understand that, while the media is chasing headlines, the ALP’s purported reason for raising this is concern for our troops. I would counsel them to make sure they check the facts, because I believe that, if you check the facts and ask the troops who are out there using the equipment, you will find the equipment is good. Check the context of the documents that are referred to in the media, because then you will understand why the media has brought this up—the fact that it makes good headlines. But we will avoid any accusations of party-political point scoring and, importantly, we will avoid putting additional concern on the families who have the daily pressure and worry about their loved ones serving overseas.

Mr KATTER (Kennedy) (4.53 pm)—I dearly wish I had an hour to speak on this, but I will do the best I can in the short time I have. A person whom we will call Mr Henley—that is not his name—was given the opportunity to use the Steyr rifle. I was a weapons instructor in the cadets and then in the Army after that for some eight years. I shot a possible in the Earl Roberts shoot for the British Commonwealth in my final year at school, and my brother cleaned up the entire program for clay pigeon shooting, which is not surprising in a family who has lived on Australia’s frontiers for four or five generations. We would pride ourselves on knowing a lot about these things. My father was the Minister for the Army and served in the Second World War, as did some eight of his cousins and my mother’s cousins—or uncles, brothers-in-law—so we have had a lot of exposure to these sorts of situations.

Mr Henley rubbed sweat away from his eyes when he was shooting the Steyr rifle—but it was not sweat; it was blood. He looked up at the range commander, who said, ‘Steyr eye. You realise that the telescopic sight is far too close to the eye.’ A very experienced person, this Mr Henley! I must emphasise to you—and I plead with you, Minister, to listen to me and to the member for Cowan—that it is not that military personnel are de-
ceiving you or that they even want to mis-
lead you; it is that they are brought up to
have loyalty, and loyalty is absolutely neces-
sary to them. They have to believe in their
officers. They have to believe in their equip-
ment. They have to believe in their arma-
ments. It is very rare for any of them to ques-
tion any of these things. Grunts might com-
plain about everything, and you might say,
‘But, but—.’ But that is not the overall situa-
tion from my experience with the Army—
and I will come to that in a second. Let me
just go back to the rifle.

Of course, I know that when you fire a ri-
fle the stock is there—in this position—and
your hand must fit around the trigger, like
that. That is a rifle that is the right size and
suitable for you. Of course, the butt fell three
or four inches short of the bicep, where it
should have been, in Mr Henley’s case. The
telescopic sight was far too close to the eye.

When he finished shooting, he proceeded
to make safe the weapon. He looked in and
could see nothing in the chamber, so he said,
‘I can’t see,’ and the range commander said,
‘No, you can’t.’ Mr Henley said, ‘How do I
make safe the weapon?’ The range com-
mander said, ‘You’ve got to take the barrel
off.’ Mr Henley said, ‘No-one will do that.’
The officer said, ‘Yes, they don’t, but maybe
that’s one of the reasons we have had acci-
dents.’ At that stage the Steyr I think had shot
three Australian troops and no enemy.

That is not the end of it. Mr Henley then
asked, ‘Where do I rest my finger, because
there is no trigger guard?’ There are probably
not a lot of people these days in this place
who do any shooting, but, for a person who
has done a lot of it, a trigger guard is abso-
lutely essential; you have to rest your finger
somewhere. If you rest it around a pistol
grip, it takes you a split second to move it
from the pistol grip onto the trigger—and
you do not have split seconds in warfare. The
range commander said, ‘Where do you think
you rest your finger?’ Mr Henley said, ‘Yeah,
right. The finger rests on the trigger.’ The
reason for this, which was mentioned before
by the member for Wakefield, is that a lot of
our equipment comes from Europe. The
Steyr rifle comes from Europe. When I asked
about the finger, I was told that it is a Euro-
pean weapon, an Austrian weapon, and it is
made for gloves. You cannot fit gloves into a
trigger guard. But a trigger guard is abso-
lutely essential from the point of view of
security and safety.

You snap-shoot in warfare. You cannot
aim with a telescopic sight. It is great to have
a telescopic sight when you have time to
aim, but I was trained to understand that war-
fare is about snap shooting. I was on 24-hour
call-up to go to Indonesia and then Vietnam.
I was a trained platoon commander and I had
done the course to go to Indonesia and to
Vietnam. You cannot snap shoot with tele-
scopic sights. There are no sights with which
you can snap shoot with this rifle. My infor-
mation is that the SAS refused to take this
weapon to the Gulf War. They took the
American Armalite rifle.

Finally, on the issue of rifles, when I
signed up—I volunteered; we were at war
with Indonesia—and lined up against Indo-
nesia, we had 250,000 SLR rifles. Standing
behind them were one million semiautomatic
rifles, which we had in this country. This
time when we line up, we will have 50,000
of these rifles, which is a substandard battle
combat rifle, and there are not one million
semiautomatics standing behind them. We
have gone from 1.3 million rifles to defend
our country to 50,000. As I have said many
times in this place, there will be the day
when people will curse the name of the peo-
ple who voted for that to happen in this
country.
If the minister believes everything that he is told, then it behoves him to reflect upon this fact: I was at a function and got talking to two blokes about how it is in the Army. They work with the Black Hawks. They did not answer my questions but I pushed them and pushed them, and eventually one of them said, ‘Hardly any of the Black Hawks are serviceable and we’ve had only six hours each on them this year.’ This is a very sophisticated piece of machinery.

I was a state member of parliament then and we had lost government, we were on the nose and we could not get anything into the media. I do not know whether they are excuses; maybe there was something I could have done—I have questioned in my mind a thousand times whether there was anything I could have done—because some two years after that discussion took place, 23 people, I think it was, lost their lives. There were officers there that were telling their superiors that everything was all right. There was no way that any officer had told his superiors about those problems and put it into the system—into the RODUMs that they are talking about here. My experience in the Army is that if you start making RODUMs you can kiss your chances of promotion goodbye and increase your chances of being sent somewhere extremely unpalatable.

I plead with the minister to remember the Black Hawk incident. I also ask him to remember that in the Second World War the people in this place were told that we had adequate abilities to meet the Japanese. The Owen gun was trialled in November 1939 by the Army. It was vastly superior. On a scale of one to 10 it came off at about an eight or nine. The Tommy gun came off at about two. As for the Sten gun, the trials could not be continued because it broke down three times; there were no real trials on the Sten gun. It was only because this place insisted that eventually the Owen gun was sent up there. So we went up with Tommy guns that did not work in jungle warfare and that weighed in at 40 pounds with 400 rounds of ammunition, versus an Owen gun at 28 pounds. Frank Ford in this place said, ‘I’m overruling you people in the Army’—and these were the experts; Frank Ford knew nothing about weapons. He overruled them and insisted on the Owen gun. In the meantime, Billy Wentworth, who was then out of the Army—I don’t know the circumstances; well, I do know the circumstances, actually, as it is a matter of history—went on a speaking tour, saying, ‘It is an absolute disgrace that our men are up there without any submachine guns that will work in the conditions in which they are fighting.’

Mr Deputy Speaker Jenkins, I say to the minister through you: there are some precision-guided munitions out there but there is not anything like the number that should be there. Automated grenade launchers are not available. There are some there but they are not available. To me, it is a magic weapon.

Many people I speak to—and, of course, I have a lot of Army people in my electorate, which takes in part of Townsville—have insisted that we make available again the .50 cal machine gun. They are simply not there. The Bushmaster—the recce vehicle—has no provision for carrying machine gun weaponry. In the old days the Bren Gun Carrier was the name for what we call an APC or armoured personnel carrier. There is no provision on the Bushmaster for .50 cal machine guns or to carry into combat any of these things that are too heavy for individuals to carry. (Time expired)

Mr HAYES (Werriwa) (5.03 pm)—I would like to join in this MPI. I am not doing so on the same basis as the member for Cowan or the member for Kennedy or the
member for Wakefield, who have all had previous military experience. My reason for joining in the debate is that I have had experience of representing a particular class of persons who work in a particular occupation in a disciplined service. As the member for Dickson would be only too aware, for a large period of my life I have been representing police officers and looking to ensure that they have adequate and proper protection through the equipment they need. I know from first-hand experience what is required in ensuring that the equipment that is supplied to those officers in that style of service meets the demands and rigours of that occupation.

This MPI is about a series of complaints that have been received from military personnel, dealing with operational efficiency and also occupational health and safety based issues. When we are talking about a disciplined service where there is a chain of command, I do not believe we can adequately quarantine these issues, as they apply to one another. I understand what has been said about the RODUM system, and I understand that that is essentially a system to maintain at least a reporting provision in relation to real-time reporting of operational efficiency of equipment.

But what we are concerned about is that, notwithstanding that, we have a situation where military personnel have actually taken upon themselves to set up their own website to log complaints that have been made about equipment by colleagues throughout the ADF. One site was set up by a veteran of Iraq and East Timor, one Dane Simmonds. In that site, Mr Simmonds logged complaints from many soldiers from various areas of the ADF that concerned their clothing and their equipment. As a consequence of the number of complaints that were received and his attempts to process those complaints, he was ordered to shut down that site. That does not sit well when you think that that site almost, to that extent, runs in competition with the military’s RODUM reporting scheme.

I believe that there has to be a proper auditing process for the Defence Materiel Organisation. That organisation runs to a budget of $7.2 billion. We know that the military has only recently been sued for breach of copyright or at least in respect of plagiarism of tender documents. We also know that the ADF’s Inspector-General has recommended that certain charges be raised or disciplinary action taken against two officers of the DMO.

I know my time is very limited. I say to the minister, in his new role, that this is an organisation that, for various reasons—probity and otherwise—requires complete investigation. Apart from the probity issues, it is the responsibility of the Defence Materiel Organisation to provide our troops with the safest and best equipment to suit the purpose at hand.

Mr WINDSOR (New England) (5.08 pm)—I would like to make a contribution to this matter of public importance.

Mr Abbott interjecting—

Mr Katter—Mr Deputy Speaker, do you run the House or does the Minister for Health and Ageing run the House?

The DEPUTY SPEAKER (Mr Jenkins)—The member for New England has the call. The minister will take his place.

Mr WINDSOR—Thank you, Mr Deputy Speaker. I would bring to the attention of the Leader of the House the standing orders that suggest that there is time for people to make a contribution on this issue. This is a very important issue; it is about our defence forces. There are a number of issues that have been raised today, and I congratulate the member for Kennedy on his contribution.
Mr ABBOTT (Warringah—Leader of the House) (5.08 pm)—I move:

That the business of the day be called on.

Question put.

The House divided. [5.13 pm]

(The Deputy Speaker—Mr Jenkins)

AYES


NOES


AYES

81

NOES

57

Majority……… 24

* denotes teller

Question agreed to.

COMMITTEES

Public Works Committee

Report

Mrs MOYLAN (Pearce) (5.20 pm)—On behalf of the parliamentary Joint Standing Committee on Public Works I present the first, second and third reports for 2006 of the committee relating to: proposed construction of a new chancery building for the Australian Embassy in Phnom Penh, Cambodia; proposed construction of a new chancery building for the Australian Embassy in Rangoon, Burma; and proposed relocation of 171st
Aviation Squadron to Holsworthy Barracks, New South Wales.

Ordered that the reports be made parliamentary papers.

Mrs MOYLAN—by leave—The committee’s first report of 2006 deals with a proposal from the Department of Foreign Affairs and Trade regarding the construction of a new chancery building for the Australian Embassy in Phnom Penh, Cambodia. The proposed chancery will accommodate Australia’s permanent mission to Cambodia and provide a modern, efficient, pleasant and safe working environment for embassy staff.

The new chancery will accommodate the Department of Foreign Affairs and Trade, the Department of Immigration and Multicultural Affairs, AusAID, the Department of Defence and the Australian Federal Police. The chancery will also provide accommodation for the Canadian Embassy.

The existing chancery is located in a three-storey villa built in 1972 and purchased by the Australian government in 1992. The current chancery does not meet current security, access, services and space requirements. The proposed chancery will be designed to meet the specific space needs and functions of the tenants whilst providing for some future expansion within the prescribed building setbacks.

The proposal of works includes:

- facilities for official functions, exhibitions and meetings;
- guardhouses, security support facilities and a perimeter fence;
- engineering services infrastructure;
- a water treatment system;
- on-site water storage tanks with firefighting capability;
- official fleet and A-based staff parking; and
- landscaped surrounds within a secure compound.

Having investigated the proposal, the committee asked the department to provide it with further detail on the various parties involved in the project delivery to be provided subsequent to the hearing. However, the committee was satisfied with its findings and recommends that the works proceed at the estimated cost of $19.93 million.

The committee’s second report of 2006 deals with a proposal, also by the Department of Foreign Affairs and Trade, to construct a new chancery building in Rangoon, Burma.

The department reported that Australia’s existing chancery is in a building constructed in 1901 and no longer meets functional or security requirements.

After examination of different options, the department proposed to provide a new purpose-built building to serve as Australia’s permanent mission to Burma. The building will house the Department of Foreign Affairs and Trade, the Department of Immigration and Multicultural Affairs, AusAID and the Australian Federal Police.

One of the committee’s concerns was a report that indicated that Burmese bureaucrats had been ordered to leave Rangoon for a new capital, which would be located 320 kilometres to the north at Pyinmana near Mandalay. At the public hearing the department responded, on the best advice it had received to date, that it did not expect the move to have any significant implications for the chancery.

The committee has given detailed consideration to the proposal and recommends that the works proceed at the estimated cost of $12.87 million.

The third report of 2006 presents the committee’s findings in relation to the pro-
posed relocation of 171st Aviation Squadron to Holsworthy Barracks, New South Wales.

The Department of Defence’s primary aim in relocating the 171st Aviation Squadron to Holsworthy is to improve the ability of Army aviation to provide troop lift support to the newly established special operations command and counterterrorist capability also located at the barracks. The collocation of dedicated Army aviation support with counterterrorist and special operation forces is expected to enhance capability and improve safety, thus satisfying one recommendation of the Board of Inquiry into the Black Hawk Training Accident that occurred in Townsville in 1996.

The proposed relocation will include the following elements:

- refurbishment of facilities accommodating command operations and logistic elements; and
- works to Luscombe Airfield to ensure satisfactory accommodation for aircraft related facilities.

The Tharawal Local Aboriginal Land Council and the Cubbitch Barta Native Title Claimants Aboriginal Corporation both provided evidence for the committee at the public hearings. Both groups voiced concerns over heritage concerns on the Holsworthy site and the impact of Defence’s proposal on Aboriginal sites. Defence assured the committee that an environmental consultant had been employed to provide ‘an open, transparent and comprehensive public environmental report’, part of which will include Aboriginal cultural heritage issues. After significant discussions with both Aboriginal groups and Defence, the committee recommends in this report that, after the consultation process on environmental and cultural heritage matters has been completed, the Department of Defence report its findings to the committee.

Whilst the committee wants to ensure that comprehensive environment and heritage examinations are carried out on the Holsworthy site, it does not intend unnecessarily to obstruct the project delivery of the proposal. In this regard, the committee recommends that the works proceed at the estimated amount of $92 million.

Once again, Mr Deputy Speaker, these inquiries were completed before—and after in one case—the close of business of this place last year, which meant there was a tremendous workload on the committee secretariat. I would like once again to thank my committee colleagues and particularly the secretariat and Hansard for the support work that they did to ensure that this work continued to flow. I commend the reports to the House.

THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005

Second Reading

Debate resumed.

The DEPUTY SPEAKER (Mr Jenkins)—The original question was that this bill be now read a second time. To this the honourable member for Lindsay has moved as an amendment that all words after ‘That’ be omitted with a view to substituting other words. The question now is that the amendment be agreed to.

Mr BOWEN (Prospect) (5.27 pm)—Like many honourable members I have been grappling with the issue of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 since it first appeared on the national agenda. I have read most of the submissions to the Senate Community Affairs Committee’s inquiry on this topic, and I have read the committee’s report. I have watched or read most of the speeches made in this House and in the other place. I have read the
letters and submissions from people in my electorate who have argued the opposite sides of this case with equal passion. I thank the people in my electorate, whatever their views, for taking the time to write to me. I did receive slightly more letters and emails against this bill than I did for it, and if I am to believe the opinion polls a solid majority of electors support the bill. However, this is not a popularity contest. In matters such as this I agree with Edmund Burke, who said:

Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

That is a sound principle, even though when Edmund Burke said that in the 1700s there were no female members of parliament and his quote reflects that. As tempting as it is to ignore some of the more distasteful things that have been said in this debate, I feel obliged to dissociate myself from them on the parliamentary record. For instance, I was disappointed to hear Senator Joyce’s contribution in the other place. Senator Joyce pointed out that there is a risk that women will die because they take RU486. He went on to say that there would be blood on the hands of members and senators who vote for this bill. This was a particularly unfortunate contribution. Any medication has its risks. Indeed, childbirth has its risks. If RU486 were to be introduced in this country, it would be for the woman to discuss with her doctor the relevant risks of each type of abortion. I do not regard this as an argument to vote against this bill, and the emotive and inflammatory language that Senator Joyce has used has done nothing to add to the quality of this debate.

Let me now turn to the argument advanced by a small minority that the present minister for health, who is in the chamber, is particularly unsuited to judge this drug on its merits because of his religious beliefs. This was an argument most graphically advanced by Senator Nettle by wearing a T-shirt into Parliament House which read: ‘Minister Abbott, Get your rosaries off my ovaries’. I found this T-shirt to be particularly offensive and this argument to be flawed. I do not wish to dwell on this point but simply say we all have our own moral compass, which is informed by different factors for each of us. For some it is informed by religion; for others, by more secular passions and backgrounds; for all of us, by our experiences. I believe that an individual is as entitled to call upon their religious beliefs to inform their views as to what is right and wrong as they are to call on a more secular philosophy. There is a separation of church and state, but there is no separation of religion and conscience. Whatever Minister Abbott calls upon to inform his conscience is his right. In any event, Minister Abbott is a temporary holder of the office of the minister for health. The argument should be based on good governance, proper process and the best way forward, not on the traits of any particular minister at a particular time.

The less that is said about the contribution of the member for Hughes the better. I do not wish to dwell on this point either, other than to say that I found the member for Hughes’s contribution to be particularly offensive and her so-called clarification in the House earlier today particularly unsatisfactory.

Much has been made in this debate of the fact that in the Senate a substantial majority of women senators voted in favour of this bill. Some senators put the argument very strongly that this is a matter for women and women’s rights. Senator Stott Despoja, in particular, implied that male senators did not have the same perspective nor, I believe, the same right to vote and speak on this bill. It is true that men and women have a different perspective on this matter. Clearly, this is a matter of great importance to women. Of course, in many cases, women make their
decision on abortion alone. They have been abandoned by their partner, they do not feel they can talk to their partner because of a history of violence, or their sexual partner is not their life partner and they have no wish to enter a relationship with that man. Of course, in other cases, tragically, pregnancies are aborted as the result of rape or incest.

But let us not forget that thousands of couples struggle with the issue of abortion every year. Thousands of husbands and wives struggle with the moral, ethical and medical dimensions of abortion. Whatever the reasons that couples consider abortions, let us remember that men also grapple with this issue. Only South Australia keeps figures on the marital status of women who have abortions. Thirty per cent of these women are married or in a de facto relationship. There is no reason to believe that these figures would be different in other states. I simply want to make the point that, as vitally important as this issue is for women, it should not be forgotten that this debate also affects men throughout this country.

I said at the outset that I have been open minded throughout this debate. There have indeed been times when I have leaned the other way to the way I will be voting. I have applied the following tests to my vote: would the introduction of RU486 increase the number of abortions carried out in Australia? And would be introduction of RU486 potentially reduce the trauma for women who feel it is necessary to undergo an abortion? On the basis of these tests, I have decided to vote in favour of this bill.

Experience in the United Kingdom, the United States, Sweden and Germany indicates that the number of abortions using RU486 has increased but that the total number of abortions has not. Similarly, in New Zealand there has been no increase in the number of abortions—there has been a slight decrease. There is no evidence that countries that have RU486 available have a higher rate of abortion, and there is no evidence that the abortion rate goes up when a nation allows RU486. This stands to reason. I believe that very few women take the decision to abort a pregnancy lightly. It is something they struggle with, something they grapple with. I do not believe that women will decide to have an abortion simply because an arguably less intrusive method of abortion is available.

If I had seen any evidence that the availability of RU486 increases the number of abortions, making abortion so easy that more women would be tempted to abort their pregnancy, I would not be voting for this bill. Indeed, opponents of this bill have pointed out the risks in taking RU486 and the frankly horrifying things that can and have gone wrong for women who have taken RU486. When a doctor explains these risks to a woman considering an abortion, I refuse to accept that any woman would see taking RU486 as an easy way out of a difficult situation. However, I do believe that a woman or a couple making the decision to have an abortion should have as many methods available to them as possible.

Reading many of the submissions, especially the submission of Dr Renate Klein, I believe I would be very reluctant for a woman I loved or cared about to have an abortion using RU486. But at the end of the day this is a matter between a woman in consultation, in some cases, with her husband and her doctor.

I should also briefly indicate that I will not be supporting the amendments moved by the member for Bowman or the member for Lindsay. I listened carefully to the contribution of the member for Bowman and I understand his argument that there may be other drugs that come forward which should be subjected to ministerial or parliamentary
control. However, I believe those drugs can be dealt with on a case-by-case basis as they arise, as RU486 was in 1996.

I do not feel qualified to determine whether medical abortions are more or less safe for a woman than a surgical abortion. I accept there is some evidence that they are less safe, but I am swayed by the views of the Australian Medical Association and the Royal Australian College of Obstetricians and Gynaecologists that these are matters best left to doctors and the TGA.

I want to briefly deal with the argument put by some, chiefly the Prime Minister, that to refer the approval of RU486 to the TGA would be some sort of abrogation of our responsibilities—that officials who are accountable to the people should be the ones who make these types of decisions. I accept the motives of the people who put this argument, but I respectfully disagree. It is the role of this parliament to set parameters for decisions. If this argument were taken to its natural conclusion, we would not have a Director of Public Prosecutions; the Attorney-General would determine who was prosecuted. We would not have an ASIC; the Treasurer would determine which companies got investigated. We would not have a Reserve Bank; the Treasurer would set interest rates. I could go on.

I will conclude my remarks, because I know that many honourable members wish to make a contribution, and it would be unfair not to try and let them speak before the time for this debate expires tomorrow. This is a bill about process. I have not gone into my personal views about abortion or my personal views about when human life begins. They are irrelevant, I believe, to this debate. Abortion is legal in Australia, with certain restrictions. RU486 is another way of achieving an abortion, and I believe this drug should be treated in the same way as others.

It should be treated in the same way, for example, as the morning-after pill, which has been available in Australia for some time—largely without controversy. The morning-after pill changes the hormonal nature of the uterus so a fertilised egg cannot implant in it. It is a drug that must be taken very early in the pregnancy but which also has the effect of expelling a fertilised egg. I have not seen enough evidence to convince me that RU486 should be treated differently to the morning-after pill. It should be dealt with by the TGA and the drugs advisory committee, which I believe is appointed by the minister, in the normal manner. I support this bill.

**Mr ABBOTT** (Warringah—Minister for Health and Ageing) (5.38 pm)—Let me say that this debate is not about abortion, but the only reason we are having it is because it involves abortion. The proponents of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 say that the existing law is a de facto restriction on abortion rights. The opponents of the bill say that up to 100,000 abortions a year is far too many and that if people want an abortion there is ample opportunity already to have one. There is much to be said for Bill Clinton’s dictum that abortions should be safe, legal and rare. It seems that many others in this chamber, including proponents of the bill before us, agree. The problem though is that in Australia today abortion is anything but rare; it is all too tragically common. I challenge the proponents of the bill to explain how extending the means of abortion might actually help to reduce its incidence.

We have 1,600 road deaths in this country a year, we have 2,800 deaths attributable to the misuse of alcohol every year and we have 19,000 deaths attributed to smoking every year. These we take extremely seriously, as we should, and we have strategies in place to reduce the number of these
I have been taken to task by some for using the phrase ‘up to 100,000 abortions a year’. We do not know exactly how many abortions there are. The Australian Institute of Health and Welfare estimates 84,000 a year; my department, using the best available statistics that it has, estimates 91,000 a year; but in an academic paper Dr David Grundmann, a well-known practitioner in this area, estimated that there are 105,000 abortions a year. I would like to have precise figures, but whenever people say we should ascertain precisely what the figures are it is said that this is impossible, for privacy reasons. The truth is that many people do not want accurate statistics, because they would rather not know. I suspect that, for all of the scientific language, for all of the careful tiptoeing around this issue, in their hearts most people understand that this is an ugly business.

But things do not go away or cease to exist because we find them gravely unsettling. Whether it is 84,000, whether it is 91,000 or whether it is indeed 105,000, it is far too many, and I believe that we should face up to the hard-heartedness of a society where so many women feel that abortion is their only choice. This is a society which is, by nature, generous and sympathetic. It is a society which, by nature, produces advocates for every vulnerable group—and I suppose one of the positives of this debate is that it has allowed at least some members of this House to speak up for the unborn.

We have a bizarre double standard in this country where someone who kills a pregnant woman’s baby is guilty of murder, but a woman who aborts an unborn baby is simply exercising choice. I want to make it clear that I do not judge or condemn any woman who has had an abortion. There would not be anyone under 50 in this country who has not come up close and personal against this issue. I accept that resolutions made in church often wilt under the hot breath of passion—I think I know that as well as any person in this chamber—but every abortion is a tragedy, and up to 100,000 abortions a year is this generation’s legacy of unutterable shame.

Abortion is not just another medical procedure, and abortion drugs are not just another class of routine drug. This drug is rightly treated differently because it does not improve life and it does not extend life; it stops babies from being born. It has been said that this drug is no more dangerous than many other drugs. It may indeed be no less dangerous to a woman, but it is absolutely lethal to a baby, and that is why this drug should keep the current status of special consideration.

I have to say that I have been pleased, in the course of this debate, to hear the member for Moore and others sing my praises as a minister and extol my virtues as a human being. I suppose this is why I pose the question to him and others: why does he trust the head of the TGA, whom he does not know and cannot question, to make these decisions, rather than a minister whom he does know and can question and apparently trusts? I have great respect for the officers of the TGA, but I simply pose the question: why should the head of the TGA, a person whose name would not even be known to most of the members of this House and who has never given an interview, be responsible for making decisions on some of the most fraught questions facing our society, rather than being responsible for simply providing expert advice?

A very distinguished senior colleague and close friend of mine said earlier today in this
House that RU486 should only ever be available on prescription. I regret to point out that, once the sole arbiter of the availability of this drug is the TGA, that can never again be guaranteed. His view will have no weight whatsoever—except insofar as it happens also to be the view of the TGA—because then the TGA will be the law to all intents and purposes, not the people in this place.

In the course of this debate there have been many suggestions—some implicit, some explicit, some gratuitously insulting—that ministers who have personal religious views are incapable of making objective decisions. Like the member for Prospect, I think that the proposition that religious people are inherently biased in a way that people without religion are not is silly and offensive. Let me make it clear that scientific questions should be decided on scientific grounds, political questions should be decided on political grounds and only religious questions should ever be decided on religious grounds, even by ministers who happen to take their faith seriously.

But let me also say this: religious faith is not some kind of contaminant to be driven out of our public life. It is not necessary to be a Christian to accept the golden rule on which the ethical tradition of the West is based—that is, do to others as you would have them do to you—but sometimes it does help. It does help in resisting the ordinary human urges to take what we can get away with, and that is why religious faith is so thoroughly a factor for good in our public as well as in our private life.

Let me make it clear: I will certainly be voting for the Kelly amendment. If that fails, I will certainly be voting for the Laming amendment. If that fails, I will most certainly be voting against this bill. Should this bill ultimately succeed, I believe it will be a hollow victory. I doubt that any reputable manufacturer would apply to register RU486 as an abortion drug when it has to be used in conjunction with another drug which is not registered for that use and is not certified as safe for that use by its manufacturer.

So the big issue is not RU486 but what can be done to ensure that the women of Australia have real freedom of choice. That is why I am so pleased that the cabinet will shortly be considering new support for pregnant women facing very difficult decisions.

I believe that, in essence, this private member’s bill before us is a political statement by its sponsors that there should be no external restrictions or controls on abortion whatsoever. I think that society should not be indifferent to the fate of up to 100,000 unborn babies every year, and it will not always remain as indifferent as it currently seems. At the very least, this debate has at least focused attention on how, in this respect, our nation falls so very far short of its best self.

Mr SNOWDON (Lingiari) (5.49 pm)—I regard the opportunity to speak in this debate as a privilege and a unique opportunity to demonstrate to the Australian community that we are able to deliberate over and debate important national issues without the shackles of party discipline or political self-interest. In that context, it is important to recall why we are debating the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I am not going to canvass the scientific debate surrounding—

Honourable members interjecting—

The DEPUTY SPEAKER (Mr Quick)—Order! If honourable members on my right wish to hold a discussion, could they please do it outside and accord the honourable member for Lingiari the respect that he is due. Thank you.

Mr SNOWDON—I do not intend to canvass the scientific debate surrounding
RU486. Others have already done so. Nor do I intend to take up the issue of how the Therapeutic Goods Administration is structured and functions. Others have done that, and I commend to the minister and others in this debate the contribution of the member for Curtin, because of her analysis of the role of the Therapeutic Goods Administration and the way in which drugs are approved in this country, the transparency of those arrangements and how they are reviewable as a result of the decisions which have been made.

Those of us who, like me, are supporting this legislation are simply seeking to rectify a very poor decision taken by the parliament in 1996 when it passed the Therapeutic Goods Amendment Bill 1996. Even then, it was just a political fix, a means of buying off Senator Harradine in exchange for his support for other government legislation. Let us be very clear about it. That was the purpose of the amendment in 1996: to satisfy a political need of the government at the time.

This bill will have the effect of normalising the evaluation of RU486 for use in Australia, by giving to the Therapeutic Goods Administration the responsibility to evaluate the quality, efficacy and safety of the drug and ultimately to approve or not approve the use of the treatment in Australia—as the TGA does with all other drugs—and removing the responsibility for approval from the minister. I will come to the minister’s contribution a little later.

This is not a difficult concept. It is not a debate about the issue of abortion, much as the opponents of this bill are trying to make it so—and just as the Minister for Health and Ageing tried to do a moment ago. Of course, they and others have gend up interest groups to prosecute that debate as if it were about that issue. With respect to those who hold this view, it is misguided and it ought to be rejected.

Let me say also that I accept absolutely that the views that I am expressing will not necessarily be shared by all of my constituents, some of whom have communicated their views to me, and on occasions those views have differed from mine. I have enjoyed that process of communication. The views expressed to me have been sincere, considered and generally well argued. However, there could be no argument, in my view, which could justify the Minister for Health and Ageing, or any other minister for that matter, having the responsibility for giving approval for the use of or making judgments about the efficacy, safety and quality of any medication, let alone RU486, which may be used for medical procedures that are otherwise legal in this country.

I am particularly concerned that those who oppose this legislation may share the view that patients, in concert with their doctors, are unable to make informed and appropriate judgments about the procedures that they may contemplate using. Of course, this is particularly important in relation to RU486 because of its potential to be used as an alternative to surgical terminations. As others have said, terminations are legal in Australia. Despite what the minister said in his contribution, and as much as we abhor and are concerned about the issue of abortion, there is no evidence from overseas experience that there will be any increase in terminations as a result of the introduction of this drug. All that this legislation will do is change the procedure for the approval of RU486. If an application is made and approval is given for its use, it will provide a treatment option for patients and their doctors. This is potentially of great importance to Australian women, particularly those who live in rural and remote areas whose treatment options are currently very limited.
I am strongly of the view that we should be able to recognise and trust the ability of doctors and patients to make judgments, including about risk factors, treatment and medication. If this treatment were being contemplated for use in a remote location, then clearly there would need to be consideration given to supervision, including the proximity of hospital and other emergency services. I know many medical practitioners who practise in remote communities. They clearly understand the limitations of access to these types of services—they deal with them every day.

I know that in my electorate there will be many who will see the potential availability of RU486 as an option which, with proper supervision and monitoring, will provide an alternative to a surgical procedure which would require them to travel a long way from home. Fundamentally this is what this debate is about: the potential availability of a new treatment not just as a means of achieving terminations but for other medical conditions such as brain tumours or serious endocrine conditions and certain types of breast cancers and ovarian cancers. We know that RU486 has already been authorised under the TGA’s Special Access Scheme to treat some of these conditions.

Much has been said about the appropriateness of the TGA to make an assessment of RU486, because of the moral implications of the use of the drug. In the contribution from the minister we heard words to that effect. This is simply a furphy, and it is being used as a rationale to mount an argument against terminations and to deny women a choice—in consultation with their doctors—of treatment options.

I reject also the sensationalist and extremist positions that have been adopted by some of those who oppose this piece of legislation. Some of the comments of those who should know better have been wrong and misleading and have been designed to intimidate and frighten—for example, statements from the minister for health that refer to ‘an epidemic of abortions’ and ‘backyard miscarriages’ and ‘pop and forget pills’ or his consistent claim, which he repeated this afternoon, about there being ‘up to 100,000 abortions per year’, when he knows that this claim is patently false. Then, of course, there was his asinine statement in the Daily Telegraph on 10 February:

If the vote goes to strip me of this particular responsibility I think there are many commentators who will say this is effectively a vote of no confidence in the capacity of the Health Minister to make a rational decision, which is not a position a politician likes to be in.

The minister should step down from his high horse. This is not a debate about him, as much as he might like it to be, although his various statements are evidence enough of why this parliament should remove from the minister the responsibility for making determinations on RU486 or any other drug.

I am amazed that others have sought to admonish those who have attacked the minister for his position on the issue of RU486. Let it be very clear that the minister is big enough, as you have seen this afternoon, and ugly enough—as we all know—to look after himself. The fact that these ministerial supporters have been waving the Abbott banner simply provides further evidence of why the TGA and not the minister should be responsible for the evaluation and approval of RU486 and all other drugs. I wonder what these flag wavers would say if a very pro-choice person was the minister. You can imagine what would be going on if there were an application for the approval by the minister of RU486. You can imagine the political pressure that would be put on such a minister by these flag wavers who currently support the minister’s position.
I want to pick up on a point made by the minister. This debate, as well as not being about abortion, is not about faith or the worthiness of those who will vote for or will not vote for this legislation. In particular, despite what some have sought to portray, this bill and those advocating it are not attacking the Catholic Church or any other church. That view is mischievous and just plain wrong. Let me make it clear that in debating this legislation today the parliament is making an informed, conscious and responsible decision about how it believes this drug should be dealt with. It is right and proper for the parliament to take this decision. That is why we are elected to this place.

The minister, much as he may argue to the contrary, is not accountable when it comes to making decisions about RU486. The minister is a single person exercising sole discretion. He is not accountable to the parliament for the decisions he makes on RU486, and his decisions are not reviewable by the parliament. In terms of the amendments that have been put, I would counsel those wanting to support this legislation to oppose both amendments.

In closing, I want to make mention of the contributions of others on both sides of the debate. I particularly want to thank the member for Moore and the member for Lalor for the way they articulated the logic and merits of the case for supporting the legislation.

Before I sit down, I want to make one other observation. The minister, when he made his contribution, talked about the question of faith. He referred to religious people, people who ‘take their faith seriously’. Let me make it very clear to the minister that there are people on this side of the debate who have a contrary view to the minister about this particular subject who are also religious and who also take their faith seriously. I take it as an absolute insult, as someone who practises as a Catholic, to be told by the minister that somehow or another I am less of a person than he is because I am adopting the position that I am adopting.

Let me say whilst I am on it that I read the comments by Cardinal Pell where he referred to the sectarian anti-Catholic attacks by parliamentarians. I understand he may be concerned about the contribution made by a particular senator in the other place and the wearing of a T-shirt, which I think was way out of order. But let me make it very clear to him and any other persons who are observing this debate that this is not a sectarian debate. This is not about religion. This is not about whether or not I have a strong sense of faith or strong religious convictions. This is about the procedures for the approval of a drug to be used in Australia—nothing more and nothing less. I commend the legislation to all people in this parliament.

Mr BRUCE SCOTT (Maranoa) (6.00 pm)—I rise this afternoon to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. The bill seeks to remove the responsibility that is now in the hands of the health minister of the day, whoever that might be, to allow RU486 as a drug to be used for medical terminations. I respect the views of everyone speaking on this bill. It is terribly important, because we have all been given the opportunity for a conscience vote on this bill. A conscience vote takes, I would hope, the party politics out of the decision. So we are really all on our own, as it were, when it comes to deciding how we should vote with regard to this bill. In many ways that is very good for democracy.

I have had comments from members of my electorate. When people have particular positions, many say, ‘This is very good for democracy.’ It enables us all to go back to
our electorates and seek a wide range of views. Many views on this subject have come unsolicited, which I have certainly appreciated. It allows you to make sure you keep in touch with the views of your constituency in relation to this conscience vote. I take the views of my constituents very seriously. A large number of people have contacted my office, both from within my electorate and—possibly more so—from outside my electorate. I respect all of those views. The views that have come to me from my electorate have been for and against. There is not a universal yes or no. So then it comes to me to use my judgment as to how I should vote on this subject.

This is not a debate about abortion. Some have said it is a debate about abortion. This parliament does not have the power to deal with the issue of abortion. Those laws are with the state and territory governments around Australia. They are not laws of the Commonwealth. That is why it is not an issue about abortion. Whilst the drug that is the subject of this bill would, if allowed to be available in Australia, bring about a termination, the bill is not per se about abortion. Nor do we in this place have any power with regard to the laws governing abortion. As I said earlier, they are the laws of the state and territory governments, not the Commonwealth.

This bill, if it is passed, will allow the Therapeutic Goods Administration to consider the safety and efficacy of RU486. A lot of people have used the word ‘bureaucrats’ when they talk about the members of the Therapeutic Goods Administration. I want to use some time this afternoon to read into the Hansard who these people are. The people who make up the membership of the Therapeutic Goods Administration are in fact appointments of the Minister for Health and Ageing. They make up the Australian Drug Evaluation Committee. It is a requirement of the law that the minister appoint core members to that committee. The regulation says:

- three must be eminent medical practitioners with at least two specialists in clinical medicine; and
- one must be a pharmacologist, or hold a degree in science, specialising in pharmaceutical science.

The associate members must include:

- at least one pharmaceutical chemist with recent manufacturing experience in therapeutic goods; and
- at least one toxicologist; and
- a medical practitioner in general practice.

They are hardly bureaucrats.

I have great respect for the people who are on the Australian Drug Evaluation Committee. They are eminent people in their fields. The chairman is Professor Martin Tattersall of the Department of Cancer Medicine, University of Sydney. Other core members are Professor Nicholas Glasgow of the Australian Primary Health Care Research Institute of the Australian National University; Dr Alyson Kakakios, Head of Department, Department of Immunology and Infectious Diseases, the Children’s Hospital at Westmead in New South Wales; Dr Geoffrey Herkes, Senior Staff Specialist in Neurology, Royal North Shore Hospital, and Senior Clinical Lecturer in Medicine, University of Sydney, New South Wales; Associate Professor Anne Mijch, an infectious diseases physician at the Alfred Hospital, a consultant physician at the Melbourne Sexual Health Centre and Royal Women’s Hospital and a senior lecturer in the department of medicine at Monash University in Victoria; Associate Professor Duncan Topliss, who is the director of the department of endocrinology and diabetes at the Alfred Hospital in Victoria, and Chairman of the Adverse Drug Reactions Advisory Committee of the ADEC; and Professor Julia Potter, who is a pathologist in the Can-
berra Hospital in the ACT. The associate members of the Therapeutic Goods Administration are also very eminent people—doctors and professors.

I have read the names of those people into the *Hansard* because some members have been referring to them as ‘bureaucrats’. They are highly qualified and well-educated people who are all appointed to that committee by the minister to consider and evaluate drugs that come forward as to whether they should be made available in Australia.

I am not competent to judge the safety or the efficacy of any drug that we have available in Australia today. I am not competent to judge whether Ventolin is a safe drug. I am not competent to judge whether Nurofen should be under a certain classification that is available in Australia today—or antibiotics or other drugs that will improve the quality of life and be responsible for improving the health of Australians. I am not competent to do that. But, in this case, I do trust the minister’s appointments to—the core members of—the evaluation committee of the Therapeutic Goods Administration.

As I have done some research on this subject, I have also discovered that RU486 has been available in many countries overseas—in some of them, for more than 20 years—such as the United Kingdom, the United States of America and countries in Europe. Contrary to some of the media reports, I understand that it is available in China and Israel; that is the advice that I have.

I also understand that RU486 has purposes other than as an abortifacient. RU486 can be made available through a special access arrangement for some life-threatening diseases. It does have an effect for some people who suffer from inoperable meningiomas, Cushing’s syndrome, breast and prostate cancer, glaucoma, depression or uterine fibroids. It also has shown some promise in the treatment of HIV-AIDS, dementia and progesterone-dependent uterine and ovarian cancer. As I understand it, if RU486 were available—rather than being available only through special access arrangements, as it is at the moment—it could certainly improve the life of many people who suffer those very serious life-threatening and debilitating diseases. But, as I have said, it is only available now through a special access agreement, which often takes time, which means that it is often too late to be able to provide that relief or support to those who suffer some of those forms of cancer or inoperable and life-threatening diseases. I certainly have faith in those who comprise the TGA and that they are competent to make the decision as to whether RU486 is safe to be used, under what terms it should be used and its efficacy.

I know that two amendments will be put before this place before the final vote is taken; they are the Laming and Kelly amendments. I have decided to support one of those amendments, in that it would allow the TGA to consider the safety and efficacy of RU486 and then make a recommendation to the minister. As I understand that amendment at this stage, that would allow the drug to be evaluated by the Therapeutic Goods Administration. If the minister of the day then disagreed, he or she would have to lay before the parliament their reasons for disagreeing with the evaluation of the Therapeutic Goods Administration. It would then become a disallowable instrument in this place. At that juncture, if the parliament disagreed with the minister, the drug would be made available—but that is only if the Therapeutic Goods Administration had made that recommendation and the conditions under which it could be prescribed for use in Australia. If those amendments do not get up, I believe that, on balance at the end of the day, I will give my support to this bill before the parliament.
In conclusion, this is a very difficult debate. As I said earlier, it is not about abortion; it is about which body is most competent to deal with the evaluation of this drug. I think I have outlined in my address that I have faith in the professionalism and the expertise of the core members of the Therapeutic Goods Administration to make that evaluation in the first place. I believe that, if the proposed amendments get up, the sovereignty of this parliament would be given the opportunity to consider any decision that the minister would disagree with, if the Therapeutic Goods Administration had made a recommendation for the availability of RU486.

Ms HOARE (Charlton) (6.13 pm)—I rise today to support the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 in its unamended form. In doing so, I congratulate the co-sponsors of the bill, Senators Claire Moore, Lyn Allison, Judith Troeth and Fiona Nash. I also congratulate the member for Moore, Mal Washer, for introducing the bill into the House yesterday.

This is a debate about process. It is a debate about whether any application for the drug RU486 to be imported into and registered within Australia should be considered by the TGA or whether we should continue to allow for ministerial responsibility for approval. Currently, the drug RU486 can be imported into Australia only for research and clinical use with the permission of both the TGA and the Minister for Health and Aging, who is required to notify the parliament of his or her decision. This restriction has imposed an effective ban on the drug. There are many contentious drugs and drug uses for which the government allows and indeed promotes the use of the TGA as the appropriate agent for oversight. The TGA is, after all, charged with risk management connected to pharmaceuticals.

There are a number of drugs that are used in Australia as abortifacients, as well as others that have abortifacent effects, which the TGA has registered and now monitors. Indeed, the TGA currently lists around 55 drugs or categories of drugs that either cause or are suspected to have caused or may be expected to cause an increased incidence of human foetal malformations or irreversible damage or have a high risk of causing permanent damage to the foetus. These include the antimalarial Quinine, several vaccinations, numerous antiepileptics and the mental illness treatment lithium salts.

It is also important to remember that not only is RU486 designed or capable of inducing abortion; its antiprogesterone action may allow it to improve and save the lives of seriously ill Australians. RU486 is indicated as therapy in a variety of serious and, in some cases, life-threatening medical conditions. As the member for Maranoa just indicated, these include inoperable meningiomas, Cushing’s syndrome, breast and prostate cancer, glaucoma, depression, endometriosis and uterine fibroids. In addition, the drug has shown promise in the treatment of HIV-AIDS, dementia and progesterone dependent uterine and ovarian cancer.

We are all entitled to our beliefs and opinions, but medical decisions should be made on the basis of rigorous and up-to-date medical advice. Who better to evaluate the medical evidence than the Therapeutic Goods Administration? A recent research note by the federal Parliamentary Library service says that the current debate over RU486 is essentially over questions of risk management and that management of the risks associated with medicines is an explicit function of the TGA. The government should step back and let the TGA do its job. The TGA is regarded by the government as being qualified to manage the risks associated with any therapeutic good that is used, or is proposed
for use, in Australia. From this, one could reasonably assume that it is also qualified to manage the risks associated with abortifacients such as RU486.

RU486, like every other pharmaceutical, should be dealt with by independent medical experts at the TGA who can be relied on to make decisions about safety in an unbiased and knowledgeable way. Such decisions should not be made on the basis of the personal beliefs of a minister for health or of a parliamentary secretary for health. I agree with the coordinator of Children by Choice, Cait Calcutt, when she stated:

Women have waited nearly a decade for politicians to decide that politics has no place in medicine and that the TGA, not the clearly-biased Health Minister, should decide whether RU 486 is safe and effective. It’s unfair to ask them to wait any longer.

In 1996 this parliament made a decision based on the facts and information before it that the approval process for the drug RU486 be removed from the TGA and be placed solely in the hands of a single politician—the minister for health. If I had been here at that time, I would not have voted for this change. Indeed, if approval for RU486 had remained in the hands of the medical experts, it is quite likely that at that time it might not have been approved. There had not been the research or the experience which would have allowed the approval.

However, as research continues and trials are conducted, many new drugs have their safety and efficacy investigated, tested and proven. This has led to many countries around the world and the World Health Organisation approving RU486 to be used as an abortifacient, widening the choice for women who, for whatever reason and in whatever circumstances, require an abortion. In July 2005 the World Health Organisation placed RU486 on its list of essential medicines and described abortion by either surgical or medical means as ‘one of the safest medical procedures’. Women in over 30 countries including the UK, the United States, much of western Europe, Russia, China, Israel, New Zealand, Turkey and Tunisia have access to this drug, but not Australian women.

The so-called Harradine amendments to the Therapeutic Goods Act in 1996, supported by the parliament, have effectively banned the drug in this country for the last 10 years even though, with the research work going on around the world to ascertain its safety and with the WHO listing, the safety and efficacy of RU486 has obviously been confirmed. At that time there was much political sensitivity surrounding abortion in this country. However, now abortion is legal in all Australian states and territories. If abortion is legal, don’t regional, rural and urban Australian women deserve the right to choose the most effective option for themselves—a decision which should be made between a woman and her doctor?

Although this is supposed to be a debate about process, it has also developed as a debate about abortion and the safety of RU486, so I will now turn my remarks to that. The evidence clearly and overwhelmingly shows that RU486 is safe and effective. Indeed, many Australian, international and world health bodies support the availability of RU486 to all women. These organisations include the World Health Organisation, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the Public Health Association of Australia, the AMA, the American Association for the Advancement of Science, the US Federal Drug Administration and the Rural Doctors of Australia, just to name a few.

Although some members are concerned about the political sensitivity of the issue of abortion in their electorates, a recent survey
conducted in January this year by Newspoll and commissioned by the Australian Reproductively Health Alliance showed that 68 per cent of Australians are in favour of RU486 being made available to qualified medical practitioners in order to terminate a pregnancy. Some in this debate, including the member for Lindsay in moving her amendments to this bill, have emphasised that as elected representatives we have a responsibility to make these decisions on behalf of our constituents. We do have a responsibility to represent our constituents here, and that is what we all do with dedication, passion and commitment and to the best of our ability. But we do not have a right to make these decisions without the medical expertise and without personally knowing what leads a particular woman to choose to have an abortion. As the member for Moore stated, he does not have the expertise to make these decisions, and he is a qualified, experienced and very good doctor. The current minister for health is not, nor could we anticipate that future ministers would be.

We have heard in this debate personal stories. I have received correspondence and phone calls from women relating their own personal experiences. As parliamentarians, we have no right to decide what is best for women who require an abortion. That is a matter between them, their families and their doctors. It is the woman’s choice. We also do not have the right to deny them and their doctor access to the most effective and safe means. We do have the responsibility to ensure that when there is an application to import RU486 for use as an abortifacient there is the most rigorous investigation by the medical experts within the Therapeutic Goods Administration.

Before I conclude, I want to turn to the amendments proposed by the members for Lindsay and Bowman and to encourage members who, in good conscience, were considering supporting this bill because of all the reasons related in this debate to do so—and I include in that the member for Maranoa, who has just spoken. If either amendment is passed by the House of Representatives, the choice for Australian women will effectively remain where it is today. Both amendments allow for further and continuous parliamentary debate on the issue of abortion, because they both indicate a further level of approval by the parliament. This is a debate we had over 30 years ago, which was settled with states allowing women to have an abortion if they so choose. Also, there has been no application for approval of RU486 because of these procedures. The procedures proposed would be too lengthy, costly and uncertain for manufacturers to go through, thus still denying Australian women this choice.

Further, it has been advised that, if the amendments proposed by the member for Lindsay were to succeed, they will negative the second reading of the bill. She understands this and has since laid out her intention. Also, if members are considering either of the amendments, they need to be aware that if the Kelly amendments are carried, it will be the end of the bill and the Laming amendments will not proceed. So I encourage all members considering supporting this bill to do so, because, if they are considering supporting the amendments for a so-called compromise, this bill will fail.

In conclusion, I reiterate that I am pro choice—that is, I respect and agree with a woman’s right to choose an abortion in consultation with her doctor. That is her decision and hers alone. It is not a matter for any politician of any political persuasion or faith—or, indeed, of no faith. Australian women currently have the right to choose an abortion but not the method. They should have that right and will have that right only if the TGA has the responsibility for proving or not
proving the safety and efficacy of the use of RU486 as an abortifacient. I reject the amendments and support the bill.

Mr Anthony Smith (Casey) (6.25 pm)—The Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 bill has stirred significant debate in our community. Can I say at the outset that I respect all the views that have been put to me by constituents within the federal electorate of Casey. This is a bill about which few people have neutral feelings. I have received many phone calls, emails and letters from people strongly supporting the bill and from people strongly opposing it. I have read them all, and I thank each and every one of those people for taking the time to express their view to me.

This, of course, is a debate where each of us is called upon to deliberate and vote according to our conscience. This is not something to be weighed against electoral considerations—not something to be the subject of lobbying by members or senators in this place. It is simply something for each of us, on our own. In any conscience debate and vote, it is inevitable that every single one of us in this House and every single senator in the other place will disappoint some people and please others. But it is incumbent on us to weigh the issues involved, review the facts and evidence and make our best individual judgment. I have weighed the issues and considered a number of matters in detail.

Firstly, I have weighed the view expressed by many people that the passage of the bill will lead to a greater number of abortions in our country. The legal regime relating to abortion is governed by state and territory law and is longstanding. If RU486 were to be approved some time in the future, it would not extend those laws in any way. At issue is not whether someone has a termination but, rather, how they have one and, given that, I do not believe the provision of RU486 at some point in the future would lead to a greater number of terminations in this country. In this, we must examine international experience, as previous speakers throughout this debate have done, and we can see that there has not been an increase in the rates of termination in those nations that have had access to RU486.

Concern regarding the number of abortions is justified, but I do not believe fewer abortions will be achieved by seeking to restrict another option, or by endeavouing to reverse or restrict the current legal regimes in our states and territories. The current legal basis for abortion is about as old as I am. Even if one or two states or territories in the future were to restrict or change their position, there would still be six or seven other jurisdictions in Australia, as well as nearby nations such as New Zealand, where terminations would be performed. Instead, the path to fewer terminations in our country is to be found with continued attitudinal change in our community through education. Given the settled and longstanding nature of the law, the issue at hand in this debate is whether a second option is available within the existing framework. The issue then is the judgment on the health and safety of such an option. To this end, there have been many strong arguments put that RU486 is dangerous and unsafe. The fact that the drug has been in existence and widely available in the United States for nearly six years, as well as in much of Europe for a longer period, and our close neighbour, New Zealand, is compelling. I do not believe it would still be available in those countries if there were any doubt that it was dangerous. The US Congress has not overturned the United States Food and Drug Administration’s approval of the drug in September 2000, over five years ago.
Secondly, and most importantly for Australians, as many of my colleagues in the House and the Senate have pointed out throughout the debate, the safety issues would be determined by the Therapeutic Goods Administration which, as previous speakers have pointed out, comprises medical experts with the sole aim of assessing the safety and effectiveness of drugs. It is best able to determine the merits of the safety of RU486. Further, any provision of RU486 would be by way of medical supervision by doctors in Australia, who are amongst the very best in the world. I do not believe for a minute that Australian doctors want to do anything other than administer all drugs with the utmost care and supervision.

In recent days there has also been a great deal of discussion with respect to the need to maintain parliamentary oversight on policy matters such as this. I believe our parliamentary oversight is strong and enduring by virtue of this parliament and this debate. Parliamentary oversight exists for every agency. Parliament can delegate authority, modify a delegated authority or remove a delegated authority at any time, should it wish. The Therapeutic Goods Act 1989 itself can be amended or altered by this House and this parliament at any time. There is no act of the federal parliament which cannot be altered or amended, subject to the Constitution of Australia. For all of these reasons, I will support this bill. The member for Bowman has proposed an additional mechanism for parliamentary oversight which I will consider supporting. However, in the event that his amendment does not succeed, I will still support the bill, as I have publicly stated and for all the reasons I have outlined.

Can I say, as the Prime Minister and other ministers and speakers in this debate have rightly said, the passage of the bill is in no way a reflection on our Minister for Health and Ageing, Mr Abbott, whom I regard as a friend, a fine health minister, and someone who through dint of timing is in a difficult position that either of the past two health ministers could equally have faced. I do believe he has been unfairly attacked on the basis of his personal position and his religion, which I find very regrettable.

I conclude where I began by thanking those who contacted me, including the many people whose counsel, friendship and understanding I value, who I know do not share my view on this bill—people with whom I agree on many other important issues in the building of a better Australia.

Ms LIVERMORE (Capricornia) (6.32 pm)—I rise in this House to support the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I also want to make it clear that I do not support the amendment that has been moved and the amendment that has been foreshadowed in the debate so far. I know it has been said dozens of times in this debate already, but the simple fact of the matter is that this debate is not about the rights and wrongs of abortion. What we are being asked to decide tomorrow is the appropriate means by which this particular drug, RU486, is assessed for possible clinical use in Australia. The question is: should the decision to allow the use of RU486 in Australia be made by the Minister for Health and Ageing or should it be made, as it is for every other pharmaceutical product, by the Therapeutic Goods Administration?

In framing the debate in those terms, I know after listening to many of the previous speeches that I am not being terribly original. I am also not trying to be somehow disingenuous. I am not trying to put some kind of spin on the issue in order to avoid the sensitive topic of abortion. I have nothing to hide as far as my view on abortion is concerned. Indeed, I
am on the public record in two of my local newspapers going back to the start of this debate in December as being an advocate of a woman’s right to choose an abortion if, after weighing up her circumstances, that is what she believes is right for her. If this did happen to be a debate about abortion, then my constituents already know where I stand.

However, as I said, this is not what we are being asked to vote on tomorrow. Instead, we are being asked to consider and ultimately to overturn the present arrangements dating back to 1996 which classify RU486—and, I note, only RU486—as restricted goods that, according to the Therapeutic Goods Act, cannot be evaluated, registered, listed or imported without the written approval of the Minister for Health and Ageing. Since it came into force, this scheme has acted as an effective ban on the importation and use of RU486 in Australia. Without ever having to provide reasons or explain his or her reasons to the Australian public, each of the successive health ministers has rejected any attempts to add RU486 to the 50,000 or so pharmaceuticals that are approved for use in this country.

The present health minister, Tony Abbott, has complained during the public debate over RU486 that people have unfairly concluded that he is blocking the use of the drug because of his Catholic faith. Of course, no one should ever be criticised for their religious beliefs, but there is no getting away from the fact that, in the absence of a transparent process for making these decisions, people will jump to all sorts of conclusions about any minister’s motivations and personal biases when trying to understand his or her actions. This bill before the House today seeks to guarantee that future deliberations about RU486 will instead be transparent, unbiased and based on the best available scientific evidence. I believe that the best way to do that is to give the power to the Therapeutic Goods Administration so that it can subject applications relating to RU486 to the same rigorous evaluation that it applies to every other drug.

That brings me to another important point about this debate. Just as it is not about the availability of abortion, it is also not about allowing open slather for anyone who wants to administer RU486. Contrary to what many in the community seem to believe, this amendment, if it succeeds, will not in itself allow for the introduction of RU486 in this country. Rather, it will give the Therapeutic Goods Administration the authority to evaluate applications for the importation and use of the drug within Australia. Many of the emails and letters that I have received from constituents and others with an interest in this debate have referred to serious health risks associated with the use of RU486. On the other hand, submissions to the Senate Community Affairs Legislation Committee inquiry refer to its use in 35 countries around the world and the drug’s endorsement by respected bodies such as the World Health Organisation, the Australian Medical Association and the Royal Australian and New Zealand College of Obstetricians and Gynaecologists as evidence of its safety.

By voting for this bill today I am not accepting or dismissing any of those assertions. I am just not qualified to make that judgment. But the members of the Therapeutic Goods Administration are, and we trust them to exercise their professional judgment on our behalf in assessing the benefits and risks of every other drug that comes onto the market in Australia. The pharmaceutical scientists and medical practitioners who are given that responsibility have the expertise and experience to properly interpret the research and trials of RU486 and decide whether it should be made available for use in Australia and under what conditions.
So by voting for this bill I am not passing judgment on RU486. Rather, I am passing judgment on the lack of proper administrative process represented by the current system. Let the TGA submit the drug to its usual processes and make a decision on its safety. If the drug passes that test, then it does not, as some people have argued, give the green light to mass abortion. In fact, statistics from other countries where RU486 has been permitted show that there is very little effect on the overall number of abortions performed in the periods before and after the introduction of the drug. Rather, if RU486 becomes available then it simply becomes another option for a woman to consider with her doctor when she exercises her right to have an abortion—a procedure that is legal when performed under prescribed conditions in every state and territory of Australia.

In all the discussions here about who should be making decisions, it is appropriate for us to debate whether the TGA or the Minister for Health and Ageing should decide on the availability of RU486. One decision that I believe should be completely off-limits for any of us to restrict or pre-empt in any way is a woman’s decision when faced with an unwanted pregnancy. Each woman in those circumstances should be free to act in accordance with the law and with appropriate medical advice and to decide what is best for her.

That is why I have a problem with the amendment moved by the member for Lindsay and the amendment foreshadowed by the member for Bowman. Those amendments, which make parliament the ultimate arbiter on RU486, would still leave us with the same flawed position we have now. The health minister does not have the qualifications or expertise to make a clinical judgment about the use of RU486, and neither do we as members of parliament. So, under either one of these schemes, when faced with the decision about whether RU486 should be available MPs would be back to relying on our own values and beliefs about abortion.

I have no doubt that values and beliefs play a big part in the decisions women make about whether to have an abortion, but they should not be the values and beliefs of any of us here. Our responsibility, when it comes to RU486, is to put in place and oversee a process that thoroughly tests the drug’s effects so that when women exercise their free will in accordance with their values and beliefs they know that they can do so safely. As parliamentarians we should not impose our moral views on women, and we should not allow those views to stand in the way of a woman’s ability to make her own decisions about something as personal as abortion.

If we do not pass the bill and allow an application for RU486 to be assessed on its scientific and medical merits, then we are making it harder for many women to have that freedom of choice. I am talking particularly about the situation of women in rural and even regional areas of this country. As a member representing a regional and rural electorate, I agreed with the Minister for Workforce Participation, Sharman Stone, when she raised the problem last year of women in her electorate having limited access to surgical abortion. The same situation applies in Queensland, where there are only three clinics outside the south-east corner. There is one in Townsville, one in Cairns and one in Rockhampton in my electorate. That means that the option of surgical abortion is difficult or even impossible for thousands of women living in rural and remote Queensland, far away from those services.

The other factor that impacts on the choices available to rural and regional women is the cost of surgical abortion in our parts of Queensland. In Brisbane and the south-east corner, the cost of an abortion is
between $210 and $300. For a woman attending the clinic in Rockhampton, however, the rate is $450. Of course, that does not take into account the costs of travel and accommodation for those women who live far from Rockhampton or the other regional centres where this service can be accessed.

So, while the option of having an abortion is a legally available choice for women in my electorate, the reality often is that it is not a choice that they are able to exercise, for those practical reasons. A health professional in my region has told me of her concern that these practical barriers to accessing surgical abortion can lead women to take desperate and unsafe steps to procure an abortion, with great risks to their health. Each woman should be allowed to make her own decision and be guided by her own conscience and beliefs and her individual circumstances. If RU486 can be proved to the satisfaction of the TGA to be a safe alternative for a woman wanting to give effect to that decision, then it should be available to her.

Before I conclude my remarks, I would also like to acknowledge, as I have noticed many speakers have in this debate, the many people whom I respect have come to see me about this bill. I have received more correspondence and phone calls about this issue than any other since I entered parliament in 2004. I thank all of those people, particularly my constituents in Stirling, who took the time to contact me about their views and for making the effort to do so. There is no doubt that emotions on this issue run high, although it is fair to say that I have been contacted by far more constituents who oppose this private member’s bill than who support it. Of course, I would never make the mistake of assuming that that necessarily reflects the majority of my electorate. But, at the end of the day, after all the correspondence and phone calls, I am called upon to vote on this issue according to my own conscience, and I will be supporting this bill and the amendment to it moved by the member for Bowman.

I do so with some reservations, but on balance I believe the Therapeutic Goods Administration is the most appropriate body to make the decision about the safety of RU486 and that the parliament and not the individual minister should retain the ultimate power whether this drug or any particular drug should be made available. There are several reasons I take this position. This is a very complex argument and it has been conducted on many different levels: pro- and anti-abortion, the safety of RU486 and the effect that it can have on women’s health,
issues of process and issues of the proper place of this parliament in relation to the bureaucracy. I will try and touch on them all, although I am mindful that many members rightly wish to speak on this bill, and I will try and be as concise as possible.

Many members in this debate have stated that it has nothing to do with abortion. I cannot fully accept that, and I think we will see a lot of people make a decision on this bill based on how they feel about abortion. But we need to remember that the Commonwealth government does not regulate abortion. As members know, it is regulated by the states, and every single state allows abortions to be performed under certain circumstances. Considering that this is the case, the issue is whether as a parliament we should force people to have a surgical abortion as opposed to a chemical abortion. I do not believe that is a reasonable position for us to take. If abortion as regulated by the states is legal, then we should not deny the people the option of having one in a way that they, in association with their medical practitioner, deem to be the safest for them. I have noted the views of members about the safety or otherwise of the RU486 drug. I understand that many members believe that this drug can damage the health of women. I note that many members have also dismissed these concerns and declared the drug to be safe. Correspondence to my office has similarly expressed strong views about the safety or the danger presented by RU486. I do not feel that I am in a position to adjudicate between these differing points of view. I am not a doctor or a medical scientist, and I do not see how we as parliamentarians without this specific expertise can decide whether this drug, when properly administered, is safe.

That is why we have experts on the government payroll to advise us on these matters. The TGA is better placed than parliament to advise on RU486’s safety. As parliamentarians, we often call upon the various arms of the government to advise us on matters on which we have no particular expertise. It is appropriate that as a parliament we can delegate responsibility to agencies to advise us on these decisions or, in certain circumstances, delegate the power to make these decisions based on the available evidence. If the TGA were to deem this drug unsafe, then that to me would be the end of this issue.

My personal morality sees me very uncomfortable with the number of abortions that are performed in Australia. There is no question that this represents a terrible tragedy. But I accept that I personally will never need to face the choices that a woman faces with an unwanted or unsafe pregnancy. I do not feel it appropriate for me to marshal the power of the state to impose my personal morality on my fellow Australians. I passionately believe that we must give individual Australians as much control over their own lives as we can. I do not seek to be a parliamentarian who increases the role of government, and I certainly do not seek to make decisions for people that are best left to their own personal morality. So, although I feel distinctly uncomfortable with abortion, I do not seek to impose my views on others. Individuals are best left to make these decisions on a private basis.

This brings me to the issue of the proper role of parliament in this debate. I have listened very closely to colleagues who have argued that parliament must remain supreme over unelected officials, in this case the TGA. I agree that it is vitally important that parliament, which is directly accountable to the Australian people, maintain its position as the supreme decision-making body in Australia. I therefore see a lot of merit in the amendment that has been circulated by the member for Bowman allowing parliament to disallow approvals that have been made by
the TGA. I take his point that RU486 may not be the only drug which it would be appropriate for this parliament to deliberate upon. With medical science evolving at such a rapid rate, it is very possible that occasionally new drugs will bring new ethical dilemmas, and it is the parliament that is the most appropriate body to settle the policy settings appropriate for these new drugs or not. Every member of parliament is forced to account, and needs to account, for the decisions that they make to the people within their own electorates.

That is why it is the parliament and not the executive or an individual minister that should rightly control and debate the ethical parameters for the use of controversial drugs. The issues raised by the rapid advances in medical science are only going to get more complicated, and we need the collective wisdom of the parliament—speaking as individuals and not as members of specific parties—to adequately resolve them.

There is no question in my mind that the parliament, today, yesterday and probably tomorrow, is displaying all that is great about Australian democracy, and I have listened carefully to the vast majority of the contributions that have been made in this debate. Notwithstanding that, there have been points made both in this chamber and outside the House in the lead-up to this debate that I personally find grossly offensive. Senator Nettle’s ill-advised T-shirt has been roundly condemned, and I hope that she will listen to this advice from her peers on the offensiveness of wearing a T-shirt that shows contempt for large numbers of Catholic Australians. I have also been pretty surprised by suggestions that the Minister for Health and Ageing, because of his faith, is an inappropriate choice for that particular ministry. That really is the most outrageous bigotry, and I am surprised that in 2006 anyone would express such a view.

My choice to support this bill is in no way a reflection of the current minister’s abilities or views. Mr Abbott has been a first-class health minister who has advanced the interests of my constituents in Stirling and of the Australian public in general. This debate is not about a particular minister but about what is an acceptable process for RU486 to be evaluated. The present process was the result of a compromise between Senator Harradine and the government in relation to other issues. What emerged, in my view, was not good public policy and could result in this policy arbitrarily changing based on the differing views of successive health ministers. I believe that the proper process is for the TGA to advise on the safety and the efficacy of RU486 and for the parliament to be the final arbiter of the ethical and moral framework for the use of this particular drug within the community.

Ms HALL (Shortland) (6.54 pm)—At the onset of my contribution to the debate on RU486 and the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, I need to state very strongly that this debate is not about abortion. The legality or illegality of abortion is determined by the states and territories. I find it very concerning that a number of issues have infiltrated this debate and a lot of false and misleading information has been put on the record. The issue we are debating here in this House today is whether the drug RU486 should be made available to Australian women. Currently, the Therapeutic Goods Amendment Act 1996 delegates the responsibility for decisions in relation to the evaluation, registration and listing of RU486 to the TGA to advise on the safety and the efficacy to which all other drugs are subject.
I find that quite concerning. As has been said by many other speakers in this House, this came about because of the Harradine amendment, which was passed on the voices. This was done largely to placate Senator Harradine. I, like the member for Stirling, believe that this was very bad public policy. This should not be the reason for a parliament deciding one way or another. It should not be decided to cater to one particular senator or one particular member just to get other legislation through the parliament. Good public policy is evaluating the information before the parliament, developing policies and putting in place a proper process. I think bad decisions are made by parliaments and politicians if we base those decisions purely and simply on our personal, moral and religious beliefs and values. I believe, when we are looking at whether or not a drug like RU486 should be available to women in Australia, it should be based on scientific and medical factors.

Paragraph 1.72 of the Senate Community Affairs Legislation Committee report lists the groups that have formally expressed their support for RU486, and it is a very impressive group: the World Health Organisation, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the Australian Medical Association, the Rural Doctors Association, the Public Health Association of Australia, the UK Royal College of Obstetricians and Gynaecologists, the American Medical Association, the American Association for the Advancement of Science, the US Federal Drug Administration and the Federation of International Gynaecology and Obstetrics—all experts, all bodies, that know about drugs and health and that have scientific information and medical knowledge. I am very, very impressed by that list of organisations that actually support the use of RU486.

That brings me to the question of who is best to decide whether or not a drug should or should not be supplied or available in Australia. When I consider that, I come to the decision that the Therapeutic Goods Administration should be that body. It is appointed by the Minister for Health and Ageing, and the people that sit on the TGA are highly qualified and eminent scientific and medical professionals—people that have made decisions about many new drugs and many new drugs that are dangerous if they are misused.

It has been said during this debate and in some correspondence that I have received that RU486 is a dangerous drug. I say that many drugs are dangerous if they are not used under supervision and if an adverse reaction is had to them. Many drugs that are utilised during chemotherapy can be very dangerous to the patients undertaking the treatment. One of the most common things that happens when a person undertakes chemotherapy is that their white blood cell count drops, and this makes them very vulnerable to infection. Drugs such as warfarin, a life-saving drug, can also be fatal. It is so important to monitor the use of these drugs. What I am putting forward to the House is that any drug can be dangerous if it is misused.

The information I have read about RU486 puts it into a much safer category than many drugs that are available now. But I am only a layperson and I am not qualified to make the decision. I believe the decision should be made by the TGA. If the drug is approved, if the TGA says that drug should be available in Australia, it will be up to the woman’s doctor, in consultation with the woman, to decide whether or not it is appropriate to prescribe that drug. It will not be a drug that is available over the counter. It will not be a drug that a person can take willy-nilly. It is a drug that will be prescribed by a doctor and
administered with the doctor monitoring the reaction to the drug.

On the other hand, we have a situation where the Minister for Health and Ageing is making the decision as to whether or not the drug is safe. The current minister has a Bachelor of Economics degree and a law degree. He is a very qualified man. But he does not have the scientific and medical qualifications and knowledge to make a decision about whether or not RU486 is appropriate to be sold in Australia. The decision should be based on medical and scientific grounds, not personal beliefs. As I have already said, I believe the TGA has that ability.

The minister has argued in past debates that decisions cannot be left in the hands of politicians. I refer to the republic debate in the late 1990s when the minister argued very strongly that you cannot trust politicians to make a decision about the head of state. It is not a matter of trust. I do not believe that politicians are qualified to make a decision about whether or not a drug is safe on medical and scientific grounds.

It has also been argued in the amendments that parliament should make the decision. Once again, I would argue very strongly that I do not have the qualifications or the knowledge needed to make that decision. I know I have paraphrased the amendments that are before the parliament, but basically this is a decision that should be in the hands of the experts. I will be supporting the bill and opposing the amendments. I believe the TGA is the body that should determine which drugs should or should not be available in Australia. It is not appropriate to delegate that responsibility to a minister in this parliament. Ministers change and ministers have different beliefs. At the moment, the minister does not support the supply of RU486, but the next minister may. It is not an issue that should be determined on that basis. Rather, it should rest with the experts, and the experts are the TGA.

Mr Schultz (Hume) (7.04 pm)—I stand here as a human being whose body is not biologically structured to understand problems associated with pregnancy or indeed abortion. I am not going to talk about abortion because this debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 is not about abortion. I am, however, going to take the opportunity to pick up the point that has been made repeatedly by members on both sides of the House today about ‘qualified persons’. It would appear from comments in this debate that some members of the House have a view that people in the medical profession are the best placed and most responsible people in the community to make drugs such as RU486 available on prescription. Whilst this is generally so, there have been countless occasions on which drugs have been prescribed without follow-up investigation of the long-term negative health effects and, in some cases, death of individual recipients of drugs under prescription. My family has been down that path. My 13-year-old grandson had all of his internal organs destroyed because of the overprescription of drugs that were supposed to help them. Public accountability for these outcomes in most cases is nonexistent and in many cases covered up. So much for the accountability of people who are qualified to make decisions on drugs such as RU486.

In 1994, RU486 was imported into Australia through the backdoor. Abortion drugs, as I understand it, have always been prohibited imports unless exempted by the Department of Health and Ageing. In fact, in 1988 the federal government gave a commitment that it would not allow such an exemption without the Minister for Health and Ageing’s involvement. The point is that the drug
RU486 was approved by a nameless, unaccountable bureaucrat without the specific knowledge of or approval by the minister of the day, and a minister of the Crown would have been made publicly accountable for any serious health outcomes or indeed the death of any person from side effects following the use of the drug. Is it any wonder, then, that the drug mifepristone, commonly referred to as RU486, has never been registered for use in Australia?

In 1996 the government passed an amendment to the Therapeutic Goods Act which made the Minister for Health and Ageing responsible for decisions in relation to the importation, trial, registration and listing of RU486 and, indeed, other abortifacients, rather than the Therapeutic Goods Administration, commonly referred to as the TGA, which is the statutory body usually responsible for the approval of medicines in Australia. This was on the grounds that these drugs amounted to a special category of drug requiring an additional layer of public scrutiny. I thought that was a very responsible attitude by the government.

A majority of correspondents and callers to my office and to me personally are opposed to the use of RU486 in Australia or wish the decision regarding its use to remain with the minister. RU486 has been in use in the United Kingdom since 1991 and in the United States since 2000. France was one of the first countries to approve the drug in 1988, and it is also used in New Zealand. In America the deaths of four women from septicaemia within a two-year period after each had used mifepristone have prompted the US government to convene a group of experts to examine the cases. A further woman has also died in Canada, two in the United Kingdom and one in Sweden. My reason for raising this is it is a question of health outcomes from the use of drugs such as RU486. According to the American College of Obstetricians and Gynaecologists, complete abortion will occur in 96 to 97 per cent of cases where both mifepristone and misoprostol are used, and for those for which the drug does not work a surgical abortion is still required. It has been estimated that between five and eight per cent of treated women will require urgent post-abortion care, including in some cases dilation and curettage, fluid resuscitation and/or blood transfusion. The United States FDA’s patient information sheet on mifepristone states that women who use the drug can expect to experience bleeding for an average of nine to 16 days and that bleeding may last for up to 30 days. In French trials one woman bled for 69 days.

The physical elements of a medical abortion are the same as miscarriage: heavy bleeding, including the expulsion of blood clots and tissue, pain and nausea. These physical signs are the same signs associated with septicaemia and have been dangerously overlooked in some cases. In other parts of the world, medical abortion is administered under close supervision due to the risks involved and, according to Australia’s Chief Medical Officer, this would make it unsuitable for use by women in rural and regional areas where limited access to obstetric facilities exists. He also concluded that making mifepristone available as a prescription medicine without appropriate frameworks to ensure its safe use would increase the risks to women undergoing termination.

Decisions about RU486, due to the nature of the drug, cannot be made by the TGA. The TGA cannot ensure that the drug is administered in safe circumstances to women who are fully informed, that proper supervision is provided and that the drug is not going to end up on the black market being sold to desperate young women. I believe decisions about the use of RU486 need to be made by the minister in consultation with his or her cabinet colleagues and, in the final
analysis, certainly need to be made by the parliament itself. There needs to be accountability. It would appear from past experiences and history that the only people who appear to be accountable for decisions that they make in this country are members of parliaments and the parliaments themselves and, more specifically, ministers, who have a statutory obligation to be responsible for their roles as ministers of the Crown.

Having said that, I will take this opportunity to talk about the concerns I have as an individual about the health, particularly the mental health, of people who are subjected to the after-effects of a drug that many people in countries across the world are concerned about. In an article published in the current issue of News Weekly of 18 February 2006, Charles Francis AM, RFD, QC has this to say:

When Roussel Uclaf first announced production of the abortifacient RU-486 (Mifeprex) in France, it was hailed by the media as a "Holy Grail". Despite its many problems, abortion-providers appear still to regard it as a great benefit and argue that politicians have no right to deprive women of it.

He goes on to say:

No reputable pharmaceutical company in America wanted to have anything to do with the production or marketing of Mifeprex. It was left to the Population Council Inc (a powerful pro-abortion group) to obtain the rights from Roussel Uclaf to market the drug through a new shell company, Danco Laboratories Inc.

Danco was incorporated in 1995—not in the US, but in the Cayman Islands. It does not market any other pharmaceuticals. The shareholders were not interested in setting up a company which would produce a range of medications beneficial to mankind. In some of the proceedings against Danco, the inference is they were simply in it for the "quick buck".

He further says:

When the original application for approval was made to the US Food and Drug Administration ... it was accompanied by two French tests and one US test only, none of which met FDA's standards.

The FDA appears to have been reluctant to approve RU-486; but after intense pressure from the Clinton Administration, the drug was approved in September 2000, subject to a number of restrictions.

He goes on to also say:

Despite its high-sounding name, Danco—the company I referred to—was unable to manufacture RU-486 itself, nor could it find anyone in the US prepared to do so.

Eventually Danco settled for a Chinese company located near Shanghai, a company cited by the FDA for producing tainted drugs.

This is another reason I have for opposing this drug being out of the control of this parliament. Inevitably, the deaths of young women as a result of problems led to litigation associated with five women in North America. He says:

A prominent Californian products liability law firm is acting for the relatives of Holly Patterson, Channele Bryant and Hua Thuy Tran (referred to as "the decedents").

The complainants' briefs in these cases make poignant, informative and frightening reading. No intelligent person reading these briefs would want RU-486 available in Australia as an abortifacient.

The essence of the main allegations against Danco and the Population Council is that they marketed the drug with full knowledge of "unacceptable risks of serious injury or death". By the time the drug was provided to the decedents, it was already associated with such risks.

I want to put those comments on the record and to make a final point in this House in the brief time available to me. The issue that I personally believe is paramount to the introduction of drugs in this country is that the people who are approving and/or administering the drugs have to be made accountable for any outcomes from that drug which cause significant health problems—or indeed create a long-term situation which ultimately
results in severe disability or death in some instances—to the person that the drug is being prescribed for.

Whilst I am not going to support the bill in this House, I am going to support the Kelly amendment—as it is commonly referred to—to the bill. The amendment not only allows the Minister for Health and Ageing continue making the decision but allows the parliament itself to either disapprove or not disapprove the minister’s decision. Failing that amendment getting up, the amendment that makes the approval, monitoring and accountability of RU486 a decision of the parliament would be the next alternative that I would support.

I thank you, Mr Deputy Speaker, for the opportunity to make a contribution to this very important debate tonight. Whilst I respect the individual contributions made today by my fellow parliamentarians from both sides of the House, it is a conscience vote. That is the vote that I will be making when the privilege of a conscience vote is extended to me. Whilst I understand that there are many people throughout Australia—and indeed in the electorate of Hume—who may have different views from me and many people who are diametrically, socially and religiously opposed to abortion, this is not an issue of abortion. I believe it is an issue of public health safety and that is the reason I made the contribution that I made in this House here tonight.

Mr KERR (Denison) (7.17 pm)—The fundamental issue that is before the House tonight is whether it is appropriate to retain the ministerial or parliamentary level of approval for the availability of a particular drug, RU486, and, in relation to the proposed amendments, for some other classifications of therapeutic products. By way of background to my contribution to the debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, I think it is appropriate to set out the framework in which assessments of drugs proposed for availability on the market in Australia occur. Drugs can be submitted for assessment by an independent scientific body. They are then put through a process which involves looking at the research background, the testing and the therapeutic effects of those drugs and, ultimately, decisions are made about whether they be made available and the limits to their availability and the purposes for which they can be utilised.

Of course, some drugs are made available on a limited prescription basis and others as non-prescription items. But, essentially, with all such products—other than one particular drug, RU486—we have consigned the decision about whether or not risk and safety are acceptable to an arms-length, independent, scientifically based process.

When we come to consider the arguments that have been addressed, particularly by the immediately preceding speaker, the member for Hume, who constructed an argument based around safety, it is a difficult argument for me to accept because we must realise that almost every therapeutic product that is on the market carries the potentiality of significant adverse health effects. For most drugs that we receive on prescription, if we look at the product disclosure information, it reveals that, under certain circumstances, those products carry with them risk. In some instances, they may create higher risks of heart conditions for people with particular backgrounds. But almost every product will have some disclosure and many indeed are prescribed after proper consultation with doctors on the basis that, whilst the risk exists, it is counterbalanced by the benefit to the patient.

I have gone through a very tragic personal instance where my father’s partner, who sur-
vived my father, was prescribed warfarin, which is a drug for blood thinning. One of the sadder side effects is that it gives rise to the potentiality for bleeding. During one evening she suffered a massive internal bleed, died and was discovered the next morning. This did not involve RU486. Warfarin is regularly prescribed by physicians. They obviously have to take into account the side-effects. On balance, for many people warfarin prolongs their life, makes them capable of activity of which they would not otherwise be capable. Some of the drugs available are put through these tests and assessed as having serious potential side effects, but they are properly available on the basis that the risk assessment is to be between the patient and the doctor, knowing the potential benefits to be achieved. Those risks were very much to the fore of my mind when that tragedy happened in my family.

So I put aside those arguments about safety. The people who make decisions about safety are the same people who routinely make decisions with all the drug products that are available on the market. Any issue of that product goes with proper discussions between the user and her medical practitioner and with full disclosure of the nature of the risks to the person—the woman in this instance, if it were RU486.

We have to also consider that in this instance it is not the case that we are comparing a risk-free process that might be available for abortion with that of RU486. Surgical procedures, which are available lawfully in teaching hospitals and institutions in Australia, carry with them some degree of risk. Every significant surgical operation which has anaesthesia associated with it—and many procedures of that nature do have anaesthesia associated with them—carries quite identifiable risks, including risks of death. So people who undertake these particular procedures do not do so lightly; they already confront degrees of risk that they must choose to accept. They make decisions which must be terribly confronting, but we are not comparing one framework where there is no risk with another where there is significant risk; we are dealing with relative risk, which needs to be properly assessed, medically assessed and disclosed and understood by people after discussion with their physicians.

The second argument turns on the nature of the procedure. The starting point is that we enter this debate accepting that, within Australia, abortion is a legally available procedure under various legal rulings, pursuant to the Menhennit rulings of courts, principally in circumstances where assessments are made that a woman’s life or her mental ease would be damaged were that procedure not to be carried out. We are not dealing with a situation where the acceptance into the market of this particular product would for the first time make available a procedure otherwise unavailable. We are simply addressing one particular way in which that objective can be achieved.

The next point I would address is some of the arguments that have been advanced to persuade me and my colleagues, notwithstanding those two starting points—that, ordinarily, drugs are assessed for safety by an independent arms-length non-political process and, secondly, that the outcome that is sought to be achieved is lawful. The first objection is put on the basis that a majority of the Australian population disapproves of terminations and that we should resist anything that would increase the number of procedures. I think it must be at least doubtful that an additional choice as to the means available for abortion actually would increase the number of procedures. I do not know that there is any evidential basis for that—in my mind it seems an improbable argument—but even if it were a factually
sustainable one I do not see a basis for accepting a majoritarian argument.

We each represent different electorates and views will differ enormously within those electorates. I suspect that the majoritarian outcome would support the view that I am putting to the House that this drug should be available. Certainly that is the balance of submissions I have received from within my own electorate, although not of those I have received generally from across Australia which have run in a majority in the other direction. The submissions from my electors have very strongly run in favour of the view that I am now proposing. I think a mechanical application of a majoritarian point of view is something that no parliamentarian can accept as conditioning the way in which they would make a determination in relation to these matters. If there is a majority in favour of the drug being available but no proper basis upon which we could so decide, we should reject it. On the other hand, if there is the opposite, a majority against the drug but no scientific, ethical or procedural reason to make that determination, it seems to me that we are back into an area which properly should be described as one of proper, rational law-making. How are we going to make proper, rational laws in a community where we might properly say that we come from a common obligation to respect the laws of our nation and to respect the values and aspirations of our fellow citizens but where so many of us have quite different views on some very fundamental matters?

I have tried to live a moral life without religious belief. I do so on the basis of an acceptance that, in that process, one has to strive hard to make certain that an underlying morality can be found in some coherent, sensible way—a secular way. Much of my thinking is conditioned around the work of John Rawls. His book A Theory of Justice identifies a number of circumstances in which the state is justified in interfering with the interests of the individual. I also, however, quite properly respect those in my community who hold Christian beliefs, Islamic beliefs or a variety of different views which are conditioned from a very different starting point.

At the end of the day in a democracy we have to resolve these issues not merely through the exercise of conscience but also through the exercise of intellect—and conscience and intellect come together. In that situation, that larger framework regarding the choices to be made in relation to this matter, I suppose I come down to this question: whose choice is to govern the final outcome? Is it to be the decision of a minister of the Crown about the availability of a medical product which, absent this particular piece of legislation, would be determined on its scientific, medical rights without political interference, or should it be the choice of an individual woman on the advice and with the informed opinion of her medical practitioner to assist her in making that decision?

I accept that people of goodwill have put a proposition that we should accept, as a highest order proposition, the sanctity of life. I do, but this parliament has to address matters around a framework where we accept that in some circumstances that sanctity has been reduced—

Debate interrupted; adjournment proposed and negatived.

Mr Kerr—I was speaking of the issue of sanctity of life. I certainly take the view, for example, that the death penalty is an abhorrent penalty and I have campaigned all my life against it. But we made, just the other day, a decision in this parliament, in the legislation dealing with the call-out of the military to assist the civil power, to authorise the military to shoot down civilian aircraft. I
accepted—grudgingly and with great reservation—the legitimacy of that choice. It is a choice, however, that I would hate as a minister to have to address and to make. But essentially this parliament is willing in that area to say that, under very extreme circumstances, we will authorise our military forces to shoot down a plane that might be full of innocent passengers—our children, relatives, friends—in order that the greater good of the community be protected, lest that plane be seized and crashed into a large building, as happened on September 11.

We do accept under some circumstances that sanctity of life is not an absolute. We have a larger debate about when life begins. That is a debate which, were this debate about the availability of abortion, would have members of this House choosing positions which reflect their strong personal convictions in relation to those matters, their judgments of conscience, their judgments of understanding of human life and their judgments about when we ought to accord to the product of reproduction the status of protection of human life. But that is a debate, as I have indicated before, which is, in a sense, not material to this decision. We are accepting in this debate the availability of abortion.

I also want to indicate that many members have given considerable thought to what they wish to say in this debate. Some have revealed personal circumstances in which they have been involved, including Senator Minchin, Mr Laming and the Treasurer, Mr Costello. People have worn their hearts on their sleeves in this debate. But I doubt that any of us have a greater entitlement to a conclusion in relation to whether this particular product should be available or not on the basis of our particular individual experience. We cannot live the experience of others and most particularly I, as a man, cannot live the experience of a woman who might be placed in the circumstance of deciding whether or not to pursue and seek an abortion.

In the end, this parliament has to cut the Gordian knot. We have to make a decision about the bill that is now before us. Some proposals seek to keep that knot tied—in fact, to have us come back again to redebate the merits of having some external political supervision of a scientific and medical judgment after this debate. I see no wisdom in that whatsoever.

If there is a majority in the Senate and this House that the decision should be made objectively, that risks should be assessed in the same way as would occur with respect to any other therapeutic product or good, I see no wisdom in going through a process of having this debate and then reinserting into the legislation different mechanisms of imposing political control over a judgment that ought to be scientific.

We should not be the ultimate gatekeepers of choice in this debate. I have not worked out a better way than the acknowledgment of the right of a woman—properly advised by her competent medical practitioner regarding the relative risk of products, on information made known to that medical practitioner and the woman after proper assessment by an impartial scientific assessment—to make that choice. And I do not believe that any other member of this House knows of any better gatekeeper of that choice than the woman concerned. On that basis, I certainly do not wish to substitute my political judgment or to speak on behalf of others in relation to their political judgments to intervene in that ultimately important and, no doubt, always difficult choice.

Mr TOLLNER (Solomon) (7.36 pm)—First, let me put on the record my thanks to the many people of the Northern Territory who contacted me on this issue. Their emails, faxes, phone calls, letters and
words—both for and against—have been of great assistance to me in the consideration of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I have thought long and hard on this matter, and at this point in time I must disagree with the proposal to remove ministerial authority and to include RU486 in the list of restricted goods and leave the evaluation of the use of medical abortifacients to the Therapeutic Goods Administration.

As all members in this place know, I am a proud Territorian. I am acutely aware of my responsibilities to represent the people of the Northern Territory and to act in their best interests. David Gawler is a highly respected surgeon from the Royal Darwin Hospital and he works extensively within the Indigenous communities. He has real concerns for the people of the Northern Territory in relation to this bill, as he expressed to me in writing and in conversation with my office. Mr Gawler and many other people who have contacted me are very concerned that RU486 has been widely promoted for use by women in remote areas. In fact, it has been claimed that gaps in abortion services in these areas will be overcome by this drug’s introduction.

There are a number of reasons why such a proposal is not only ill considered but dangerous. First of all, the manufacturer’s protocol for the ‘safe’ use of RU486 stipulates that a woman having this type of abortion must see a doctor on day 1, 3 and 14. In many areas of Northern Australia, serviced by itinerant doctors, this would not be possible. Continuous medical cover is rarely available in most parts of Northern Australia.

There are also clinical issues. RU486 has some quite serious and potentially fatal complications which have been well documented, even by the manufacturer, including severe haemorrhaging and toxic shock syndrome. Professor Andrew Child, director of obstetrics and gynaecological services for the south-western part of Sydney and former president of the College of Obstetricians and Gynaecologists, has advised that the drug’s introduction would increase the risk of adverse outcomes, especially for women in remote areas. Just imagine in a typical wet season, with flooded airstrips and poor weather, how long it would take to airlift a sick patient suffering a complication from the use of RU486 from her remote location to hospital.

There are also well-documented communication problems in the north, where many Aboriginal people do not speak English. Indigenous women, in particular, who have an inadequate understanding of their doctor’s advice, may not follow the manufacturer’s instructions, and this may lead to nonattendance at required medical appointments. This situation can result in serious complications and even death.

Moving away from my specific NT concerns and looking more broadly, it must be recognised that there are also the psychological consequences to consider. I am deeply concerned at the lack of research in this area. Relative to a surgical abortion, an abortion using RU486 may be ‘easier’ initially, but what of the psychological consequences of delivering a dead embryo at home, with the associated pain and bleeding—apparently speculative, but I think they are obvious with commonsense.

Many supporters of RU486 have suggested that the drug’s use involves merely technical considerations. But it involves killing an embryo—a scientific name for an unborn child. At seven weeks, the developing limbs can be seen, the head is quite large compared to the trunk, the fingers and toes are present and the arms bend at the elbows. The upper lip is complete, and the external
ears form elevations on the side of the head. The embryo is perhaps an inch or two in length.

This is not merely a technical issue of safety or efficiency—of whether medical abortions are to be preferred to surgical abortion. Are we living in an abortion mentality, a culture which is indifferent to killing an embryo? If that were the case, we would not even be having this debate.

The most common ground for abortion—psychiatric—is rarely of such significance as to impel the abortion provider to refer the woman for ongoing treatment by either a psychiatrist or a clinical psychologist. The counselling provided by abortion providers is usually perfunctory and is generally directed towards encouraging a woman to proceed directly to an abortion—not to consider the alternatives or the consequences. Women are rarely told of the risks of abortion: breast cancer, subsequent pre-term birth, low birth weight and illness. And what of the psychological consequences of delivering a dead embryo at home? Perhaps this debate should be about the support on offer for women seeking an abortion instead. It has often been suggested that the reason most women have abortions is the lack of support, sometimes in circumstances of financial difficulty or lack of support by a partner or spouse.

While most Australians accept that abortion is ‘necessary’ in some cases, most have a deep uneasiness about abortion. I agree with the opinion that the TGA would no doubt treat RU486 like any other drug and assess it from a purely technical viewpoint, having regard to safety and efficiency. Yet what is at stake is far more than safety and efficiency.

Look at the morning-after pill. Postinor-2 is an emergency contraceptive and is sold in a pack. Postinor-2 was relisted from schedule 4 (prescription only) to schedule 3 (over the counter) on 1 January 2004. Prior to this Postinor-2 was only available via prescription, although it was not subsidised under the PBS. It became available in Australia in July 2002. According to the publication *Australian Statistics on Medicines* there were 35,258 scripts for Postinor-2 dispensed in 2002; this increased to 79,735 in 2003. More recent figures, from 2004 when it became an over-the-counter drug, are not available.

A good friend of my wife, who shall remain nameless in this debate, was given the morning-after pill by her well-meaning and loving mother—similar to the way in which many parents give their children condoms. With no medical supervision and after some sustained use, my wife’s friend became quite sick. Upon visiting her doctor, she was told that her illness was a result of her overuse of the morning-after pill. What is more, she was told that she would never be able to have children. This was absolutely devastating news for her. We have been assured in this place that RU486, should it be introduced into Australia, will only be available on doctor’s advice and through prescription. We were told the same thing about the morning-after pill, Postinor-2.

I find something quite odd about this whole debate. There is no application at the moment to have RU486 made available in Australia—there has not been in the past, and I am not aware of any suggestion that an application is about to be made. It goes without saying that here in Canberra there are many people skilled in the political arts. There are people of all political persuasions who are paid for their rat cunning, their conniving ways and their ability to get an outcome by stealth. I have absolutely no doubt in my mind that a couple of these faceless tacticians are at work here.

Whilst I believe that most parliamentarians are debating this issue on its merit, I
have no doubt that there are some who see this as nothing but a great opportunity to undermine the current health minister. I have heard it said in the corridors that this bill is being called the ‘Get Abbott Bill’. The view of these people is that the current minister is unfit for the job because of his strong spiritual conviction. Personally, I am disgusted at this narrow-minded view and the political skulduggery that goes with it. Women deserve to have their health and, more importantly, their value taken more seriously than that. For all of the reasons that I have stated, and many more, I cannot support this bill.

Ms GRIERSON (Newcastle) (7.46 pm)—I rise to speak in support of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 and to oppose outright the two amendments. I also acknowledge the good work that has been played in this debate in the House by the member for Moore and the member for Murray. Likewise, I thank Senators Moore, Allison, Troeth and Nash for the opportunity to debate this private member’s bill—and also, hopefully, to put an end to this divisive and emotive activity that inevitably attaches to any debate with an element that touches on the termination of life. It is always regrettable to me, having lived a fairly long life, that the same passion and earnest debate never seems to occur here when we are discussing the nurturing of life, certainly the lives of our children and young people.

Given the highly charged debate that has surrounded this private member’s bill since it was introduced in the Senate, it is important to clarify at the outset what this bill does and does not do. It is not a bill to import or approve the importation of the drug RU486. That scrutiny does not currently exist. It is not a bill to change the laws on abortion. Those laws are state matters. It is a bill to remove the power of the Minister for Health and Ageing to veto—alone, by him or herself and without consultation—any application to the TGA to evaluate RU486. The bill before the House, therefore, seeks to repeal ministerial approval for RU486 and to leave approval with the Therapeutic Goods Administration.

In my view, the TGA is the most appropriate body to assess RU486. We do trust the professionalism and expertise of the TGA to assess the safety and effectiveness of literally tens of thousands of other medicines, including highly addictive and potentially deadly drugs with serious side effects. This bill corrects an anomalous situation whereby all other drugs except RU486 are overseen by the TGA. I have to question why we have this anomaly. I think it has to be understood. There is a paternalism that exists in this parliament, and sometimes I do think that it is about controlling women, through methods of legislation in an area where perhaps men feel left out. The anomaly of course dates back to 1996, when this government took power. If you can imagine the negotiations with then Senator Harradine you will know that the gestation of this debate was in discussions about power and control. That is always unhealthy; it exists too much here and it absolutely has too much influence on the decisions we make.

Were this bill to be adopted, all submissions for the importation of RU486 would have to be approved not only by the TGA but also by the relevant ethics committees that would work on this issue. So there would be two layers of checking: the TGA and the relevant ethics committees. And if an application were made for registration of the drug for sale in Australia it would have to be considered by the Australian Drug Evaluation
Committee, which is an expert advisory body appointed by the minister. This is a robust system of checks and balances that keeps politics out of the equation and ideology separate from sound decision making. That is what this bill would achieve.

Women who may then choose to use this drug would do so in consultation with their medical advisers. That is always best. I feel for men. They often feel they are outside this decision—and they are, because they can never understand or go through it. I also look at young people and I wonder how many young teenage boys would make a decision to become a sole parent, to give up their career, to give up their social life, to give up their education or their training. I can tell you: not many. Within 12 months of a child’s birth I think it is something like 70 per cent who are in the care of a mother alone. That is sad, but just remember that that is not an easy path to take.

Women will make that decision, which is rightfully a medical one, in conjunction with their doctors. They will not be turning up at the office of their member of parliament or their senator to talk to them about it—and nor should they ever contemplate or feel that they have any responsibility except to their personal life choices. Their reproductive health choices are theirs; they must be theirs. Life is not easy. Most people are just trying to have good relationships and a good life without doing any harm to anyone. Women deserve to make their reproductive health choices themselves without the interference of parliament.

I also cannot support either amendment put forward by government members. The Laming amendment is very similar to one that was moved in the Senate—and was lost, fortunately. Although it does have a different definition of restricted goods, and while there is no continuing role for the Minister for Health and Ageing under this amendment, a decision made by the TGA to register or list RU486—that is, any determination that RU486 is safe and effective—would become a disallowable instrument subject to potentially endless debate in the parliament. That would be emotional, divisive and unnecessary.

In the member for Bowman’s speech on this bill, he argued that there will not be lots of disallowance motions on RU486 before the parliament in the future ‘because there is only one RU486’. No. He got that wrong. In fact there are at least four manufacturers out there, and there could be more because the drug at present is off patent and each manufacturer would require separate TGA approval to market their product. So there would be a lot more debates. They would also require TGA approval for different uses or any variation of the uses. Let us put this to bed once and for all. If the Laming amendment does not inhibit manufacturers from applying to the TGA, as is currently the case, then it does mean the parliament would face those many debates in the future—before we even get to the fact that his amendment expands the list of restricted goods to include a whole unknown range of new drugs. We do not need it.

The Kelly amendment is aimed squarely at killing off this bill once and for all and replacing it with her very own bill. Approval or refusal would then become a disallowing instrument and could be debated and voted on in parliament like any other piece of legislation. We would end up again with potentially endless debates on RU486. It is not a solution. I have made public comment to this effect: for goodness sake, members of the coalition, stop trying to please each other or to please the powers that be—whether they be the health minister or the Prime Minister—and start thinking and catching up with what the Australian public want. Who better
than the TGA to assess the safety of RU486? Certainly the current minister has no medical training or expertise to make this decision. It does not seem to me that controlling fertility is something that he is an expert in, either. You would have to think that, for women for over 30 years trying to control fertility, it is a serious business and it is certainly not easy.

In 1996, when the issue of access to RU486 was first debated in this parliament, senators and members expressed concerns because the long-term effects of using RU486 were unknown. That was 10 years ago and, while that argument may have had some basis a decade ago, this is no longer the case. Since then, more than 2½ million women have used RU486. The drug has been licensed for human use since 1988 and is now available in the US, Canada, the UK, many countries in Western Europe, Russia, China, Israel, Turkey and New Zealand. More importantly, the issues of safety and risks associated with this drug are very clearly issues for the TGA and medical experts and should have nothing to do with politicians. In European countries where it has been available for decades there has been no evidence of any increase in the number of abortions performed overall, but there has been an increase in the number of early abortions. As is well known, the safety of an abortion is directly related to how early in the pregnancy it is performed, so this drug may in fact offer a safer health option for some women. The use of RU486 to induce abortions is supported by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the AMA, the Family Planning Association, the Public Health Association of Australia, the Doctors Reform Society and many women’s groups throughout Australia.

The Minister for Health and Ageing and the Prime Minister have both at different times expressed the view that access is too important an issue to be left in the hands of so-called bureaucrats who are not elected by, and thus said not to be accountable to, the Australian people. Let us look at the level of accountability in the current system. Under the current arrangements, the minister is simply required to notify the parliament of a decision to approve an application for evaluation by the TGA—a process that has never occurred, so it is difficult to know what, if any, level of parliamentary scrutiny would be achieved. The minister has not been required to table decisions not to approve such applications, so the parliament is not necessarily informed or given an opportunity for any oversight of such a decision. The current regime is hardly conducive to open and transparent processes with high levels of accountability. They are not there anyway. Indeed, when comparing the current arrangements—where all power rests with the Minister for Health and Ageing—with those proposed in this bill, it is the TGA that offers a more open and transparent decision-making process. It is much more accountable to the parliament.

This bill is not leaving an important decision in the hands of faceless bureaucrats—what rubbish—as some have suggested. It puts the decision in the hands of medical experts in an institution known as the TGA that was specifically designed just to do this work. The TGA will decide whether this drug should be available. It will be women and their health practitioners who together will decide if it is suitable for them and whether they wish to use it. Given recent scandals where this government and its ministers have consistently refused to be accountable—like the AWB scandal and the complete misuse of the oil for food program, the children overboard affair, the regional rorts and the ironclad guarantees, to name just a few—I know in whose hands I would rather see decisions about RU486 placed.
When it comes to accountability, the TGA is a far better option than the minister for health.

Issues relating to women's fertility are not best left in the hands of politicians. These are matters for women and health professionals, not the Australian parliament. Even a cursory glance at this minister's track record will attest to the dangers of subjecting issues about women's fertility to the rough and tumble of politics. It is perhaps not well known that while this Minister for Health and Ageing was happy to grant an additional $300,000 in funding to three anti-abortion pregnancy counselling services last year—that is, services that not only advise women against abortion but flatly refuse to refer them to abortion services if asked to—this government provides no funding to pro-choice pregnancy counselling services. Yet we have heard people say over and again that there should be more education and support for women. According to Reproductive Choice Australia, a pro-choice advocacy group, there are only two dedicated pro-choice pregnancy counselling services in Australia and neither receives any Commonwealth funding. Yes, the government funds family planning services by a dwindling amount, but there is insufficient money for abortion counselling.

How does this minister justify his decision to fund anti-abortion organisations only, when 65 per cent of Australian men and women, according to the February 2006 Morgan poll, approve of the termination of unwanted pregnancies? Likewise, when IVF technology came under attack as this government tried to restrict Medicare subsidies, the minister's office released unattributed and incorrect data to support the proposed restrictions. We see similar tactics being used this time around with RU486, with the minister consistently using the figure of 100,000 abortions per year, which he knows to be wrong, and his ongoing talk of a so-called epidemic of abortions simply inflames emotions and brings no credit to him. We do expect more from our Minister for Health and Ageing, who should be acting in the interests of the health of everyone, not just a few. I support this bill in its original form and oppose the Laming and Kelly amendments.

Mrs GASH (Gilmore) (7.59 pm)—When I sat down to decide what I was going to say in the present debate surrounding the topic of RU486, it dawned on me that this was not going to be about the efficacy or otherwise of RU486; this was really going to be about two major issues—pro-life versus pro-choice and how far we are prepared to relinquish personal responsibility to the government.

I will deal with the latter first. We have always been a government that advocated a minimalist approach to government intervention in our everyday lives. Indeed, the debate about workplace relations legislation was all about giving employees a choice, expanding their options and letting them have a say in their own destinies.

We had an earlier debate about abortion, and the general consensus, whilst not universal, was about choice. In fact, the battle over abortion and a woman's right to choose was fought and won 20 years ago. I am amazed that the question of abortion and a woman's right to choose can still dominate headlines and community debate as much as it is at the moment. Yet today we are back here once again debating choice. This seems to be becoming a recurrent theme. I am somewhat perplexed that those that espouse choice the most are the greatest advocates of further government controls. I am very much concerned that governments the world over seem to be obsessed by total control but are afraid of being tagged as authoritarian, although some, I must admit, have given up that pretence a long time ago.
If we profess to be a minimalist government—that people should have a greater say in their lives, that they are responsible for their own actions, that they should have greater choice—why should this matter be treated differently? We want people to take responsibility for themselves and their own lives, yet time and time again governments just cannot help themselves and jump on the morality bandwagon, saying, 'We know better.' It seems to me that if an individual is prepared to live with the consequences of their own actions after having come to that decision, hopefully with the support of their family and their doctor, then it must remain their decision, not one decided by government or an individual politician.

However, I acknowledge there are many people who would like someone else to make a decision on their behalf, particularly if the matter is unpleasant. That is unfortunate. We need to bring this into perspective. Alcohol, tobacco, drugs, illicit sex and even obesity are things that impact on the greater community. It is right that the government, as the representatives of that community, have a say. The costs associated with dealing with the fallout from abuse of alcohol, tobacco, drugs and even food is great and costly. In that respect I think the government has a right to regulate these matters.

Unwanted pregnancy is a different matter. It does not matter whether the abortion is surgical or chemical, the same approach should apply. How much harm to the community will there be if a woman prefers a chemical intervention to a surgical one, remembering that it is legal to do so? The government needs to decide whether RU486 is inherently harmful to the individual, and, if so, whether this harm, as a result of wholesale use, will impact on the greater community. I have not seen any evidence that, under controlled clinical administration, it is as harmful as drug abuse, alcohol abuse, tobacco abuse and, for that matter, overindulgence in food. It seems on the evidence, given its widespread availability in other countries, there is sufficient experience to be able to determine that on the balance of probabilities it is relatively safe to use under medical supervision.

If that is the case, this debate comes down to a question of morality: pro-life or pro-choice. I have made myself clear in earlier debates as to where I stand. As far as I am concerned, a woman's body is her own. If there is no detriment to her health as a result of a chemical intervention, then the choice should be given to her in the full knowledge of the consequences of her actions. Whether these consequences be physiological or spiritual depends on the path she chooses to follow.

This debate is somewhat personal to me. I emphasise once again that I am not pro-abortion. My own daughter, because of her physiological make-up, is unable to tolerate anaesthesia, so a surgical abortion for her would not be an option. Surely someone in such a position deserves whatever medical options are available to her. A medical intervention, regardless of what it is, is an issue between the patient and their doctor. They should be allowed to make an informed decision in consultation with those who have expertise in that area—I speak of the TGA, who are the authorising agency for all other drugs within Australia. No bureaucrat and certainly no politician should be responsible for judging the worthiness or safety of a drug.

I do not want to go back to a time when backyard abortions were necessary because of the moral and ideological imperatives of the time. We have gone beyond that. RU486 is just another option to terminate a pregnancy, but neither should it be considered and used as a 'morning after' pill. The sanc-
tity of life must be respected. It is abhorrent to me to resort to abortion as a contraceptive, but I know there are instances where it is necessary, and it is then we need to give women the choice of what is safest for them.

What we should be discussing is whether people are sufficiently informed to make that decision and what should be responsibly done to ensure that they are informed. If they are, and have made an informed decision, then frankly it is academic whether they use RU486 or a medical instrument as a conclusion. My view is that this drug should be made available, but that certain protocols need to be followed as a qualifying criteria for its use. It should not be made freely available and certainly not without the approval of a medical practitioner. The clinical protocols need to be satisfied and the medical practitioner should be satisfied that the harm to the woman is minimal.

I do have concerns with any philosophy that delivers absolute powers to any one individual, because that is not the nature of the democracy that we deserve and expect. Having said that, I wish to clarify my total support for Minister Abbott. He is an excellent minister. My decision to support the bill must in no way be construed as a lack of support for him. I take offence at my colleagues, particularly the comments by the member for Indi and the member for Solomon, who say that this bill is about a lack of confidence in the minister. To me that is an insulting and provocative statement that should never have entered this debate. This debate is not about pro-abortion; it is about experts, not politicians, deciding if a drug should be available.

It might be appropriate for me to mention that I agree with comments made about too many abortions, and it behoves me to ensure that in government we do establish more family planning clinics in the hope that we can reduce the incidence of abortion and perhaps encourage the alternative of adoption. There are many in my electorate who have gone down this path to try to adopt, with little success.

I do have a concern—that is, if we are to allow liberalised access to this drug then we must be satisfied that we are not opening ourselves to future harm litigation of thalidomide proportions. It matters not what the drug is being used for; the same guarantees should apply.

This is not a clinical or even a governance debate; it is a debate about religious morality and what beliefs we choose to subscribe to. If that is the case then it is a matter for the individual and not for the state. It is true we are elected to represent the people of Australia and our electorates. With an emotive issue such as this, there is no possibility of achieving a result that would allow all to be satisfied, particularly in Gilmore, by my decision. May I reassure the residents of Gilmore that this has been one of the most difficult decisions to make. Ultimately it is a vote of conscience. Governments must look after the physical welfare of individuals, and the spiritual welfare aspect is the domain of the individual. May I say that I am grateful to have been given the opportunity of voting on my conscience and that in this debate my conscience is clear.

Let me put this question in closing: how would men feel if it was made compulsory that they use contraceptives so no woman would have to have an abortion? It could make for an interesting debate. I too would like to thank all my colleagues from both sides of parliament for their contributions, be they for or against the bill. I fully understand their decision and how emotionally difficult it has been for us all. I also need to express my disgust at and disappointment with Senator Kerry Nettle’s choice of words on her T-
shirt. They did nothing to lift the image of the debate; in fact, I found them greatly offensive. I support this bill and, in doing so, say to my critics who have accused me of being non-Christian because of my vote: nothing could be further from the truth. This decision will be a matter between me and my God. May I also ask my colleagues to look at the intent of the amendments to this bill. To my mind it is a tactic to distort the original bill and should not be supported.

Mr RIPOLL (Oxley) (8.09 pm)—I rise today to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. In doing so, and in the brief time I have, I would like to make just three points. The first relates to this being a conscience vote, the second is about governance and the bill and the third is about the integrity of the conscience vote process itself. Contained within this framework is the reasoning by which I have made my decision on this legislation. I also want to make it clear from the outset that I believe that this debate is not about abortion but more clearly about the power over the process of a particular drug which happens to be an abortifacient.

No matter what anybody says about this debate, no-one should claim it is about abortion. We are not debating the legality or otherwise of abortion; nor are we debating the future or the morality of abortion itself. While I do accept the relationship between the approval at any level of the drug RU486 and the abortion question in broader terms, I do not accept that they are one and the same thing or part of this debate. Therefore I will be focusing on the matters at hand and what this bill attempts to change.

First, I go to the issue of a conscience vote. In my more than seven years as a member of the House of Representatives, this is only the second occasion on which I have had to vote on a bill as a matter of conscience. This at least demonstrates the seriousness by which this parliament upholds the right of members to a conscience vote on certain matters by agreement. This is a good thing that should be supported and respected and, I believe, forms an important part of our representative democratic system in consultation with the community. I take this very seriously indeed.

Therefore, as I prepare to cast my vote on the bill before the House, I would like to quote the words of Edmund Burke in his celebrated address to the electors of Bristol in 1774:

Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion. With those words in mind, today I back my own judgement and vote accordingly. Today, as the representative of the people of Oxley and as a member of a free democratic system of representative government, I vote according to what I believe to be in the best interests of the nation and of women. I support the amendment and the bill, which seeks to:

... remove the responsibility for approval of RU486 from the Minister—
for health—
and to provide responsibility for approval of RU486 to the Therapeutic Goods Administration.

I do so not only because I believe in the Labor Party national platform, which asserts ‘the rights of women to determine their own reproductive lives, particularly the right to choose appropriate fertility control and abortion,’ but also because I believe this bill is not about abortion. It is about the process in relation to the administration of a drug and it is about good governance.

This issue has received an enormous amount of media attention and public debate—let alone the volumes of correspondence from people all over Australia. Since
debate on this issue began some months ago, I have received a great variety of correspondence from people all over the country expressing their views, and I appreciate their efforts, although I will say that receiving so many different views does little to help in the decision making processes of any member of parliament.

To make matters worse on an already divisive issue, government members have now moved a number of different amendments to the original bill, which will at best further complicate the issue at hand and potentially lead to confusion as to their effect. At worst, in the event that they are carried, they will make literally every application for the use of the drug RU486 a decision of parliament, so that we will need to go through this process again on each occasion.

In my view the decision is clear: either we approve the TGA authority to make the decision on use or we leave the legislation as it stands. There is no halfway house. We do not know what the decision of the TGA might be. All we know is that, if they assume the power of the minister, the TGA will need to follow due process and regulation to make their decision, unlike any minister when making a decision. It could well be that the TGA would not approve the lifting of the ban.

The question must be asked whether, if the Minister for Health and Ageing was advocating the introduction of this drug, this would be the same debate at all. The explanatory memorandum succinctly sums up the argument as I see it:

The TGA is specifically charged with identifying, assessing and evaluating the risks posed by therapeutic goods that come into Australia, applying any measures necessary for treating the risks posed, and monitoring and reviewing the risks over time.

The TGA is regarded by the government as being qualified to manage the risks associated with any therapeutic good that is used (or proposed for use) in Australia. It is therefore reasonable to assume that it is also qualified to manage the risks associated with medications such as RU486.

The minister for health has also argued that a vote for this bill is a vote to subcontract our duties to unelected officials or somehow a vote of no confidence in him. While he may be right on half that count, I believe the minister is wrong and is misrepresenting the facts.

The government’s willingness to divorce itself from responsibility and misrepresent the facts appears all too often—dare I mention the Australian Wheat Board, ‘children overboard’ or immigration matters? The government should not be allowed to cherry pick its responsibilities—between those matters it chooses and those it hands over to agencies, departments, delegates, authorities, expert panels, judiciaries and an endless list of other areas where the parliament sets regulations but hands over its authority—and then denigrate those who do not agree as somehow outsourcing our duties and responsibilities. The minister is simply wrong.

The Minister for Health and Ageing also spoke about freedom of choice for women, but he makes it clear that it is freedom of choice within the parameters of the values of the minister himself. There are also many other contradictory comments coming from the government over this issue, which I would like to draw to the attention of the House.

It is obvious from my comments that I will be supporting the passage of this bill, unamended, as it stands. In the little time that we have to speak on this, I want to comment on the principles adopted by the two major parties on the process in this debate. Firstly, I want to comment on the fact that the Labor Party respects the process of a conscience vote for the capacity it gives individual
members of parliament to deal with matters deemed important enough to warrant such a process. I want to comment on the support for this principle there has been from my own party and I want to comment on the manner in which my own party has carried itself and respected the views of individuals on this matter. Secondly, I want to draw the attention of the House to the conduct of and deliberate confusion sown by some—and, I stress, only some—members of the government.

The government has argued for the retention of the powers of the health minister on this drug. But just days ago the Prime Minister did a backflip and also argued that the health minister cannot decide the fate of RU486—that the decision should be taken by all 17 members of the federal cabinet. The Prime Minister has inadvertently admitted that he personally does not trust the health minister to make decisions on this matter. At least on this point, I agree with the Prime Minister. Taking this to the obvious conclusion, though: if you cannot trust one minister, why should we trust the 17 others? Couch this argument against the words of the health minister himself in the republican debate, in which he said that politicians cannot be trusted. If any of us are to believe anything this minister or government says, we should believe the minister when he said not to trust him at all. They are his own words.

But this obviously should not be the exclusive basis on which any of us makes a decision on this matter. The fact that the minister does not have the expertise or objectivity to make such a judgment means that it should be carried out instead by a properly appointed expert authority regulated by the parliament. This is not so-called outsourcing of responsibility but proper process and sensible judgment.

Many arguments will be made in this place about this issue. I cannot say I agree with all of them, or even with their logic, but I will respect them. And I would respect them even more in the knowledge that members’ decisions came about with no undue influence or pressure brought to bear by other members of this House or by ministers themselves to affect the outcome of a conscience vote. I find that absolutely repugnant. What this whole debate proves and this process demonstrates, if nothing else, is that the Howard government cannot be trusted. I commend this bill to the House.

Mr Michael Ferguson (Bass) (8.18 pm)—I rise tonight to address the bill before us now, the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I want to say from the outset that, if this bill is put to a vote in its present form, I will not be supporting it; I will vote against it. In coming to this position I have searched my own conscience, considered the facts of the matter and taken in all of the many emails, letters and phone calls I have received from people in my electorate and even beyond. I have also engaged the views of my parliamentary colleagues because I feel that their experiences and subject knowledge are worth knowing.

Drugs which cause an end to pregnancy, like RU486, belong to a special category of drugs known as ‘restricted goods’ under the Therapeutic Goods Act 1989. Presently, restricted goods must have the approval of the Minister for Health and Ageing in order to be evaluated, registered, listed or imported. The restricted goods provisions were incorporated into the act in 1996 as a result of amendments to the Therapeutic Goods Act by former Senator Brian Harradine, a great man. Harradine and others successfully argued that these provisions were necessary because abortifacients are by their very na-
ture a special category of drugs that warrant extra scrutiny.

Very importantly, it has to be pointed out that abortifacients are not therapeutic. In plain English: drugs which cause an abortion ought not to be confused with drugs which treat an illness. They are treated differently because they are different. There is no need to be highly educated to understand this; yet, with great respect, I observe that, of my colleagues who favour this bill, not one has been prepared to concede this point.

Some advocates of this bill allow their arguments to imply that the health minister is the sole arbiter of these restricted goods and that he is not qualified to test the medical effectiveness of abortifacients. I think that this is false and misleading, both to members and to the wider public. I remind the House tonight that this bill does not simply offer a choice between the TGA and the health minister as to which is best placed to approve a restricted good. The fact is that the present law already ensures that there is a role for both. That is appropriate.

If some are dissatisfied and feel that it is not good enough for the minister to have final discretion in approving or disapproving a TGA recommendation, they have the opportunity to address this by supporting an amendment. The amendment moved by the member for Lindsay ensures a continued and substantial role for both the TGA and the health minister and, in addition, a new, overarching role for the elected parliament, through disallowance.

I agree that the TGA ought to do its job and assess the safety, efficacy and quality of the medicine according to the best advice and clinical data that is available. I think we have consensus on that point. Its recommendation, in response to an application, should be considered by the government of the day through its minister for health, and the parliament ought to have the right to disallow a decision it does not agree with. This is appropriate; it is democratic, and it is responsible. To dismiss the TGA as a faceless bureaucracy is an insult to science and to the Public Service—agreed. Equally, though, to dismiss this on the grounds that politicians are not capable of representing the community is an insult to our representative democracy. We need to draw on the strengths of both the TGA and the elected parliament for drugs like this.

There is disagreement as to whether or not this bill is concerned with abortion in Australia. Again, with great respect, I think that is a monumental ruse—perhaps to lull members into a false sense of security in respect of the decision we are about to make. This is in part a technical issue, but it is not just technical. This is a social issue; it is a moral issue; it is, for some, a religious issue; it is a women’s issue and it is a men’s issue. Like it or not, we are all implicated in this. It goes to questions of life and death.

It may be possible in this magnificent chamber, isolated from our communities, to argue on technicalities only. However, none of us can escape the reality that Australians see this as a question at least partly about our attitudes to the value of human life. Facing this reality, we should not cast a vote which conveys to the community a relaxed attitude to abortion.

Let me ask members of the House this question: if this issue has nothing to do with abortion, then why do I have a conscience vote, and why do you? If I am wrong about all of this, then there is no explanation for the rash of foolish statements which have been uttered by members on both sides of this issue. I cite the comment by the member for Hughes with regard to the Muslim population. I cite Kim Beazley’s equally stupid response that ‘Danna Vale represents grow-
ing government extremism.’ He is full of hot air and bluster and has offered nothing of value to this debate, which I deeply regret. I cite a Greens senator who wore a deliberately offensive T-shirt and showed her party to be the moral wasteland that it is. There are plenty of others who will go unremarked.

However, I sincerely congratulate the majority of my colleagues for their speeches, which I have been watching and listening to closely. I do not agree with some of what I have heard but, at the same time, I have enough respect for them to at least think they are capable of considering the issues, representing their constituents and searching their own consciences. Further, I thank that same majority for extending to me the same courtesy.

I want to single out the member for Sydney, who gave a speech that I disagreed with in almost all respects, except for her stunning reflection that ‘all children deserve to be wanted and welcomed.’ I do not want to trouble the House with a long speech in favour of protecting the lives of the unborn, as I am sworn to do; however, I want to record my disappointment that some members have been unable to reconcile themselves to their own double standards. I have said it before and I will say it again tonight: it is a double standard for some people in the Australian parliament to have fought—in the name of the sanctity of life—to save the life of one young man who had been found guilty of drug trafficking, while at the same time engaging in a campaign for a drug which will allow the death penalty to be imposed on unborn babies.

I mean no offence but, in the spirit of free and fair debate, this has to be said and considered. I cannot accept that the sanctity of life is a concept that can be invoked on a selective basis. The value of a human life should not be measured by whether or not it is wanted. An assault against a pregnant woman that causes a miscarriage is seen by criminal law as assault against the woman and the wrongful death of the unborn child. Why is this? It is because the child is wanted. However, an unwanted child is afforded no such protection, simply because he or she is unwanted.

I want to say very carefully, deliberately and sincerely that I would not and will not ever pass judgment on a woman who has gone through an abortion—that is not my place—but I hope that no-one I love will ever be faced with the challenge of an unwanted or unsafe pregnancy and I do sincerely wish the same for all Australian women. I hope, however, that we as a nation can be mature enough to seriously challenge ourselves and to demand an answer from ourselves about the vast number of abortions that are performed in our wonderful country—and every year they amount to the population of the city of Launceston!

I do not pretend to have all the answers, but I ask my fellow Australians to have the courage to at least start to ask ourselves the questions. May I offer some suggestions? I think there is room for the ‘pro-lifers’ and the ‘pro-choicers’ to give some ground here. Even without reliving any debate on whether or not abortion should be legal or illegal, we have a duty to show good faith and to acknowledge that we will not fully agree on the sanctity of life and when life begins. Let us at least identify a subset of the abortion statistics that should be stopped: abortions that follow as the result of promiscuous sex lives; abortions that follow because of a lack of personal responsibility; abortions performed after 24 weeks, when any half decent neonatal ward would be quite capable of sustaining life; abortions where a woman does not have the financial resources or the emotional ability to raise a child; abortions where the
boyfriend does not want to take responsibility for the child he helped to conceive.

I think there is a major role for men in this process. We, after all, should take responsibility for our actions. Equally, men should not be excluded from decisions that affect the life of a child they helped to conceive. If they want to enjoy sex with their lover, then they should also support the person they wooed and really demonstrate their professed love by showing commitment through the challenging times. Life is not always easy, but that is life. We can do all of this without even challenging the broad principle that abortion is available in Australia. But, like every law, we can talk about boundaries, if we can be reasonable with each other in the interests of the dignity of human life. But, for now, as the health minister has said, extending the means of abortion will certainly not reduce the number of abortions.

Academically, the bill as it stands has some merit, in that medical experts are needed to take a lead role in the assessment of drugs. But to totally take elected government out of the assessment process is certainly an overcorrection of the 1996 amendment. For the reasons that I have already given with regard to the nature of these drugs, we do need to have consideration for a whole lot more than just safety and efficacy. The social consequences cry out for consideration.

I am sorry to disappoint anybody listening to or reading this contribution, but I did not particularly want to speak on this bill tonight. If I were to be honest, I would say that I have approached this issue fairly reluctantly. I do not even look forward to exercising my vote tomorrow. That is not to say that I am unsure. I am who I am, and I have never shirked from saying what I believe. As I said in my first speech, Aussies are sick and tired of politicians who cannot say what they mean and cannot mean what they say. I ran for election to the federal parliament so that I could represent the proud and spirited community of Northern Tasmania. I did not run for election hoping deep down that this issue would arise and that I could have a chance to fight it. However, the people of Bass have entrusted this role to me, to represent them, to fight for them, to be a leader and, importantly, to be a person who can use wise judgment. As reluctantly as I approach this, I know it is my duty and the duty of my colleagues.

I also know that I would be neglecting this duty if I were to flick off my responsibility to an organisation like the TGA on difficult ethical issues like this one. And I can say that I have spoken to colleagues on both sides of this chamber who have openly said to me that they cannot support an amendment which maintains parliamentary oversight, because they do not wish to be troubled with this issue ever again. That is why we are here: to tackle the tough decisions, to show courage and judgment and to remain close and accountable to our communities, whatever the cost. Australians deserve no less.

In closing I want to again thank all of those who have contacted me to share with me their views, whether we have ended up agreeing or not. It is important to me to stay close to my community, to listen to all who want to be heard and to at least try to help all those I can. I owe it to my constituents, having looked at all of the arguments, to make a decision based on conscience, not rhetoric, emotion or political agenda. God help us and forgive us if we get it wrong. I thank the House.

Mr GIBBONS (Bendigo) (8.31 pm)—I rise to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, which is designed to shift the approval proc-
ess for importation of RU486 from the Commonwealth minister for health to the Therapeutic Goods Administration. I take this opportunity to thank the many hundreds of people on both sides of this debate who contacted my office through various means to calmly and in an articulate way outline their views on this important matter before us tonight. I believe the TGA is the appropriate authority to assess and evaluate all of the risk posed by therapeutic goods and drugs and for implementing appropriate strategies designed to minimise any risk involved in the use of this particular substance. I therefore will be supporting this bill and strenuously opposing the amendments.

It was inevitable that this debate would be focused around the issue of termination of pregnancy. Like all Australians, I find the number of terminations performed in Australia—reported by informed and accurate sources to be in the order of around 70,000 per year—unacceptable and simply astounding in this day and age. There has been speculation that this figure is much higher, mainly by those who choose to deliberately distort the issue to attempt to dishonestly manipulate the outcome of this debate. Whatever the true figure is, it is much too high. I can only imagine the frightening and tragic circumstances women who are forced to contemplate having a pregnancy terminated must find themselves in. But until we are successfully implementing appropriate measures like better education on family planning and appropriate counselling services, especially in rural and regional Australia, I suspect there will be no reduction in these appalling figures.

It is interesting to note that the Senate committee inquiring into this particular issue could find no evidence to suggest that there would be an increase in the number of terminations if the administration of RU486 were to be placed with the Therapeutic Goods Administration. We have for some time allowed the TGA to preside over a wide range of drugs and therapeutic goods and services that require extreme caution in administration, and I have every confidence in that organisation’s jurisdiction over RU486.

We are fortunate to have in this country one of the best health systems in the world. Our public and private hospitals—although often experiencing difficulties—are the envy of other countries throughout the world, although it is still very difficult for people from remote areas to access appropriate health care. We have a first-class system of checks and balances regarding the approval of various drugs and medications. RU486 will be administered under the tightest possible scrutiny involving a range of agencies with highly qualified health professionals. I have every confidence in our GPs and medical professionals to make appropriate decisions in the use of this drug, based on individual cases and taking into account ethical as well as medical factors.

I know that many people will be disappointed with my decision to support this bill, and I sincerely regret that, but I certainly make no apologies for it. While this bill is predominately about who or what person or organisation administers this drug, I cannot in all conscience, as a male member of this House, use my vote to restrict, limit or deny women access to an appropriate treatment or drug for any given set of circumstances. I have always believed that the matter of a termination of pregnancy should strictly be between a woman, those close to her and her doctor.

This bill is much more than just the issue previously mentioned; it goes to the important matter of who or what organisation is best suited to administer RU486. I am convinced that the Therapeutic Goods Administration is indeed the appropriate body to
I have received—no doubt along with all MPs—hundreds of emails, faxes and phone calls from people from all over Australia, most containing powerful arguments from both sides of this debate. Many I found to be disgusting and abusive right through to patronising and arrogant—again, from both sides of this debate. Having no way of knowing that one particular email—which was from Dr David Stratton in my electorate—was actually from one of my constituents and that it was a genuine, if not patronising, attempt to lobby on an important issue, I made a serious mistake in giving an unnecessarily brutal response. Once I became aware that he was a resident of my electorate and it was a genuine attempt to communicate his views, I contacted him by telephone. After a short conversation, I realised that I had been wrong in my interpretation of his comments and stated that I sincerely regretted responding in the manner in which I had. He said that he would prefer an apology. I then provided a verbal apology—and, again, I unreservedly apologise to Dr David Stratton. Ironically, he and I agree on the RU486 issue.

Since I announced my support for this particular bill, my office has been a focal point for a lot of this bludgeoning communication. We try to reply to as much of it as we can. Sometimes our judgment can be skewed by both the volume of this material and its hectoring nature, with its creative use of short, sharp slang. I believe that the sometimes extreme screeching nature of the communication now washing over MPs and staff from coast to coast is clear evidence of the need to take the RU486 decision out of the political arena. Loud is not the same as right; in politics, however, it is sometimes hard to tell the difference. For the reasons I have just mentioned, I will be supporting this bill and vigorously opposing the amendments.
Mr SOMLYAY (Fairfax) (8.39 pm)—This bill is a matter of conscience. It is to be considered by every member of this House according to their background, their religion and their personal beliefs. It is sponsored in this House by the member for Moore, my very good friend Dr Mal Washer. Dr Washer is a reputable medical practitioner of many years standing. Dr Washer has a reputation in this House that is unblemished. No fair-minded person could question his ethics or motivation. That view has been supported also by a member of the other side, the member for Cowan.

The member for Moore has also made it clear that Tony Abbott, as the Minister for Health and Ageing, has no bearing on his reasons for supporting this bill. On the contrary; the member for Moore made it clear that, in his view, Tony Abbott is the best health minister he has seen in this parliament. I have been in this parliament longer than the member for Moore and I am inclined to agree with his comments. This bill, whatever its outcome, should not be seen as any vote of no confidence in Tony Abbott.

At this stage of the debate, I need not go over the technicalities involved in the TGA and its role in the approval of therapeutic substances; the ‘restricted goods’ comments that other members have made complete the record. That issue is on the record many times over.

I have to say that I do not agree with those in this debate who have attacked the integrity of those good people who work in the TGA. TGA personnel do an exceptional job in carrying out their duties and obligations, as laid down in the act. They are skilled professionals who are recognised worldwide as world class. They have my total confidence. Any criticism of their motivation or questioning of their professionalism is grossly unfair. TGA employees are also members of the voting public. I have no doubt that there would be TGA employees who would support this bill and there would be those who would oppose it. To blame the TGA and paint them as ‘faceless’ men and women is hysterical nonsense. They are fallible human beings, as we are all fallible human beings.

Like all other MPs, I have been subjected to an avalanche of emails and other communication. I doubt that there is an argument for or against RU486 that I have not heard or read. I have sought other people’s views. I have canvassed the opinions of many groups, including medical groups, church groups, members of my own family and friends. I have found that opinions are divided on this issue, even within medical groups, even within church groups and even within families. I have spoken to Catholics who oppose RU486. I have spoken to Catholics who oppose abortion, except in exceptional circumstances, such as when the life of the mother is at risk. There are people who have contacted me as Catholics and who claim to be Catholics who support RU486 as an alternative to surgical abortion. I have been contacted by women who have had abortions and many years later are suffering from the psychological guilt that lives with them. Some have pleaded with me not to support this bill; some have pleaded with me to support this bill.

All members are under pressure from different views in this debate. I have carefully considered every argument and every representation made to me. I will mention some of these arguments and counterarguments. One is that the availability of RU486 will increase the number of abortions. The counterargument to that is that, when a woman chooses RU486, the decision to have an abortion has been made already. Another argument is that, if the ban on RU486 is in place, why don’t we ban the production and importation of instruments used in surgical abortions?
RU486 is not a therapeutic substance such as other drugs but a drug designed to kill the foetus, to take a human life—but so are surgical instruments.

There are those who argue that this bill is not about abortion. Let us not kid ourselves: this bill is about abortion. The fact is that abortion is legal in all states of Australia. Whatever the outcome of this bill, abortion will still be legal in Australia—whether or not we pass this bill.

My dilemma is this: my heart tells me one thing and my head tells me another. I am a Catholic because I was born a Catholic. My heart tells me abortion is wrong, and I have always declared myself openly to be pro life. However, I have always respected the right of anyone to believe differently from what I do, and I have never tried to force my views upon anyone else. I am not going to start now. My head tells me that RU486 is not inconsistent with the laws of the land, as enacted by the states under democratic process. My head tells me a decision made by a woman and a legally qualified and registered medical practitioner is their choice and right by law.

My heart tells me that I love this parliament and I would never act in a way to diminish its authority over the executive or the administration. As I said before, the TGA, like each one of us, is not infallible. The member for Lowe drew our attention to the TGA and the Pan Pharmaceuticals crisis of recent years and, in turn, the Auditor-General’s criticisms.

I understand and respect the views expressed by colleagues on both sides of this debate. I understand the pressure felt by colleagues who hold marginal seats by a mere handful of votes, but when the bells ring we will all have to be counted on this issue. The fact is that the community is divided, and it is impossible to vote in such a way as to please everybody. Each member has to vote according to his or her conscience. I ask the people of my electorate of Fairfax to understand this process and believe that I respect the views they have expressed to me. I ask them to understand and respect the decision I take.

I agree with the Treasurer’s comments earlier today that this bill does not diminish the sovereignty or the supremacy of the parliament over the executive or the administration. It is within the power of the parliament to repeal this legislation at any time. If the TGA acts in a way outside of its charter, under the act it will be held accountable. For instance, the Audit Act makes the Auditor-General an independent officer of the parliament. The Auditor-General does the work of the parliament to ensure accountability of the bureaucracy and agencies to the parliament. The fact is that we as politicians do not have the skills to perform those performance audits. We rely on the Auditor-General to do our work for us. Likewise, we do not have the medical or scientific skills to assess the safety and efficacy of RU486—but the TGA has. There are many checks and balances in the system to safeguard the public, and parliamentary scrutiny through the audit process, the parliamentary committee process and the Senate estimates process are but a few.

My public opposition to abortion is well known, but the debate on the legality of abortion was concluded 30 years ago. Abortion is legal today and will be legal next week irrespective of the outcome of the vote on this bill. Like other members of this House, the Department of Health and Ageing advises that there are 91,000 abortions carried out in Australia each year. That is far too many. But, after listening to all sides of this argument, I am inclined to support the bill because I believe the checks and balances are in place to ensure that the safety of women
will be paramount in the TGA’s considerations without diminishing the sovereignty or the supremacy of the parliament. I will listen carefully to the remainder of the debate before I finally decide how I will vote. The ethical and moral questions still remain unresolved. The parliament is the appropriate place for the moral and ethical questions to be debated and determined. Is there a moral or ethical issue in this matter? Are we asking the TGA to make moral or ethical decisions? I said that my head tells me one thing but my heart tells me another. That is the dilemma that I will have to resolve before I vote on this bill tomorrow.

Mr HAYES (Werriwa) (8.50 pm)—I know there are many and varied views about the issue of abortion, and it would be unrealistic to think these views can be easily quarantined from the considerations in the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 before us today. From the outset, I should indicate that my personal view and strongly held belief is that life begins at conception. Whether growing up in a Catholic family or being the product of a Catholic education has influenced my view in this regard I am not sure, but I know I hold so deeply to that view that for me not to admit it would amount to gross dishonesty on my part. I accept that among my colleagues and the public there are many who hold equally strong views, but views which are opposed to mine. I respect all these views but, as I believe that life begins at conception and I cannot be persuaded otherwise, I concede that there is no prospect of reconciling these contrary views when it comes to such a critical issue of moral belief.

I recognise that the bill before the House is not about the illegality of abortion, I am aware that some have already raised the issues associated with the criminal codes that apply in the various states and territories. I believe there is little point being pedantic on the legal position of abortion. There is broad acceptance that abortion is both legal and indeed readily accessible throughout Australia. It would be wrong to say that this bill is just about changing the approval process of a particular class of drug. This bill is about parliament relinquishing its responsibility to consider all matters associated with the approval of an abortifacient, including ethical and moral issues—that is, relinquishing the responsibility in favour of the TGA, which in general is an unelected administrative board which is partly funded by the pharmaceutical industry. The truth is that this debate is about abortion and, in particular, the type and extent of access women have to terminations. We would not be having this debate if that were not the case.

The reason why RU486 is a restricted drug and subject to section 23AA of the Therapeutic Goods Act is that its primary intended use is as an abortifacient. As such, for any drug of this type, there are always going to be issues in addition to the scientific and technical evaluations to be considered in any approval process. Abortion will always involve questions as to when life begins; therefore, there will always be issues of a moral, ethical and philosophical nature to be considered. This is why the Therapeutic Goods Amendment Bill was passed in its current form in 1996. It provided legislative support to ensure that drugs such as RU486 were not imported into Australia without the express approval of the minister for health, being a person directly responsible to this parliament. At the time, Senator Harradine aptly summarised the position when he said:

People on both sides of the abortion debate agree that the importation, trials, registration and marketing of such agents ... should not be left in the hands of bureaucrats and science technologists. There should be ministerial responsibility...
The legislation established direct ministerial responsibility as a mechanism to ensure that an issue such as the importation of an abortifacient is subject to thorough consideration, not simply a technical evaluation of the effectiveness of the drug to induce a termination but also consideration of the broader range of social policy and ethical issues.

I do not believe anything has materially changed since the passage of the 1996 amendment that would warrant the removal of ministerial or parliamentary responsibility in the approval of a drug of this type. If passed, this bill would make the abortifacient drug RU486 subject to the ordinary approval processes of the Therapeutic Goods Administration under section 25 of the Therapeutic Goods Act. The act provides that, before any pharmaceutical drug can be marketed in Australia, it must first be evaluated and approved by the TGA against the criteria of quality, safety and effectiveness. The passage of this bill would in effect remove RU486 from the class of restricted goods which currently serves to prevent the evaluation, registration or sale of the drug without the approval of the minister. If the debate were simply about the technical evaluation of a drug and a consequential approval process, clearly the TGA would be the appropriate organisation to undertake this role. The technical and scientific competence of the TGA is not in question.

RU486 is not a medicine or a therapeutic drug because its intended use is not primarily for therapeutic purposes. The proposed purpose of RU486 is to chemically induce terminations. Clearly, we are not debating whether this drug should be made available for a therapeutic application. We know that mifepristone has already been used in Australia to treat brain tumours and the drug was obtained under the Special Access Scheme. This is a debate about whether or not the availability of RU486 for non-therapeutic use for abortions should appropriately remain with the minister, a person responsible to this parliament.

It is not possible to hide from the fact that there are significant ethical and moral issues associated with this class of drug. But leaving that to one side for the moment, there is also a real and genuine concern as to the longer term effects on women, both physically and mentally, as a consequence of medicated abortions. The Commonwealth’s Chief Medical Officer has already expressed the view that, as a procedure, medicated abortions carry a significant higher risk of later adverse effects. That being the case, it adds to the argument that any assessment of a drug of this type should not be left to a single faceted and technical approval system and must be subject to the most rigorous of evaluations, including the consideration of relevant social policy.

Some have argued that RU486 is simply a chemical way of doing what can already be achieved surgically, and that this medical means of termination provides women with a choice that will make abortion easier for them and more readily available. In all honesty, I must admit that, for me, ‘more’ and ‘easier’ does not necessarily mean better. It is inescapable that a drug of this type will always involve ethical considerations, as it raises issues beyond purely health issues. Therefore, I believe that as a parliament we would be abrogating our responsibilities to relegate this consideration to the TGA.

I would like to conclude by agreeing with the views of Senator Neal, expressed in the 1996 debate when she said:

These issues need to be addressed by the Executive of this government and addressed with absolute and direct accountability and absolute and complete transparency.

I oppose the bill.

Mr GEORGIOU (Kooyong) (9.00 pm)—I welcome the opportunity to speak on the
Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I note that there are time constraints and that we have been asked to keep our comments brief, so I will do so. As the debate has made clear, this bill does engage people’s deeply-held feelings and beliefs and it has always been clear that abortion is a very difficult and very sensitive issue. Personally, I believe that the current law regarding abortion is appropriate, but the fact is that this is not a bill to amend the law relating to abortion. This is not a bill that automatically allows the use of RU486 in Australia. To date, the Therapeutic Goods Administration has not evaluated RU486. This is a bill about who will determine whether a drug will be made available: a minister or a body of experts.

I have to say that the introduction of this bill does not represent a lack of confidence in the minister. I hold Minister Abbott and his handling of the health portfolio in very high regard, although it is no secret that we have disagreed on some issues in the past. It is equally no secret that I believe that Minister Abbott is the best friend Medicare has ever had.

My position on this bill is quite straightforward. My position is that decisions on the efficacy and safety of drugs should be in the hands of experts. Neither a minister nor the parliament should determine on a case-by-case basis whether a drug should be made available in Australia. I believe that this would be both impractical and inappropriate.

We have a regime in Australia where the Therapeutic Goods Administration is responsible for determining whether qualified health practitioners should have access to particular drugs for lawful purposes. The Therapeutic Goods Administration has the mandate to ensure the quality, safety, efficacy and timely availability of therapeutic goods. The Therapeutic Goods Administration has a high reputation and that reputation is well earned.

Decisions of the Therapeutic Goods Administration about the availability of drugs are subject to a whole series of accountability processes, not least that their decisions can be appealed on their merits to the Administrative Appeals Tribunal. The established process of review of administrative processes ensures that the TGA is accountable for their decisions. I believe that the decision whether RU486 may be prescribed for Australian women should be made by the process of evaluation and review applicable to all other drugs and I will be voting accordingly.

In conclusion, I wish to say that a number of members of the Kooyong community have made their views on this issue known to me and I thank them for their counsel. I commend the bill to the House and I advise that I will be voting against the amendments.

Mr KATTER (Kennedy) (9.04 pm)—In rising to speak to the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 the first observation that I want to make is that there is an endeavour being made here to introduce some oversighting by this parliament into the issue of this particular drug and, arguably, similar drugs.

The Therapeutic Goods Administration and the people backing this bill are saying: ‘Trust me. Trust the Therapeutic Goods Administration.’ The Therapeutic Goods Administration told us that thalidomide was quite safe. And, frankly, it was people in this place—and the media, it must be said—who contributed very greatly to exposing what was a horrific mistake by the TGA and one that they were not rectifying. It seems there is a belief in this place, as I have said many times in the context of free trade, that this
place is some sort of a spectator’s club and that government is a spectator sport—that we do not actually participate or take any responsibility for decisions; we just come here and look at it all going past and let someone else do the hard yakka.

Our socialist friends—inappropriately, on my right—would be very interested in, and are obviously very ignorant of, the fact that under the free trade agreement the TGA and the PBS are now overseen by a joint committee which comprises 50 per cent Americans and 50 per cent Australians. I doubt whether there would be a single intelligent person or a single thinking person in this place who would doubt for one moment that that committee is going to be dominated by the Americans. And those Americans will, of course, be from the drug lobby in the United States. So what we have here is the TGA being overseen by—a nice phrase; I would replace it with ‘emasculated by’—an overseeing committee consisting of 50 per cent Americans, who will be representing the big drug corporations of the United States. If you read the free trade agreement you will realise that, yes, it is about quarantine and, yes, it is about the motor vehicle industry but it is also, mainly and principally, about destroying and emasculating the pharmaceutical benefits arrangements in Australia.

Those who vote for this bill will be putting their futures in the hands of the United States drug corporations. When the disasters occur, we will know who to sheet the blame to. It is an extreme reflection on the people on this side of the House that they have sat here and criticised the free trade agreement and yet they have not seen the implications of their own stupidity in what they are doing today. All that the amendments are asking for is some oversighting by people who are paid salary packages of $120,000 or $130,000 a year. Surely there is some responsibility on you to do some sort of oversighting of a highly questionable drug that is on the market at the present moment.

There is not a single person in this House who for one moment questions that this bill is about abortion. Of course it is about abortion. Absolutely it is about abortion. There is some argument about whether this drug should be taken earlier, or later, creating more horrific circumstances. The current estimations are that there are about 100,000 abortions taking place. There are only 126,000 births taking place. Soon we will be killing more unborn children than the number we will be having. I will return to that.

Why is this occurring? Let us simply look at the figures. Average earnings are $52,000 a year. Taxation, with GST and indirect and state taxes added to it, is pretty close to 40 per cent, but I will use a figure of 36 per cent, which is a bit low. That works out to $18,700. What if you are a family that wants to have three kids? The economic and physical constraints are such that it is very hard for a mother to work if she has three kids. The option is that the mother does not work and the husband receives an average income of $52,000.

Where will that leave this family that decides to have three kids and have a mother for their kids? They will get $52,000 less $18,700, which is $33,000. That is divided up amongst five people. The Courier-Mail, the biggest newspaper in Queensland, recently estimated that it cost $250,000 to raise a child. It is fair that that be divided by five. That leaves a family with a full-time mother and three children on $9,600 per person. If you have both mother and father working, it works out to $16,200 per person. But if you are a DINK—two people living together with no children—you will have a disposable income of $33,000 per person. The argument really is: do you want an income of $9,500 per person, an income of $16,000 per person
or an income of $33,000 per person? Is it any wonder that we have 100,000 abortions a year? What a disgraceful statistic.

I am going to do one of those things that I very rarely do and read part of my speech. There are some things that I want to say, and I want to say them properly, so we have written them down.

This legislation has come from the Leader of the Democrats, who propelled her arguments by announcing to the world that she had had an abortion. I doubt whether there is a single person in this parliament who would find abortion—the killing of a human being before it is born—a desirable event. This lady herself, I hope, would not. To publicise such an event in the national media, most would agree, was distasteful to say the least.

The second lady leading the introduction of this legislation—and this involves all the people who are going to vote for this; this is the flag under which they are travelling—is a member of the Greens, Ms Nettle. She showed off on the national media a T-shirt that had on it a flagrant logo that can only be described as sectarian bigotry and a profound attack on the religious beliefs of members in this place. That is a disease that I thought we as Australians had stamped out in this country a considerable time ago.

That is the flag under which those supporting this bill are marching. I hope that they are proud of themselves. They will be remembered at the polls, because there is a crossover effect here. Those people who are strongly against abortion feel strongly enough to change their votes. That should be fair warning to the people in this place.

I saw the great abortion debate. As you would probably recall, Mr Deputy Speaker, I was heavily involved when Bjelke-Petersen attempted to make abortion illegal in the state of Queensland. As a result of that, I think that his vote lifted 6½ per cent when the election was held three or four months after that cataclysmic event in Queensland.

I want to mention a very courageous act by Keith Wright. He may have been disfigured after some of the events that later occurred, but that is a story for another day. He crossed the floor and voted by himself for Bjelke-Petersen’s bill—the only ALP person who did.

If you want to get down to religion, have a look at the roots of the ALP. They are deeply seated in the Irish Catholic people in this country. I do not know if I have an Irishman in my forebears, so I am not speaking as one of them, but anyone who knows their history knows that if ever the founders of this great party have been spat upon it has been in the debate that has occurred here today. Again and again, speakers made subtle but definite attacks upon the religious beliefs of people in this House—a thing that I have seldom witnessed in my 32 years as a member of parliament. They will pay a price for it. By the way, at the time of Keith Wright’s action the leader of the ALP was Mr Casey, who was a practising Catholic. He was thrown out on his head three months later after having voted against his principles. Mr Wright was put in as Leader of the Opposition.

So, if you want to know where the votes are going to be travelling, that is the way they are going to be travelling, because people respect people who have moral beliefs and who are prepared to act to their detriment. Seventy-two per cent of the people trenchantly opposed what we were doing in Queensland, but people respected the principles of the Premier, who had moral beliefs and was prepared to suffer at the polls as a result of those beliefs—as it turned out, he did not.

This Greens lady has attacked people for their religious beliefs. We will provide for her a short history lesson. To quote Winston
Churchill: when Adolf Hitler invaded Russia, Churchill gleefully averred, ‘Those who will not learn from history shall be doomed to repeat it.’ And Hitler met exactly the same fate as Charles XII and Napoleon had prior. Mr Churchill was well aware of the fate of those two gentlemen.

We Australians 250 years ago had a spiritual belief system. A lot of the speakers for this bill do not seem to have any spiritual belief system whatsoever. But we Australians 250 years ago had a spiritual belief system that involved totems—you could not eat possum; I could not eat pigeon et cetera. Preservation of the food supply was at the heart of this particular spiritual belief—no species would be hunted to extinction. I think everyone here would say, ‘Good idea.’ Secondly, they had a belief system that resulted in zero population growth—bad idea: real bad idea.

Over the waves came people from a country with the highest of birth rates. They came here to a country which was empty, with the population of Canberra, only 300,000 people, scattered over a continent of 20 million square kilometres. Maybe the reason for the white fellas coming here was living room. Lebensraum was Hitler’s reason in Mein Kampf for invading Russia; Russia’s reason for taking Siberia and half of Mongolia, and the Americans’ reason for colonising and seizing the West.

History speaks loud of the magnetism of relatively empty land, whether it is the relatively and qualitatively benign taking of a Siberia or an Australia or the brutality of a Hitler type invasion. Empty land, land without people—there is a price to be paid for that policy and those belief systems. And we should learn, because 250 years ago we Australians suffered greatly; we were almost annihilated by people from across the waves. We were overwhelmed by them. Ask the first Australians whether an empty land or zero population growth is a good idea.

Sadly, Australia does not have zero population growth; we are well below zero population growth. When 20 Australians die they are only going to be replaced by 17 Australians. There are those who say that we have immigration. Yes, we might have migrants here, but they are not the race of people who are here now. They are not the 20 million of us who are here now—who I most certainly consider to be Australians, a separate race of people with our own belief systems, our own culture, our own pride in who we are and, I would like to think, our own dignity as well.

The ABS population figures for Australia in 2100 show that the projection for Australians, the race of people who are here now, is only 16 million. Australia’s present population is 20 million. One-third of those people in 2100 will be over 65. People over 65 are currently about 13 per cent of the population. Someone will have to pay to look after those people.

Professor Blandy of Melbourne University wrote a landmark article in the Weekend Australian in December 1994. I thought these figures were outrageous; I could not believe them. I went down to the library and the demographer in the library said: ‘Of course they are. When 20 Australians die they are replaced by 17 people. How many generations of your family died in the last 100 years?’ I went through it and I said, ‘Five generations died in the last 100 years.’ He said, ‘Five generations: 20 people are replaced by 17 and then 17 are replaced by 14 and then 14 are replaced by 12 and then 12 are replaced by 10—you will end up with Professor Blandy’s figure of seven million people.’

That is where all these people who are voting for this bill today are leading this country. They do not like people. They con-
stantly talk about how people have wrecked this and how people have done terrible things to this and how we have tortured the original inhabitants and wrecked the ecology and everything. They do not like people at all. They do not want to have any people. Well, I do. I like people—I really do. I think kids are wonderful. It is a great sadness to me that we could be a country with little or no children. Returning to Professor Blandy, he wrote:

As this large baby boomer group of women ages, they will stop having babies and that task will fall on a smaller number of women, born when fertility rates were lower. Under the plausible assumption of continuing low fertility, and if net migration were set at zero indefinitely. Australia’s population would peak at 19 million in the 2020s and shrink quite rapidly. In fact, it would shrink quite rapidly to perhaps five or six million by the year 2100. If net migration were set at 70,000— it is about 110,000 at the present moment, but it has averaged less than 70,000 over the last seven or eight years, if my memory serves me correctly—

Australia’s population would reach 26 million in 2050 before shrinking to maybe 13 or 14 million by 2100.

Professor Blandy could be wrong. The ABS could be wrong. All these figures could be rubbish and stupid. Or some miracle is going to occur, some flash of lightning in the sky is going to occur, and it is all going to be different. No, it is not. And people will curse the people who were in here and made these decisions. Professor Blandy continued:

Would an ageing Australia with a shrinking number of people in it be secure in the face of an East Asia, burgeoning economically and in population? Would a rational and fair system of world government allow an empty Australia to become less populous than it already is?

Of course, the answer to that is no. I will quote from a book by an American—an adviser to a number of presidents of the United States—called The Death of the West:

In 2000 there were 494 million Europeans aged between 15 and 65. By 2050 there will be only 365 million. But the over 65s, now 107 million, will soar to 172 million. In 50 years the ratio that is now 5:1 will fall to 2:1. Taxation will have to be increased by some 30 or 40 per cent on the 40 per cent that it already is— which, of course, we know is impossible. The other alternative is that people in their old age will not be looked after at all. This will be a very old country.

Senator Nettle may sneer at religious beliefs, but the greatest scientist of all time, Louis Pasteur, when asked what was his ambition in life, said, ‘To obtain the simple Christian faith of a Breton fisherwoman.’ The other great scientist of all history, Albert Einstein, when asked the same question, said, ‘To study so that I can understand God and his laws of nature better.’ These people would quail before the great intellectual precociousness of a Senator Nettle or the Leader of the Democrats in the Senate and their supporters in this place.

Mikhail Gorbachev, the man who took away the terror of nuclear holocaust—under which my generation lived for most of our lives—gave the quote of the century, according to Time magazine and most certainly according to me. The first thing Mr Gorbachev said when he became the leader of Russia was, ‘The important thing is that when we go on our knees of a night to pray we all pray to the same God.’

Slavery was removed by William Wilberforce and his great mentor John Newman, writer of Amazing Grace. Their driving motivation was their Christian belief. To Senator Nettle and her followers in this place: all religions have in their belief system survival—that is, survival of the clan and survival of the tribe. She will remove that survival from us. (Time expired)

Mr Price—Mr Deputy Speaker, I rise under indulgence to inquire as to what is hap-
pening with the lights in the House. I thought we were going to have a full debate and a conscience vote in full light.

The DEPUTY SPEAKER (Hon. BC Scott)—I cannot tell you, but I think there has been some power failure and I think they are now returning to full power as you speak. Perhaps it is the power of the Chief Opposition Whip that is bringing the lights back on!

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (9.24 pm)—In rising to address the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, I want to begin in my electorate of Flinders, in the towns of Somerville and Somers, in Mt Martha, in the towns of Rosebud, Rye and Dromana and in all of those areas such as Kooweerup, Cowes and Lang Lang, from which people have contacted me. There has been a wide debate in my electorate. It is a debate which has been characterised by a difference of views, but a respectful difference of views. I thank all of those constituents who have contacted me, with both information and their views, and their views have to a person been heartfelt and sincere. I know by definition that it is impossible for any member of this House to satisfy all constituents, so I acknowledge that the decision that I take and announce tonight must by definition disappoint some constituents. But I say that I make it having listened carefully to all of their views, having respected their views, but having ultimate responsibility to my own conscience and my own judgment. For that I take full responsibility.

At its absolute core, the debate on this bill is about allowing the potential extension of methods of termination from surgical termination to a combination of surgical and medical termination if the Therapeutic Goods Administration were to authorise the use of the abortifacient RU486. In addressing that question and in expressing my support for the proposition that medical termination should be made available in Australia subject to the approval of the Therapeutic Goods Administration, I come to this on the basis of having assessed four issues: firstly, the nature of the debate; secondly, the nature of assessment of health and safety; thirdly, the philosophical questions which are implicit in this debate; and, fourthly, the question of parliamentary sovereignty.

Let me turn to the first of those issues, the nature of this debate. Within Australia today I believe this has been a well-conducted debate. Around the world the question of abortion, or of any extension to the available methods of termination, in many situations has not been characterised by the civility which has generally been shown in Australia during the course of the last few months. For all of the disagreement and for all of the contest, we must recognise that we as a society have handled what is one of the most difficult issues with an extraordinary amount of good grace, good faith and good conduct.

Having said that, I wish to take argument with two points that have been raised about the rights and nature of the process of debate. The first is the idea that has been presented that men have no place in the consideration of this issue. I disagree. This and all other ethical and moral questions within our society are fundamentally the province of the parliament. I reject the notion that this debate is no place for men in the same way that I reject the notion that there could be no place for people because they are atheists or Catholics. In the entrance to the Victorian parliament there is a mosaic, and that mosaic quotes from Proverbs 11:14. It reads:
Where no counsel is, the people fall: but in the multitude of counsellors there is safety.
That principle I believe has been applied and should be applied. Every person, irrespective of race, creed, party or gender has a right to participate in this and every other debate within the parliament. The second issue on which I wish to dispute some of the points raised about conduct in this debate is that this is in some way a vote of no confidence in the Minister for Health and Ageing, Tony Abbott. I reject that view entirely. My decision, and I believe the decisions of colleagues on both sides of the chamber, would have been no different no matter who was the minister or when the debate was had. I express my absolute belief in the capacity and the integrity of Minister Abbott. My respect for him simply could not be higher.

This brings me to the substantive issues in the debate, the first of which is the question of safety and efficacy. The Therapeutic Goods Administration is charged with monitoring and reviewing risks associated with the possible importation and licensing of any drug. The standing and status of this organisation has been called into question by some. That is regrettable. It is an expert body comprised of highly reputable, highly respected and highly experienced professionals. There has been general agreement within the debate in this House that the Therapeutic Goods Administration’s capacity to assess the pure health and safety issues is largely unquestioned. They have a right, a capacity and they have the responsibility under law to be the national custodians for establishing the health and safety of not just this but any other drug. The health and safety assessment should be carried out by the properly authorised and constituted expert body. That body is the Therapeutic Goods Administration.

But that is not the end of the debate, because that brings us to the philosophical or moral question in relation to the abortifacient RU486. Here I differ from many of my colleagues on either side of the House who assert that this debate is not a moral debate; that it is simply a question about process. I reject that notion, because to change the current laws, which allow termination under circumstances generally agreed in jurisdictions around Australia, is a key question which has been implicitly at issue in some of this debate. I would say that most people have decided that the general proposition that the laws should not be changed is an acceptable position. For myself, for reasons of safety and choice, I support the current laws in relation to the access and choice questions between a woman and her doctor.

But this leads to the second philosophical question, which is implicit and direct and at the heart of this bill and this debate about access to RU486: even if it is found to be safe by the Therapeutic Goods Administration, should parliament authorise, in terms of the morality and ethics of the issue, an extension of the methods for achieving a termination to include medical termination? That is the essence of this debate. If the Therapeutic Goods Administration finds that the use of RU486 is acceptable, should the parliament authorise the extension of the methods available for termination to include RU486 as a means of achieving a medical termination, which is in essence an alternative to the surgical termination? That decision is implicit in this debate. If this bill, which I support, is passed and if we say yes now, then there is a preliminary green light, on ethical grounds, to the extension of the right to a medical or chemical termination if the Therapeutic Goods Administration approves the drug.

I support that approval. I support that ethical position. I do that for three reasons. Firstly, because it provides an option of privacy, so that a woman, if she chooses to seek a termination, need not necessarily do so in a hospital environment, which is a public envi-
There are many reasons why a woman may choose to seek privacy. I do not wish to impose myself between a woman and her right to choose privacy if she decides that she needs a termination. There are many ways in which the procurement of a termination in a public hospital may compromise a woman’s privacy, but that is a matter for each to choose. If medical termination through the use of the drug RU486 is allowed, that option is open.

The second reason why I support in principle the extension of the general termination methods to include medical termination is that there are many women who are concerned about the possibility of surgical damage. I am not in a position to judge whether that is founded or not founded, but I am in a position to say that that is their right to choose such methods if the Therapeutic Goods Administration believes that it is a safe method.

The third reason why I support the potential extension of termination to include medical or chemical termination is that there are many women who may be at significant risk if they undergo anaesthesia. That is another reason why this may well, depending on the circumstances, be a safer option, but again subject to the Therapeutic Goods Administration’s views.

In that situation my view on the philosophy is that the choice of method should be a matter for a woman, her family and her doctor, subject of course to the views of the most competent body in Australia that that is a safe method and a safe process appropriate for Australia. I say this, however, with the firm and absolute belief that we do have a duty to do whatever we possibly can to decrease the number of terminations in Australia, but not to do that by restricting access either to the general right or to a particular method but by decreasing the number of unwanted pregnancies.

I note that in my own electorate of Flinders an organisation called Core of Life run by two former midwives has been engaged in teenage sex education and information. The result of that has been that the Mornington Peninsula has seen a decrease in teen pregnancy of 50 per cent. That is the surest way to decrease the number of terminations. This project, I am pleased to say, with the support of the former Minister for Family and Community Services, Senator Kay Patterson, was funded to the extent of $600,000 to take the program around Victoria and hopefully around Australia. I submit to the House that the Core of Life organisation and the decrease in teen pregnancy resulting from it is precisely the kind of example we need of what should happen around Australia on a more extended and broader basis as a means of decreasing the number of terminations.

The final question is whether, if you agree to the extension of a method in principle, parliament is relinquishing sovereignty by passing this bill. Parliament is the sovereign law-making body under our Constitution. I respect that role, and it is a great honour to be part of that process. But I respectfully reject and disagree with the argument presented by some, and I acknowledge the Prime Minister’s position here, that the bill in some way disenfranchises parliament. I respectfully submit that that is wrong for two reasons. First, the decision we take today and this week is not a decision once and for all. If the bill passes, it will represent the second change of law and the third position of parliament on this issue in a decade. We will not bind future parliaments with our decision today, but we are engaged right now in an absolute exercise of parliamentary sovereignty.
This brings me to my second reason for rejecting the idea that the passage of this bill would in some way diminish parliamentary sovereignty. The parliament at this moment is in the process of making a choice about whether it believes the drug is ethical if the Therapeutic Goods Administration subsequently finds it is safe. It may make that decision in one of three ways. Firstly, it may decide now, this moment, this week, and in so doing pre-authorise the extension of the drug, if the Therapeutic Goods Administration finds that it is a safe method. Secondly, the parliament may make its decision after the assessment of the Therapeutic Goods Administration is available. In other words, the parliament may make its decision available afterwards. Thirdly—and this is the current option—it may delegate the decision to the minister. With the greatest respect to the minister, I disagree with that. Because of the very public nature and concerns of this debate, the decision should not rest with any one individual.

This brings me to my conclusion. Should we predetermine the ethical question before—and I believe that is not the best option—or after the TGA has authorised an extension of medical termination? Either way I support the extension of the notion of medical termination on principle. But ultimately I believe that the best time for the parliament to assess the ethics is after, rather than before, the Therapeutic Goods Administration has made a final determination. For that reason, I support the Laming amendment. However, if the Laming amendment is not successful, I will have no hesitation in supporting the bill in its unamended form.

Ms King (Ballarat) (9.41 pm)—I want to start my contribution to this debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 by thanking the people in my district who have taken the time to contact me about the issue. On both sides of the debate, views are deeply and passionately held, and that has been evidenced in the emails, calls and letters that I have received—as well as in a personal representation in Parliament House today from a constituent who is here in the gallery.

At the end of the day I cannot speak for all of you. I have one vote and only one conscience which I can exercise in this parliament—my own. The question that the bill asks is quite specific: should the drug RU486 be approved for entry into Australia by the TGA or should it remain a special case and only be approved by the Minister for Health and Ageing? By extension, the question is: should RU486 be treated differently from any other drug? This debate, therefore, should have been a very narrow one about whether RU486 is so dangerous it should be treated in an exceptional way. But the debate has developed into a debate about the morality of abortion.

The opponents of this bill have put forward two main arguments. The first centres around the safety of the drug and its impact on women’s health. The second says that abortion is morally wrong and that women should not have access to it at all. On the first argument, regarding the safety of the drug, it is specifically this issue that the TGA has been set up to determine. No drug or surgical procedure is without risks. The evidence presented to the Senate inquiry on this bill outlined extensively the risks associated with this drug. There would appear to be
significant difference in the interpretation of that evidence, but on my reading the risks of this drug when used under proper supervision appear minimal when compared with those of other drugs. But again I would assert that it should not be me who makes that decision; it should be the qualified professionals at the TGA who make this final assessment.

The AMA, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, and the Rural Doctors Association all endorse the use of RU486 for medical termination of pregnancy. I do not in saying this wish to diminish the fact that there have been deaths from this drug. In some cases, the causal factor of these deaths is still somewhat uncertain. In others there are clear indicators that the drug should never have been prescribed. In the 15 years that this drug has been in use in other countries we have learnt a great deal about the safety of RU486 and the circumstances in which it can be prescribed.

People opposing this bill have said that even one death is too many. Of course this is true, but there is no medical or surgical procedure without such a risk. Even drugs in common use such as headache tablets containing paracetamol contain risks and have even had a substantial number of deaths attributed to them. It is for exactly this reason that we should be charging the TGA with the responsibility to assess and monitor the use of RU486 in Australia—that is what the TGA does.

I do not, as some opponents of this bill have argued, want this drug to be made freely available, and it will not be. There should be no less regulation with this drug than there is with surgical abortion, but it is best left to those qualified to assess the safety of the drug and to professionals to issue and supervise recommendations for its correct use. If those opposed to the use of this drug and its possible side effects are serious about their objections to the safety of RU486, they should make sure that evidence is available to the TGA and its Australian Drug Evaluation Committee for assessment.

To date, the TGA has overseen the evaluation of over 50,000 drugs and therapies in Australia. It has access to counterpart bodies throughout the world, including the FDA, and access to the most up-to-date information on the use of therapeutic goods worldwide. It is in the best possible position to assess the available evidence on this drug, and we should let it do its job.

I note that some opponents of the bill have sought to argue that this drug does not have therapeutic value so it is not like any other drug and that, as it has social and ethical dimensions, it should not go to the TGA for assessment. However, we need to be very clear that ‘therapeutic good’ is specifically defined in the TG Act, and the term is not necessarily used in the same way that we use it in common speech. The TGA assesses many drugs that have social and ethical implications—for example, Viagra, birth control pills and medications involved in IVF.

The second main argument from opponents of this bill is about abortion. It is unfortunate that the debate has become one about the morality of abortion, as it has given many in the community the misleading impression that this parliament has the power to amend laws affecting the legality or otherwise of abortion. We do not. State and territorial parliaments are where that power rests. The only powers we have in this place are to make it more difficult for women who decide to have a termination. We can make it more expensive; we can make it more difficult to access; we can limit the methods available; or we can place conditions on access.
Opponents of this bill would be happy, I suspect, if we did some, if not all, of those things. But I say to those people: our own history shows us that the only thing that this does is drive women to seek unsafe, unregulated abortions, and that would be a very dangerous thing to do indeed. Illegal abortions performed prior to 1971 were second in the five main causes of maternal death for Australian women. In 1965, in Australia, there were 45 maternal deaths due to abortion. Restricting access to surgical or medical abortions will not protect women’s health; in fact, the opposite is true.

Given that the debate has, as I said, become a proxy debate about the morality of abortion, there are a number of things that I would like to say. Some of the proponents of the anti-abortion debate describe members such as me as ‘pro-abortion’. There is no such thing. Their notion that I think abortions are terrific and that I go around advocating more of them is absolute nonsense. I desperately want to see fewer abortions in Australia. I hate the fact that women and their partners are faced with this terrible choice. For many, it is the most difficult decision they have ever faced and will ever have to face.

As a pro-choice woman, I am just that. We should not be encouraging people to have abortions, nor should we be seeking to make decisions for women who are uncertain about what to do. We should be making sure that they have access to supportive environments, adequate information and services through which to make their choice. I respect women enough to know that they have the ability to decide for themselves what is best for them. They are, after all, fully capable of moral choices. It is and should be their decision.

But if we are genuine about giving women choices then we have to be prepared to provide the support that would make it possible for them to continue with the pregnancy if that is what they want to do—support like providing paid maternity leave and flexible, affordable and accessible child care; ensuring there are workplaces that respect the needs of working parents; eradicating poverty and taking financial pressure off low- and middle-income families; keeping teenage mothers engaged in education; and supporting sole parents, rather than hounding them into the work force by reducing their pensions. If we are genuine about reducing the number of abortions, we should be funding better family-planning and counselling services, better sex education and contraceptive choices.

I think one of the unfortunate aspects of the debate is Tony Abbott’s proposition that it is a debate between people of religious faiths versus the rest of us. Frankly, as someone educated in Catholic primary and secondary schools, I found Kerry Nettle’s T-shirt both unnecessary and unhelpful. It was offensive at worst and juvenile at best. But, more than that, I find the notion that somehow those of us supporting the bill have less belief or faith than those opposing it deeply offensive.

It is from my Catholic upbringing that I get my deep sense of social justice. I would not have become a member of parliament without it. I am Catholic. I know there is an official Catholic view against abortion, but I do not think that all Catholics share this view, just as I do not think they all share the official Catholic view on contraception. Even where Catholics do support the official position against abortion, I am not convinced that they universally believe that public policy decisions should be dictated by our religious beliefs. If this puts me at odds with the church, I suspect it will not be the first or last time.
Finally, one of the other statements made by the opponents of this bill is that we will see increases in the abortion rate if RU486 is allowed into the country. But there is absolutely no credible evidence to say that this is the case. There has been no associated increase in abortions in the countries where RU486 is allowed. Women do not take these decisions lightly, and I just do not believe that, by making RU486 available, more women will suddenly choose to terminate their pregnancies.

Life is complex. We do not control our fertility all of the time. As flawed human beings, we make mistakes. We fall pregnant when we do not want to or are without the support to look after a child. We can try desperately to have a child and not be able to. We can lose a child through miscarriage or after they are born. All of these things and more can happen to us.

On matters such as this, in the end, I can only follow the dictates of my own conscience. This may put me at odds with some people in my own electorate. I ask that they respect my decision, just as I respect their right to hold an alternate view. A decision such as this is not taken lightly, and it is taken in full awareness of the awful responsibility placed on those of us in this place. I will be voting in favour of this bill, una-mended.

Mr CIOBO (Moncrieff) (9.52 pm)—Introspection must surely be one of mankind’s greatest strengths. The ability to contemplate vexing issues such as the one that lies before the House today, to question personal approaches and to deliberate on the shape and structure of our society are all, surely, most aided by careful introspection. For me, the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 is similar to the conscience vote on stem cell research. It is deeply challenging and requires a well-considered philosophical approach that incorporates rather than balances the moral, ethical and technical aspects of debate.

This debate, and the issues embraced by it, labour me. In contemplating the merits and demerits of the issues, I have progressed slowly, not necessarily by choice but as a consequence of my promise as a representative to be considered, deliberate and informed—echoes of Edmund Burke, I would hope. In this debate, I am uncertain whether I am envious or critical of those who have professed to having established their viewpoint rapidly or of those who entered into the debate with their decision having already been made. For many it would appear that this debate is only about abortion, but it is not. This debate is much more complex.

Simplification of the issues into black and white is a betrayal of the role we all hold as parliamentarians. Simplification may make it easy to be recognised as being pro-life or pro-choice, and it may make it easy to portray yourself or others as being right or wrong, but simplification does not equal distillation. I cannot pretend to understand the reasoning of those who view this debate in black-and-white terms. I cannot pretend to understand the approach of those who stipulate their complete opposition to abortion or, indeed, those who preach an unfettered right for a woman to choose. In my humble view, an elemental examination of this debate must be multifaceted. It must consider whether the minister for health, in the Therapeutic Goods Act 1989, or perhaps the parliament, is an appropriate check and balance on the introduction of abortifacients. Consideration must also be given to the efficacy and the safety of RU486 and its associated prostaglandin, the circumstances of its availability and use and the issue of other medical support, as well as the view of the community toward the issue of RU486.
Proponents of this bill, in essence, have stipulated that the act should be amended such that restricted goods under the act no longer require the approval of the minister for health in order to be evaluated, registered, listed or imported. Restricted goods are defined in the act as medicines intended for use as abortifacients in women. All other drugs are evaluated and regulated by the TGA.

Proponents argue that the minister for health—and, effectively, through him or her, the parliament—is not the appropriate person—or organisation—to determine whether an abortifacient should be allowed to be evaluated and regulated by the TGA. In advocating this position, it is apparent that proponents are of the view that the only consideration should be the safety and efficacy of RU486. Even if the TGA is viewed as being a delegated authority, the same proposition holds true. This is an argument I do not support.

Abortifacients such as RU486 raise more issues than simply the issues of safety and efficacy. There is a moral dimension also. The mere fact this debate is occurring is evidence of this. I appreciate that those who believe in a woman’s unfettered right to choose, unclouded by moral considerations, would promulgate the view that these considerations are the only considerations. I, however, do not. For many years in Australia it has been the case that a woman is able to obtain an abortion in particular circumstances. These circumstances are generally met when a woman’s mental or physical health is threatened. The administration of this threshold is determined and settled by the various state governments across Australia. This bill does not alter this threshold, and this is a threshold that I personally support.

There exists a threshold, however, because abortion is a contentious issue in society. I was grateful for the Southern Cross Bioethics Institute’s report *Give women choice: Australia speaks on abortion*. This methodically sound survey sought to capture a snapshot of Australian attitudes to abortion in December 2004. Interestingly, but not surprisingly, the survey found, inter alia:

Fewer than one in four thinks abortion is morally justified outside extreme cases involving disability or a danger to the mother’s health, and only 15 per cent believe abortion is morally acceptable when the foetus is healthy and there is no abnormal risk to the mother.

To my mind, this finding and others in the report highlight what I suspect all in this parliament know. The Australian people view the issue of abortion as serious and one which requires fundamental consideration. I cannot think of any body more appropriate than the parliament, which represents the will of the Australian people, to consider the issue of abortion and all associated issues.

I recognise also that I have myself stated that the debate before the House is not a debate about abortion per se. I am not seeking to make this the case. However, it is not possible to separate RU486 from the issue of abortion. RU486 is an abortifacient. Consideration of its use, control and evaluation automatically includes consideration of thresholds for abortion. RU486 has implications for the very circumstances in which an abortion takes place. As such, it rightly should be considered by the parliament, which is the organ that exercises the will of the Australian people.

Currently the operation of the act serves to require the minister for health to provide written approval before an abortifacient can be evaluated, registered, listed or imported. To my mind this is a deficient process. Certainly there must be a role for the parliament. However, this role should occur following a recommendation of the TGA. In this respect, I am supportive of the amendment to be in-
roduced by the member for Bowman in this bill’s third reading should it be reached. Similarly, I am also supportive of the member for Lindsay’s amendment as an improvement on the current process. An amendment making the decision of the TGA on restricted goods a disallowable instrument by the parliament appropriately provides the check-balance between the safety and efficacy considerations undertaken by the TGA whilst also ensuring the parliament has oversight of a drug which directly relates to an issue Australians feel very strongly about.

In the absence of amendment, this bill would provide for an outcome which places a decision well within the appropriate consideration of the parliament solely into the hands of the TGA. The effect of this bill is to pretend that there is no moral element to a decision on RU486 and that safety and efficacy are all there is to be considered. I stress that in acknowledging a moral element to this debate I am not seeking to impose my will on anyone. Rather, it is an argument that there is a moral consideration. Irrespective of whether you support or oppose RU486 on moral grounds, it exists. As such, the parliament should rightly adjudicate. In the absence of a successful amendment along the lines of those I have mentioned, I will be voting against this bill. Although the current process is clearly flawed, it is superior to one in which we pretend that there is no tough moral element to be considered. Why is this debate polarising the nation if this is not the case?

The rapid development of science means all of us will be increasingly exposed to moral and ethical ambivalence. As parliamentarians, we must steady ourselves for growing numbers of tough decisions on difficult issues. Surely these issues must be determined by us, representatives of the people, and not by unaccountable bureaucrats who have no mandate to exercise such judgment.

Finally, I have listened to much of this debate in both the House and the Senate chambers; read hundreds of letters, emails and messages from constituents and others; read various articles and media commentaries; and been both inspired and disgusted. It has been with sadness that I have observed indefensible distortions of fact and unreasoned claims in this debate, on both sides. As someone with personal faith, I have been disappointed in the conduct of some who have claimed their position as absolute, with a certainty that I distrust. Similarly, the trivialisation of the moral side to this debate I believe to be out of step with the views of three in four Australians who, although not all people of faith, do recognise the moral consideration to this debate. Therefore, recognising there is a moral element to this debate, the parliament must remain the ultimate adjudicator.

I thank all who have contacted me over this debate. In many respects your contributions have been well meaning, considered, sincere and of tremendous benefit. For those who may not agree with the approach that I have ultimately taken, I consider it to be a reflection of the great diversity of opinion on this issue that exists in the community. I trust you, too, might recognise the inherent strength our nation enjoys as a result of this democratic keystone.

Mr WILKIE (Swan) (10.04 pm)—I would like to start my contribution to the debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 with a quote: I have nothing against politicians, nothing against politics. But politicians and politics need to be in their right place and I think they are breaking the bounds somewhat and intruding into something that should be kept above politics.

Many members will be surprised to learn that this quote is from the Minister for Health and Ageing. But in the interests of accuracy it
should be noted that this comment was made by him in the context of the debate on the republic in 1999, when he was arguing that politicians could not be trusted to choose a head of state. In my view, if the minister were consistent he would also be of that same view in the case of the current debate in this House on the processes to be used in the assessment of RU486. The debate on this bill is not about whether abortion should be allowed in Australia. That matter was settled a long time ago by the state and territory governments, who have jurisdiction regarding this procedure. Unfortunately there has been significant confusion and, I believe, deliberate obfuscation by some on this particular point.

Like all other members, I have received a huge number of emails, letters and phone calls regarding this bill. I thank all of those who have written to me from my own electorate and from other parts of Australia for letting me know their views. I have endeavoured to answer all correspondence on this matter. It is clear from some of the correspondence that there has been misinformation supplied by those who wish to turn the debate on this bill into a debate on abortion. Let us be 100 per cent clear about the intent of this bill. The bill before the House is about whether the Therapeutic Goods Administration, the TGA, should evaluate RU486 without the current requirement for approval to do so from the minister for health.

At present, as other members have noted, RU486 is listed in the restricted goods category, which means that, unlike all other drugs, it cannot be evaluated, registered, listed or imported without the written approval of the minister for health. In the case of all drugs other than those deemed restricted goods, the TGA is regarded by the government as the appropriate authority to determine whether or not a drug is safe for use in Australia. Specifically, the TGA identifies, assesses and evaluates the risks posed by drugs and, on the basis of its investigations, decides whether a drug should be approved for use. If a drug is approved, the TGA then monitors and reviews the risks over time. The approach required of the TGA means that decisions about whether drugs are allowed to be used in Australia are entirely based on scientific, clinical and medical evidence.

As I said before, under the Therapeutic Goods Act 1989, RU486 is defined as a 'restricted good'. Restricted goods cannot even be evaluated by the TGA without the written approval of the Minister for Health and Ageing. Since RU486 was classified as a restricted good in 1996, there has been an accumulation of information and evidence about the risks and benefits of RU486 when used as an abortifacient and also in its use for treating certain types of cancers and other conditions. While the current legislation allows the TGA, under its Special Access Scheme, to grant approval for RU486 to be imported, in practice this scheme is unworkable.

Let me inform the House about the plight of Canberra resident Ms Mary Lander, who has given me permission to outline her particular circumstances. Ms Lander discovered about 12 months ago that she had a brain tumour called a meningioma, which accounts for 15 per cent of all primary brain tumours and 12 per cent of all spinal cord tumours. Unfortunately, there would be dangers in operating to remove Ms Lander’s tumour, as it is on the brain stem and any such operation could result in significant damage. Accordingly, doctors are reluctant to operate.

On the basis of her own research, Ms Lander found out that RU486 could be used to stop the growth of a tumour. This is because, being a progesterone antagonist,
RU486 binds with the progesterone receptors in the tumour and can therefore halt the growth of tumours and, in some cases, has been known to result in the regression of tumours. Ms Lander therefore applied to the TGA to import the drug seven months after first being diagnosed. Within weeks the TGA, under the Special Access Scheme, had issued a permit to her GP. Meanwhile, Ms Lander had found a supplier in France and planned to pay $2,500 for 200 tablets, which would have provided her with a six-month supply of this drug.

Before the drugs could be sent to Ms Lander, she needed her GP to sign off. But the doctor’s insurer advised the GP against supervising her treatment with RU486, because the drug had not been subject to the normal TGA evaluation processes. This is because, although the import permit had been granted, RU486 is still deemed ‘restricted’ and, therefore, without ministerial approval, the TGA could not evaluate it. Without such evaluation, the TGA could not provide the normal assurances about drug use on which doctors depend for their indemnity requirements. Unfortunately for Ms Lander, this means that she still cannot use the drug, because doctors—on the basis of insurance issues—have so far refused to prescribe it. Ms Lander’s situation is a tragedy. It is a direct result of RU486 being in the restricted goods category.

Indeed, in a report in yesterday’s Canberra Times, Ms Lander posed the following questions—and I ask all members to consider these questions when they come to vote on this bill:

- How many people have suffered unnecessarily in the past nine years? How many have been left with defects and disabilities? How many have died because they simply do not know about the drug’s uses and/or how to obtain it? Why is it necessary for people to have to overcome such enormous hurdles and restrictions just to access RU486 for a serious medical condition? Why is it necessary for them to suffer and why is it necessary for them to die, when this medication could ease their suffering or even save their lives?

Ms Lander concluded that ‘clearly it is a consequence of abortion politics’. How can any of us allow the situation to continue whereby Ms Lander and others in similar circumstances are denied the treatment that may well save their lives?

According to documented medical evidence, RU486 benefits are not isolated to the treatment of meningioma. RU486 has been found to have beneficial effects in the treatment of uterine fibroids, endometriosis, cervical ripening, breast cancer, ovarian cancer and prostate cancer. The reason it has proven effective in the treatment of these conditions is that some of these cancers are hormone dependent and RU486 is known as a progesterone antagonist. Due to its antiglucocorticoid activity, RU486 may also be effective when used to treat depression, HIV-AIDS and dementia. Indeed, in terms of its effects on HIV-AIDS, RU486 has been demonstrated to blunt the infectivity of HIV. But, unless this bill is passed by this House, those alternative users are also being denied because of the fact that RU486 is deemed a restricted good and the TGA has not been able to assess it. It is worth noting that, in the respective speeches to the House in this debate, neither the Minister for Health and Ageing nor his parliamentary secretary referred once to the other documented benefits of RU486. In their positions, they should know better.

In my opinion, all drugs proposed for use in Australia should be assessed by the independent scientific, clinical and medical experts at the TGA and not be subject to the approval of one individual, the Minister for Health and Ageing. This would ensure that, if RU486 were to be approved for use in Australia by the TGA, it would have been
thoroughly evaluated in terms of its potential risks and benefits and it would also be subject to ongoing rigorous monitoring and review. That is why I support this bill.

In terms of accountability, there has been a lot of baseless rhetoric about where accountability should lie concerning the approval process for this drug. Some, including the minister, have argued that we need to continue to have the Minister for Health and Ageing responsible for the process of initiating and approving the evaluation of RU486 because he is accountable to this parliament. As an aside, I am not sure that argument washes when you see the way the government ministers continue to refuse to be accountable to this parliament on a wide range of issues, most notably at present in the case of the AWB scandal. But, in any case, the TGA and the Australian Drug Evaluation Committee are accountable to the parliament through the minister. In fact, the members of the Australian Drug Evaluation Committee are appointed by the minister. Just as the Reserve Bank of Australia is accountable to the Treasurer through this parliament, the TGA and the Australian Drug Evaluation Committee are also responsible to the parliament—and there is nothing unusual or untoward about this. But the claims about the TGA not being accountable are fallacious.

Let me also comment on the two amendments that have been proposed. One has been moved by the member for Lindsay. Under this amendment, the Minister for Health and Ageing would still retain the power to approve or not approve the use or importation of RU486; but, once the minister had made the determination, the determination could become a disallowable instrument. This is flawed. A manufacturer or importer would still need to seek ministerial approval and then would be subject to the vagaries of this parliament for approval. Why would a manufacturer or importer run the risks associated with such a process, given the enormous costs associated with evaluation, which could run from hundreds of thousands to millions of dollars? In my view, the member for Lindsay’s amendment would continue the effective ban on the use of RU486.

An amendment has also been proposed by the member for Bowman, which would eliminate the role of the Minister for Health and Ageing in the approval process for RU486 but, like the amendment moved by the member for Lindsay, would make any determination to register or list RU486 for use a disallowable instrument, meaning that this parliament would decide whether the drug could be used. This amendment, too, would not guarantee that decisions about the use of RU486 in Australia were made only on the scientific and medical evidence available. Again, this amendment would continue the effective ban on the use of RU486 in this country by requiring parliament to vote on it.

And that is the crux of this matter. Why should any politicians have any role in determining whether a drug should be evaluated and, if approved, used in Australia? I do not believe that is the role of any of us in this parliament. That is why I will support the bill as proposed by the member for Moore and seconded by the member for Lalor. May I say before closing that I would like to applaud the efforts of Senators Allison, Moore, Troeth and Nash and the members for Moore, Lalor and Murray in this debate. They have worked tirelessly to promote the bill to senators and members from the best of motives. We in this place should not be able to decide whether or not drugs should be approved for use in Australia. That is the rightful and appropriate role of the TGA.

I have heard many of the contributions to this debate from other members. Most of those contributions so far have been thought-
ful, sensible and based on fact. It just goes to show how truly democratic this place is when we can get away from the whips. We do not often have conscience votes on matters in this House, and I know that this bill has presented difficulties for many in examining the issues in relation to RU486. However, on the basis of the facts presented in this debate, my vote will be to support this bill.

Mr WAKELIN (Grey) (10.16 pm)—Firstly, in speaking to the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, I thank all constituents and colleagues for their wonderful interest in and advice on this difficult issue. The gift of life is our greatest gift, and anything which intrudes on that is a sad event and creates for me, as I think it does in most Australians, a sense of personal distress. Personally, I find it impossible to separate abortion from that general description. It is said that we have 91,000 abortions per year in this country. I further find it impossible to make this a gender-specific issue—that is, a specifically female issue. I believe that my wife, my daughter, my grand-daughter and my sisters are of great interest to me and that I care for them as much as other people in this country care for their loved ones. Therefore, I find this narrow definition of gender quite difficult and impossible to accept.

I am advised that it has always been possible under current arrangements to apply for approval to market RU486 but that no such application has ever been lodged in Australia. We could debate for some considerable time whether potential sponsors are deterred because of the ministerial power or authority. That is not my role here tonight, but I just make the point that it has been possible and no-one has sought to make an application.

I would just like to describe the substantive clinical facts of RU486. Medical abortion using the RU486 misoprostal combination will lead to a successful abortion in between 92 and 98 per cent of cases. In the five to eight per cent of cases in which there has not been a successful abortion, the abortion will need to be completed surgically by a qualified physician. In some cases women will require urgent medical care for side effects such as internal bleeding and infection of the retained products of conception, and safe medical abortion like surgical abortion requires the availability of an appropriate level of backup medical care to address possible complications arising from the procedure. Wherever people sit in this debate, that seems to be generally agreed.

Coming from a rural, regional and remote part of Australia, the case has been put to me that RU486 offers some benefit to people living in remote areas in particular. I would just remind the House and those who have an interest in this issue—and I think that is very many Australians—that safe medical abortion, like surgical abortion, requires the availability of an appropriate level of backup medical care to address possible complications arising from the procedure. We all know that that very specialist support is quite limited in remote and regional Australia and therefore quite difficult to rely upon.

I cannot separate the ethical issue from the clinical issue. I cannot put the abortion issue over there, accepting the jurisdictional factors, and say that it is not part of this discussion. I cannot abdicate what I regard as my key responsibility as a member of parliament. To say that the minister—and members of parliament, for that matter, but particularly the minister—does not have access to accurate advice is an insult to this place, to our executive and to our system of government. The Minister for Health and Ageing has the Chief Medical Officer and a bureauc-
racy which is of a very significant dimension. So the minister can seek the best advice that this country can offer.

In concluding my comments—and I do not wish to repeat what many others have said—it is important that I just reiterate that the gift of life is our greatest gift, that parliamentary responsibility stops with me as an elected representative, that it is impossible for me to separate the ethical from the clinical and that there is a very clear ethical and moral dimension to this discussion. Therefore, I will be supporting the amendments to the bill and voting against the bill if necessary.

Mr GAVAN O’CONNOR (Corio) (10.22 pm)—I rise to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 and, in doing so, wish to acknowledge the sincere and measured contributions of many members on both sides of the chamber who have preceded me in this debate. I wish to acknowledge, also, the many constituents who have expressed their views to me in this matter. While those expressed views have in the nature of things been conflicting ones, they have been honestly expressed and have been important in developing my position on this bill. I wish to acknowledge, also, the many constituents who have expressed their views to me in this matter. While those expressed views have in the nature of things been conflicting ones, they have been honestly expressed and have been important in developing my position on this bill. I thank also members of my party in Corio for their input and wise counsel, as well as community and religious leaders who have taken time to discuss this matter with me.

I have not declared a public position on this legislation in the media, as I believe that it is right and proper as an elected representative to hear all views from those who have wanted to express them to me, including those of my colleagues, and to declare my intent on the floor of this House. This is the third conscience vote I have participated in since being elected to this parliament in 1993, and I welcome the opportunity on this occasion. While the process of decision making has been extremely difficult—and it has not got any easier over the time I have been in this parliament—my primary responsibility in this matter has been to my constituents and to this parliament and not to anybody else.

This matter is a sensitive one, and I regret the actions of some of my parliamentary colleagues who have attempted to cloak this debate in emotive and sometimes intemperate language and rhetoric. This has definitely not assisted the process of careful and rational consideration by others of this important matter to Australians. I, like many others in this parliament, have found this issue a most difficult one to consider, given the quite powerful and logical arguments that have been mounted on both sides of this debate. But I have given this bill my best shot—my close attention, thought and consideration—and, although the decision I have reached may not coincide with the views of some, it has been honestly reached, is balanced and, I believe, is in the interests of the community and this parliament.

In the 13 years that I have sat in this parliament, I have strongly advocated the primacy of the role of the parliament in ultimately deciding matters of great moment that arise from time to time in our society. Parliament here is the ultimate clearing house of views, positions and sentiments of the Australian people. I have watched the primacy of this place be constantly challenged by the executive and the bureaucracy and its authority eroded. Against this backdrop, it is important to distil the central issue at the heart of this private member’s bill, which is a proposed change in the evaluation and approval process relating to the pharmaceutical drug RU486, which may be and is used as an abortifacient.
In the course of this debate many members have articulated their own personal views on abortion, and that has been the substance of an important part of the correspondence and phone calls I have received from constituents and others in the Australian community. Given the nature of this debate and the conscience vote on this bill, it is entirely appropriate that members express their views on the abortion issue. The reality is, however, that in relation to the issue of abortion and pregnancy termination the legislative framework is determined by state governments. My views on abortion are known to my community: I oppose it. But, as a male who will never find himself in the same intimate and intense position as a woman in making the enormous decision on the future of a pregnancy, I have never arrogantly presumed to dictate my own personal view to a woman faced with that decision. Rather, as a former educator who has dealt with the situation with several families, I have approached the issue with all the sensitivity and compassion I could muster to ensure that the best and full range of counselling services and advice was made available to the individuals and their families in confronting their momentous decision. One’s personal views on the issue of abortion are obviously important to some members more than others, given the fact that the drug RU486 is an abortifacient.

But the real task I believe we face as legislators in considering this bill is to legislate a process of evaluation and approval which, on the one hand, is rigorous, has inherent scientific integrity and is capable of providing expert advice on safety and efficacy considerations and, on the other hand, provides a viable process for synthesising the ethical, moral and general community viewpoints to provide a societal overview of the matter. Therefore, I see a critical role for both the TGA and the parliament in the process. In describing a role for the TGA and the parliament in this process, I am mindful of the emotional debate generated by RU486, and I acknowledge the powerful arguments advanced by those who are supporting this bill.

But there are two matters I would like the House to weigh heavily in its deliberations and in developing its legislative, procedural and structural response. The first relates to the safe use of RU486. While the drug is in widespread use in some 30 countries, there is a mounting body of evidence that its use carries significantly higher health and mortality risks for some women. I note the recent actions of the American Food and Drug Administration in initiating an inquiry into safety aspects of the drug and similar moves in other countries to examine this matter more closely. It would be prudent, therefore, to ensure that the best available scientific and medical advice is available to decision makers, be they in the TGA, the executive or the parliament, on these important considerations. I see an important role for the TGA in providing this expert advice, notwithstanding the serious reservations I have about the culture that has grown up inside the TGA, which is commented on in various Audit Office reports and private consulting reports that are now a part of the public record. I refer here to its closeness to the powerful pharmaceutical companies operating within our health system.

The second matter I would like this House to weigh heavily in its deliberations is the inherently contentious nature of this and other restricted drugs under the act, the widely divergent and conflicting views sincerely held by many Australians on their use, and the societal and community impacts of their use. This necessitates, in my view, the input and oversight of the parliament in consideration of these matters.
As the clearing house for views and sentiments throughout this nation, it is appropriate that this parliament and its members figure prominently in the structures we establish to deliberate and consider this issue and others like it in the future. Imperfect as we all might be as individuals, we ought to put our faith in the collective wisdom inherent in genuine democratic processes and structures.

Regrettably the time allocated for individual members to debate this bill has been curtailed, as I would have appreciated additional time to explore the many issues and arguments that are important and inherent in this debate. I will not be supporting this particular bill, but will support the amendment proposed by the member for Lindsay, which I think most closely approximates my view on providing an appropriate role for the TGA, the minister and the parliament in these matters.

Should the amendment not find favour with the House, I will support the amendment proposed by the member for Bowman which provides for parliamentary oversight of these TGA processes. I do not favour these momentous issues being wholly considered within a bureaucratic process and structure such as the TGA's or giving this minister sole responsibility and discretion in this matter. I would urge members to consider and support the amendments that insert them, as the elected representatives of this parliament, directly into the consideration of this matter and the processes and structures that will be established as a consequence of this debate.

I do acknowledge and appreciate that the views that I have expressed here tonight may not coincide with those of some members of my own party and indeed some members in the Geelong community, but I can assure all members of this House and my electors of Corio that I have laboured long and hard in my consideration of this matter. It has not been an easy matter for me nor, I think, for any other member of this House to consider, to deliberate on and to reach reasonable conclusions. I have been heartened by those in this debate who have been measured in the way that they have expressed their views. I brook no truck with those who have sought to extract political advantage and to impose their emotive and extreme views on others, either in the parliament or outside it.

I hope that through this great democratic process that we are engaged in here the best solution for all Australians will be reached, one where we can have a scientific and medical examination of this particular drug which is expert but which also inserts into the process the elected representatives of this parliament. I think that is very important to this debate.

Mr BARTLETT (Macquarie) (10.33 pm)—This is an issue which has attracted keen public interest and one on which views on both sides are held strongly and argued passionately. The flood of correspondence to our electorate offices and the moving speeches in the Senate and in this House are evidence of this. I rise tonight to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, not because I have any new revelations or insights to share, but simply to place my own views on the public record. Members will be pleased that I intend to do so briefly. In short, I am opposed to this bill. Despite the arguments put by many here today, I do not accept that the ultimate authority for granting or denying approval for RU486 should be in the hands of the TGA rather than the parliament. Certainly their medical advice must be considered but the ultimate responsibility must remain with the nation's parliament.
I have reached this conclusion for two reasons. Firstly, I do not believe that RU486 or indeed any other abortifacients are within the purview of the TGA. The role of the Therapeutic Goods Administration is to evaluate the effectiveness, quality and safety of therapeutic goods—that is, those drugs designed to prevent or heal illness. Pregnancy is not an illness and, clearly, the termination of a pregnancy is not a matter of curing an illness. The Therapeutic Goods Act does not cover abortion and nor should it. Abortifacients are not therapeutic goods. They are not designed to preserve life but rather to take life.

This leads to a broader and more substantive issue. This question is not just a medical one—it is far more. It carries profound ethical and social ramifications. To pretend that this debate is not about abortion itself, that it is just about process, is—with the greatest respect to my colleagues—simply not sustainable. This debate is, at its core, about allowing access to an abortifacient—to approve or not approve a drug which has the whole intention of terminating a pregnancy, which ends the life of an unborn child. The debate in the community indicates that this is how this issue is viewed. It is precisely because of these profound ethical and social implications that we are having this debate. And it is precisely for this reason that the decision should reside with the national parliament, with the elected representatives who are accountable to the Australian public, rather than with an unelected body, no matter how proficient or knowledgeable its members might be.

It has been argued in this debate and more broadly that, as abortion is legal in this country, the issue is only about process. Yet most would agree that there are far too many abortions in this country, and I share that view. It is tragic that some 90,000 to 100,000 unborn babies are aborted each year in this country. I acknowledge that in the vast majority of cases the decision is an agonisingly difficult one and I in no way cast judgment on parents grappling with this, whatever their decision. But as a community we cannot simply ignore this issue.

My concern is that, by handing over the approval of RU486 and other abortifacients to the TGA, we abrogate our responsibility as a parliament. It somehow allows us as elected representatives to further distance ourselves from the question of abortion and as a community to further desensitise ourselves to this tragic annual loss of young lives. My concern is that it unintentionally reinforces a message—perhaps only at the margins—that this terrible toll is somehow acceptable, that abortion is not a last resort, and that we need not to be looking more earnestly at other approaches.

For me the fundamental principle is the sanctity of human life. The more we ignore the taking of lives, no matter how young, the further we move from this principle. I have never sought to impose on others my views on this very difficult and complex matter. Yet, as this is a conscience vote, I must, like all others in this place, follow the dictates of my own conscience no matter how flawed it might be. For that reason, I am opposed to this bill and will vote accordingly.

Mr PRICE (Chifley) (10.38 pm)—When I first heard that a private member’s bill from the Senate about RU486 was to be debated, it gave me a lot of concern. I had not thought much about the drug. I did not know a lot about it. I thought that I would have to do a lot of research and, more importantly, a lot of soul-searching. In the stem cell debate I was in a significant minority in the House when the vote was taken.

Whatever we want to say about the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of
RU486) Bill 2005, it is not a bill about abortion. Let me read from the explanatory memorandum:

A Bill for an Act to repeal Ministerial approval and to leave approval with the Therapeutic Goods Administration over access to RU486, and for related purposes.

That is the first sentence of the explanatory memorandum. The second sentence is this:

The purpose of this bill is to remove responsibility for approval for RU486 from the Minister for Health and Ageing and to provide responsibility for approval of RU486 to the Therapeutic Goods Administration.

With the greatest respect to those who have made a contribution in this place, it is not a referendum about abortion. It is not a bill about being for abortion or against abortion. I am happy to say where I stand on these things. I have always been opposed to abortion. But I am equally opposed to the idea that governments should dictate to women about their reproductive rights. However, I would support any measure that makes it easier for women who need to contemplate having an abortion to avoid having that abortion.

It is true that this drug is now available in many countries. I suppose you could say that there is a likelihood that the drug would be approved by the Therapeutic Goods Administration, but they still have processes and protocols to go through before making that assessment. I might also say that in that most Catholic of countries, France, this drug has been available for many years.

In his contribution the minister for health said that he was going to bring forth a cabinet proposal to provide further assistance for women who are contemplating abortions and make it easier for them not to have abortions. I welcome that. This is the right path to go down rather than trying to legislate.

I find it somewhat ironic that I have perhaps one of the poorest electorates in New South Wales demographically and yet I am sure that you will agree with me, Mr Deputy Speaker Causley, that one of the groups in our society that is most vilified—and vilified by a lot of people—is teenage unmarried mothers. It seems that no opportunity is missed to moralise, lecture and denigrate them. Yet in my electorate I have always been very proud of Plumpton High School, where there has been a special program that encourages young teenage mothers back into school. I in no way wish to denigrate the Catholic school system, but I am not aware of any program in a Catholic school that operates like Plumpton High School. The Anglican Church in Sydney—and probably in the rest of New South Wales—is also developing quite a number of schools. Again, I am not aware of any such program.

If we are concerned about the number of abortions in our society, we should not vilify people who choose to have the child. In fact, we should make it easier for them. We should not ostracise them from society or make it even harder for them to succeed. We ought to have programs like the one at Plumpton High School.
Plumpton High School. Having said that, I remind everyone that teenage single mothers are a very small percentage of single mothers.

The other thing I would say to the minister for health is to repeat something that the honourable member for Lowe has said. For a long time the honourable member for Lowe has exhibited, in his own unique way, a tenacious interest in knowing exactly how many abortions are performed each year in Australia. In that regard he has put a number of questions on the Notice Paper. Yet Minister Abbott declines to answer them. The unkindest interpretation of this is that Minister Abbott is happy to use the figure of 100,000 abortions a year, knowing that it is much less than that. Wouldn’t it be helpful to any debate in the parliament—here today, or tomorrow or next year—if members of the parliament and the public at large actually had the accurate figure of the number of abortions being performed in Australia?

I am surprised by the amendment moved by the honourable member for Lindsay. It actually took a little while for the full implications of that amendment to be understood—in an unprecedented way, I suppose. The Speaker was asked a question by the honourable member for McPherson and the honourable member for Mackellar, trying to understand the import of her amendment. Basically, the import of her amendment is that, if the amendment is carried, the whole bill is negated and it will require the introduction of a private member’s bill not yet on the Notice Paper—although I understand a contingent notice is going to be lodged by the end of the night.

I say to the honourable member for Lindsay that it is perhaps better if one is more transparent in what one is trying to achieve. If, all along, your amendment required a private member’s bill, why not lodge it at the same time that you moved your second reading amendment? There is some suggestion, of course, that the member for Lindsay is acting at the behest of the Minister for Health and Ageing. I am in no way able to comment on whether that is right or wrong, but I do say to the member for Lindsay: be a bit more transparent in the future in the way you use the processes of the House. I should indicate that I will not be voting for that amendment.

The member for Bowman has also submitted an amendment. I must say that I am attracted to the idea of his amendment, particularly its justification that work is being done on drugs that will come on in the next decade or so, which will be very different from the drugs that we know today—in other words, they will not be specifically addressing a psychiatric, psychological or medical problem but will perhaps enhance intellect or wellbeing. We have not seen these drugs to date. I do accept that they probably do need a different type of approval. However, it is also true that legislation oftentimes lags these developments rather than precedes them. Whilst we are a little way from there, and whilst I am attracted to it, I think it is something that we will need to look to in the future rather than acting here in the present. And I do not like RU486 being lumped in with those particular drugs that he has in mind as being available. I will be voting against his amendment.

I want to indicate that I will be supporting this bill. I cannot say that I have had a great crisis of conscience or that I have agonised about it. I repeat: this bill is about a process. It is not a referendum. It is not a plebiscite about abortion. It is about a process. Nothing makes that clearer than the explanatory memorandum. This bill does not call into judgment Tony Abbott’s Catholicism, or anyone else’s Catholicism who is participating in this debate here today in the parlia-
ment, or has done so in the Senate, or any member of the public who is contemplating having a view.

I do not join in the surrogate debate on this bill, because it is not what I am being called to mind to bear my conscience about. It is about a process. I have no difficulty with voting on the process. I think it is appropriate that the same process that we have used to assess 50,000 other drugs should be the same process that is used to judge this drug.

I do not see this as an aspect of the sovereignty of the parliament being overruled or my rights as a member being overruled. Like other members in this debate I understand only too well that I will disappoint those who are opposed to my decision to support this bill. And for those who wanted me to support the bill, I probably poorly executed the case and caused them some angst. But, as members of parliament, we need to make decisions. We need to stand up and be accountable for those decisions. I do so. I support the bill and I oppose the amendments.

Mr NEVILLE (Hinkler) (10.51 pm)—The Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 cuts to the core of issues that demand that we stop and reflect on our role as legislators and on the ramifications of passing the amendments. I am referring there to the amendments in the bill, not to the amendments moved by Miss Kelly and Mr Laming.

The bill revisits an issue we debated in 1996. At the time the amendment to the Therapeutic Goods Act placed abortifacient drugs in a special restricted category such that drugs within this category cannot be evaluated, registered, listed or imported without the written approval of the minister. As I said, it received bipartisan support. Why did we do that? The simple reason is that the role of the TGA is to approve drugs for the beneficial purposes of its citizens—that is, for medicinal purposes, for infection control, for pain relief, to counteract cancer and for many other things. I would have no problem, for example, with RU486 being put to the TGA for cancer treatment. After all, we have many drugs which are allowed on a restricted basis. But this bill sets out to repeal the amendments of 1996, which in effect will strip the minister of his power to approve the release of RU486 into Australia. In effect, it will simply allow another form of abortion.

Many speakers in this debate have argued that we are not talking about abortion or, indeed, RU486 and its subsequent use but rather about who should have the authority to approve it—the minister or the TGA. This is to tiptoe around the intent of the bill. All drugs approved by the TGA are for the enhancement of life. But RU486 is an abortifacient, a poison, a death-inducing instrument, that leads to the female body expelling the embryo. To pretend this debate is about something else is to be either lacking in courage or disingenuous. Using the drug for this purpose creates a new perspective that goes beyond the charter of the TGA and to the accountability of the government of the day. We should not flick pass this issue to bureaucrats when the implications go beyond matters medicinal and to the safety of women, to ethical considerations and, quite frankly, to the ultimate character of our nation.

Let me make it clear that I have no argument with the competence of officers of the TGA, nor with the efficacy of their work, but in matters of the future demography of our country they are not accountable; we are. We are elected representatives and legislative arbiters on behalf of the Australian people. The office of the Minister for Health and Ageing is an extension of that role. We as parliamentarians must understand that by amending this legislation we are placing a
higher value on choice and convenience than on human life. We must not resile from our responsibilities when it comes to contentious social and ethical questions. We are accountable to the public and duty-bound to help build a better Australia. I am fundamentally opposed to the act of abortion, no matter how or when it occurs, and I cannot support any action or procedure that facilitates the termination of human life. While I acknowledge women’s rights, it is the life and rights of the unborn child that I believe need to be defended. Powerful though we as legislators might be, we cannot legislate a human being back to life. Therefore, I do not support this bill, though I would on the basis of what I have said support the Laming amendment.

This debate has been more about choice and convenience, a political debate, and it has had an ugly side to it: the denigration of members—and, of course, the minister for health himself—because of their faith. The inference is that we have accepted church direction. Even uglier is the offensive Nettle T-shirt ‘Mr Abbott, get your rosaries off my ovaries’. This was a giggling, offensive insult to most Christians in general, and Catholics in particular, and bordered on the sectarian. That this T-shirt was sponsored, promoted and sold by the YWCA is almost unbelievable. That this once proud organisation of Christian virtues dedicated to the healthy bodies and minds of young women could stoop to such a tacky level is unimaginable. They have recanted today, but strangely they still promote the pro-choice position. They have said, ‘Sorry, but we’re going to keep going.’

The debate on people’s faith is unjustified. We are conditioned somewhat by our family environment and our religious upbringing in the sense that it is part of our development of conscience. But do not insult me by saying that I have been dictated to by my church as to how I should vote. I had no trouble in reaching my decision on my own. It is equally regrettable that some have linked their argument to the emotive scare tactic against non-Christian religions. This does not enhance the pro-life case, and I will have no part of it.

The road to open, almost unfettered, abortion on demand has been all pervasive for some decades. First, it was only ever to be used in the case of the mother’s life being at risk. Then it was extended to the mental welfare of the mother, her psychological status, and then to the economic capacity of the family. If RU486 is approved, it will be extended to mere convenience. The methods that are being used in abortion, not just in RU486, are being refined all the time—if, indeed, ‘refined’ is the right word. After RU486, can we expect a move to lengthen the 28-week limit on late term abortions, which is the case in most states? The thought of partly birthing a foetus and then carrying out the suction removal of its brain while it is still alive—and I will not go into any more horrifying detail—fills me with unspeakable revulsion. It is evocative of the Dark Ages and we should have no part of it. You can add to this some international studies that point out that more female than male foetuses are aborted. This debate has been all about the role of women and the enhancement of women. Yet, isn’t that the ultimate denigration of womanhood?

I do not say these things to be insensitive. I do not say these things as a scare tactic. I do not say these things to be confrontational. But it is undeniable that these forms of abortion are becoming part of a continuum. I ache for women and their families who have experienced abortion. I make no moral judgment of those who entered into such an arrangement in good faith. But as a legislator I have to vote according to my conscience and I believe that my electors, though some
of them may differ from me, would expect me to do so.

It is a sad fact of life that there are nearly 100,000 abortions a year in this country. Surely future generations of Australians, regardless of their ethnic or religious derivation, will make a very harsh judgment of our generation. What a marvellous opportunity these potential 100,000 young Australians could be. What sportsmen, academics, tradesmen, educators and wonderful mothers have we lost? The issue before us tonight is one of fundamental importance. For every argument in support of amending the bill there is a counterpoint.

The unleashing of RU486 upon our society has serious implications not only at the moral level but also on the health front. The complexity of the issues related to this bill is evidenced by the number of submissions received by the Senate Community Affairs Legislation Committee inquiry into this bill. The committee received around 2,500 submissions and more than 2,000 letters from pro-choice and pro-life adherents. That level of engagement is supported by research commissioned by the Australian Federation of Right to Life Associations, which showed that more than 64 per cent of respondents from non-metropolitan Australia did not support abortion for non-medical reasons. Interestingly, almost 87 per cent of respondents also believed that abortion can harm a woman’s physical and mental health. As a regionally based elected representative, those figures go to the forefront of my mind.

I have listened carefully to the opinions of the medical fraternity. The US Food and Drug Administration is currently investigating five deaths between September 2003 and June last year attributed to sepsis in women who had RU486 treatments. Their deaths and the incidence of adverse events associated with the use of RU486 were detailed in a study conducted by American obstetricians Margaret Gary and Donna Harrison, which produced some very concerning results. The details of the five reported deaths are quite horrifying in themselves and I will not go into the gory details. The study showed that there were a further 64 life-threatening adverse events and 224 serious events, amongst them serious bacterial infection, bleeding, haemorrhaging and ruptured ectopic pregnancies. The report concluded that the drug posed ‘a significant risk of severe, life-threatening, or even lethal adverse events’ and that:

... the choice of mifepristone termination over surgical termination is based mainly on patient perceptions of safety, convenience, and privacy, but these perceptions do not accurately reflect the realities of the regimen.

Dr Gary also believed that the adverse reactions reported to the FDA were only a fraction of those that were actually occurring. Another distressing aspect of post-abortion health outcomes was highlighted in a recent New Zealand study which tracked 500 young women from birth until the age of 25. It found that 42 per cent of those women who had abortions suffered major depression at some stage, a third higher than those who continued with their pregnancies and double that of those who had never fallen pregnant. Looking at this evidence, we should dismiss this point about convenience and focus on the dangers facing country women if they use this drug. Some argue that RU486 gives women in rural and remote areas more choice in their health care and is a matter of convenience. I fully appreciate that living and working in regional and remote Australia can prove difficult for doctors and patients alike. But the health risks linked to RU486 cruel any argument about choice or convenience. If a woman cannot access specialist medical services because of geographic isolation and takes RU486, what protection
does she have if medical complications develop?

To emphasise my point, in Queensland we have 153 gynaecologists and obstetricians registered with the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. Of those 153, only three are practising west of the Great Dividing Range—two in Mount Isa and one in Roma. That is a very scary figure.

When you take all these things into account, it is another step on the slippery slope to more abortions. It is arguably injurious to women. It has divided our nation as no other subject has in the past. It cannot be argued that this is purely a case for the welfare of women. I cannot support nor will I support this bill. As I said before, I will be prepared to support the Laming amendment.

Mr RUDD (Griffith) (11.05 pm)—We are asked in this debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 to vote according to our conscience, in which case we must first ask ourselves: what are those factors which shape our conscience—those factors which shape the moral compass we try to apply to our lives, however imperfectly we may in fact live those lives? What shapes my conscience on the matters before the House?

I have never made a secret of the fact that I am a person of faith and I would be lying if I said that for me faith did not shape deep questions of conscience. I do not believe, as a result, that people of faith have some sort of monopoly on conscience. They do not and I do not. Nor is faith the only guide to conscience. It must always be tempered by reason and, in the case of legislators, reason must be applied to a properly informed approach to public responsibility for the public good.

It is for these reasons that I have struggled with the questions alive in the legislation before the House. As a person of faith, I have conservative views on the sanctity of life. As a person of reason, I must recognise that I am being asked here to vote not on the legality of abortion but rather on its means. This legislation does not ask us to vote on the legality of abortion, because those powers lie within the exclusive purview of state and territory parliaments. These parliaments have determined these laws long ago and they have been subsequently reaffirmed through the courts. What is therefore at issue here is a debate about the means of abortion within the legal framework already determined by the states.

What questions of conscience arise for me within the narrow scope of this legislation? For me there are two. First, what is the relative impact on a woman’s life and what is the best means of assessing that impact and, second, when it comes to the life of the unborn, what is the relative impact on the abortion rate. On the first of these, the scientific literature suggests that both methods of abortion are of comparable safety in terms of the life of a woman. There is nothing on this score that would argue against the TGA rather than the minister having regulatory powers over its use within the legal framework already determined by the states. Furthermore, there is a strong reason for the TGA to have this power to monitor its continuing impact on a woman’s health and women’s health in general over time—it is the only competent professional body equipped to do so.

For me, the impact of this drug on the abortion rate is also of great importance. The international data measuring abortion rates indicates that countries which have introduced the drug have not experienced any increase in the abortion rate. In a small number of countries we have seen a small reduc-
tion in that rate subsequent to the introduction of the drug. In this context, I note carefully the submission of the Catholic Archdiocese of Sydney, which states:

At present, there is no substantial evidence that the availability of abortifacients increases, or decreases, a nation’s overall abortion rates.

If there was compelling international evidence that this drug significantly increased the abortion rate, my attitude to this legislation would in all probability be different. I believe the abortion rate in this country, of some 75,000 to 90,000 per year, is far too high. It is higher than that of a number of other OECD countries.

I am impressed by the fact that in the midst of this controversial debate—one conducted with great mutual respect in the main, although with a couple of now notorious break-outs—there has been agreement among many pro-choice and pro-life advocates that the abortion rate in Australia is too high. I have said to various proponents of the bill that for me this is a central consideration. I have also noted their commitment to work together in practical areas to bring the abortion rate down over time by concerted measures including better sex education; better general information on and availability of contraception; better family planning; better pregnancy support services for unplanned pregnancies; greater use of adoption; and, most critically, better and more affordable child care. This is a program of concerted action over time to which I propose to commit myself. I appreciate the fact that Senator Moore, for example, has committed to the same. For me, for the reasons I have outlined, the life of the unborn is of great importance. Within this framework and for the reasons I have stated, having tested these reasons with men and women of faith and of science, I have decided not to oppose this bill.

I said before that this debate has in the main been characterised by great respect for opposing views shaped by the exercise of individual and informed conscience. I have no intention of identifying those individual contributions that have strayed across the line. For me that serves no particular purpose. I have, however, noted some arguments that the church in general and individual Christians have no right to adopt a position based on faith. I take the reverse view. The church has every right to take a position on these and other great social, economic and political questions of our time, even when we may find those views personally or politically uncomfortable. That principle applies as much to this debate as it does to the industrial relations debate. Some attack the church for intolerance. What I find remarkable is the amount of intolerance I find expressed towards the church, as if faith is some sort of intellectual disorder. It is not, and nor is an ethical world view shaped by faith.

However members vote on this bill, let us all in this place work together to strengthen the family unit. Australian families today are under great pressure for many complex reasons. Families remain the essential building block of our society, our community and our country. This is often forgotten in this place. Let us hope that this debate at one level refoocuses us on how this legislature and we as legislators can concretely rather than rhetorically protect, support and enhance Australian family life.

Mr BILLSON (Dunkley—Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence) (11.13 pm)—Let me begin by thanking the many people from both my electorate and way beyond who have made the effort to contact me with regard to their views and feelings about the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of
RU486) Bill 2005. As early as November last year I was responding to constituent interest in this subject by outlining my thinking. This accountability to my electors has enabled people to focus on my thinking and respond to or challenge the considerations that have shaped my view.

A few local people specifically responded to my replies and my views as published in local newspapers, but overwhelmingly the large numbers of letters, faxes and emails from both sides cited widely circulated and now familiar arguments. I may not agree with many of those who have written to express their opposition to the bill in its original form, but I respect their views and their right to express them.

Despite the intense emotion—and, in some cases, hysteria—surrounding this issue, it is vital that as elected representatives we remain focused on the question to be determined. This bill, in its original form, is very specific. It does not represent an ideological struggle between pro-life and pro-choice, nor is it about a question of one’s faith. Although, in reality, it was inevitable, it has not been helpful that the RU486 bill debate—which is essentially about the governing processes attached to the approval or disapproval of a class of drugs—has been used by some as a Trojan Horse to recontest broader questions concerning abortion law and the availability of termination services.

This is not about fighting a new war against abortion; this is about whether the law should be changed to remove the need for ministerial approval before the Therapeutic Goods Administration can carry out its statutory responsibilities to evaluate the safety and efficacy of a medicine before it can be registered for use in Australia. With supporting scientific evidence, the TGA may conclude that a medicine is safe for use and has the clinical characteristics that are claimed. Current law prohibits the evaluation of a category of medicines called ‘restricted goods’ unless the minister approves of the TGA doing its work. This bill seeks to remove this restriction.

The TGA is well resourced within the Australian government’s Department of Health and Ageing. Crucially, its regulatory framework centres on a scientifically supported risk management approach—a task that it has been given by this parliament. It is my firm view that the TGA is the best-equipped body in this country to make informed medical judgments as to the suitability and safety of medicines. Its Drug Evaluation Committee consists of eminent medical practitioners, including a pharmacologist, a toxicologist, a pharmaceutical chemist with recent manufacturing experience and a general practitioner. This is hardly ‘just a bunch of bureaucrats’, as some would like to have us believe. The TGA is also empowered to play an important ongoing role of vigilance once a drug is approved and made conditionally available to the public. This includes investigating reports of problems and the laboratory testing of products on the market to ensure ongoing compliance and safety.

Yes, RU486 is an abortifacient drug, but, no, this argument is not about the lawful availability of abortions in this country. The lawful basis for abortions has long been settled by state law and judicial precedence, with the test—which I support—being risk or danger to a woman’s mental or physical health.

Let me state for the record that I am strongly opposed to the use of pregnancy termination as a routine form of ‘after the event’ contraception for reckless personal behaviour. Personal responsibility on the part of men and women for their sexual conduct and for the consequences of their actions must always be emphasised and encouraged.
Health Insurance Commission data about Medicare services suggests that the number of abortions in our country has declined over the past 10 years, despite steady population growth. I welcome this trend.

In my community of the greater Frankston-Mornington Peninsula region, known as Dunkley, there has been a dramatic reduction in teenage birth rates over the past two years, from 6.6 per cent to three per cent, as the result of a remarkable program called Core of Life. This education, awareness and support initiative, which was started by Peninsula Health midwives Debby Patrick and Tracy Smith, has since gone national, thanks to an Australian government grant of $615,000.

Governments and communities must support these types of preventative initiatives that draw out clearly for young people the profound implications of pregnancy and the need for proper care and mature conduct when they become sexually active. Any intervention to lawfully terminate a pregnancy needs to be most carefully considered and only made available with appropriate physical and emotional support for the woman involved.

When I first learned of the push to overturn what is effectively a ban on RU486, I was puzzled by the media reports of calls for the drug to be made widely available in rural and remote areas, on the basis that the medical and emotional support required for a surgical abortion was not readily available. I found this to be an odd argument, as RU486 represents an alternative to current lawful surgical methods of abortion. If approved, having been found safe and efficacious by the TGA, it would be subjected to regulated availability. The method of termination in no way diminishes the legal constraints, including clinical risk management and the need for proper physical and emotional support for the woman involved in such an invasive medical intervention.

Nor do I believe that women who find themselves in the terrible position of having to resort to a lawful abortion should be forced to endure the added hardship and trauma of being obliged to go through a surgical procedure, when a potentially less painful and less traumatic alternative process exists. Do the opponents of RU486 in all good conscience believe that forcing women to endure a more traumatic surgical procedure acts as some kind of deterrent? These same people emphasise the enormity of a decision to terminate and point to the risk of long-term physical, emotional and spiritual harm.

Yes, it is a truly profound decision to proceed with an abortion—one in which thankfully I have not been involved. But to restrict the potential availability of a medicinal alternative just means that some of those women confronted with the need for a lawful abortion simply endure an even more traumatic experience. If at some time in the future a safe and acceptable medicinal alternative becomes conditionally available, accompanied by the appropriate physical and emotional support and follow-up, then I firmly believe that it should be put forward as an alternative therapy to invasive and traumatic abortions.

The last thing I want to do is to encourage any unnecessary terminations, and I would not be supporting the unamended bill if I believed that that would be the case. I personally have not seen any convincing evidence that suggests that the number of abortions in this country would increase as a result of the regulated availability of RU486. Given the above reasoning and the assessment of the arguments put and the information available to me, I plan to vote for the...
unamended bill before this House and reject the amendments that are also on the table.

Mr LAURIE FERGUSON (Reid) (11.20 pm)—At this late stage, there is very little new that can be said. I essentially support the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 and oppose the two amendments. I believe that the TGA is the professional body that should make these decisions. It has managed to do so, with great faith from the Australian electorate and this parliament, in regard to 50,000 pharmaceuticals since 1989. And that is in a society where increasingly we must be concerned about the dominance of the pharmaceutical industry and corporate power in regard to the examination and testing of pharmaceuticals and the reliance, often, upon their supposed experiments and their statistics. Many of those pharmaceuticals display issues of toxicity and danger. We have had the confidence to put great faith in this body about a wide variety of other goods. Similarly, the Australian Drug Evaluation Committee is independent. Its personnel are appointed by the minister. So we have two bodies with a role in this. Quite frankly, quite crudely, I have more faith in their professionalism, knowledge and backgrounds than in an individual with a minimal scientific background.

That said, I want to deal with one aspect of this debate. As the representative of the most Islamic electorate in this country, I want to deal with the comments made by the member for Hughes. They might seem peripheral, they might seem esoteric, but they do cause me some concern. Even if one had the concerns of the member of parliament I have mentioned with regard to the growth of the Islamic population in this country, the reality is that Australia’s current migration intake is heavily accented towards skills and our contemporary refugee intake is from Africa, which means that the Islamic intake of population to this country is actually declining.

I noted figures from the Minister for Immigration and Multicultural Affairs this week which soundly repudiated the logic and lack of knowledge of the member for Hughes. In actual fact, of the top 10 intake countries last year, only one—Malaysia—was an Islamic country. I also expressed concerns about the member for Hughes’s contribution, because of her crude stereotypical approach to the Islamic community in this country. Quite frankly, the reality is that the number of children people have is based far more on economic realities, the conditions in the workplace and people’s socialisation processes than it is on a regard for religion. Who would have thought 30 years ago that Ireland and Italy, with very highly Catholic populations, would now have amongst the lowest birth rates in Europe? So we see there a clear indication that faith has a lot less to do with it than the reality of people’s economic circumstances.

The comments of the member for Hughes insinuate that amongst Muslims there is some level of attachment to religion which is totally unreal. A few minutes ago, the member for Hinkler—after deploring other people and ascribing his beliefs to his religion and to the fact that he was in some way instructed by the church—then had the effrontery to turn around and denounce people from theYWCA because they were pro-choice, an attitude which somehow implies that one cannot be a Christian unless one has the beliefs of the member for Hinkler. Quite frankly, we have seen in this debate the wide range of views of believers and non-believers with regard to this bill, put in a very personal fashion.

The comments of the member for Hughes give concern to people in the electorate that the birth rate of the Islamic population in this
country is so great that we will be over-whelmed because of the abortion levels. The reality is that, as Muslims in this country go into their second and third generations, they will largely repeat the realities of the general population. I can see it myself because, as I said, I live in an electorate with a very high Muslim population. These people, in many senses, are just the Australian electorate but with a different religion. The vast majority of them have very little attachment to that religion. Quite frankly, many of them are as religious as I am—and that is not very religious. The comments of the member for Hughes were unhelpful, ill-informed and alarmist.

Turning to the broad issue again, I do believe that this is not an abortion debate. We are quite aware that tomorrow night when this bill is passed—and I think it will be by a fairly overwhelming majority—abortion law in this country, controlled by the states, will not be altered. We are essentially debating a means by which women in very difficult circumstances can accomplish this aim—under medical guidance, under medical supervision, with counselling et cetera. As the previous speaker on this side in the debate indicated, why would people go out there to make it more painful and more traumatic for women?

In conclusion, I strongly endorse the measure. The TGA is a respected organisation. It has personnel with experience. As a person who was one of the few that gave up science in the Higher School Certificate, I do not think I can comment about science and medicine, but I have seen a number of speakers in this debate who have wandered well beyond their knowledge in these fields. The TGA is a responsible body, and that is where the decision should be made.

Debate (on motion by Mr Baldwin) adjourned.

Mr BALDWIN (Paterson—Parlia-
mentary Secretary to the Minister for Indus-
try, Tourism and Resources) (11.27 pm)—I move:

That the House do now adjourn.

Child Care

Mr MELHAM (Banks) (11.27 pm)—I was recently contacted by the Arndu St Paul’s Preschool in Oatley. This preschool is located in the electorate of Barton, but many of the children attending Arndu live in my electorate of Banks. I know the member for Barton shares my concerns over the funding crisis facing this and other preschools. Parents are facing an uphill battle finding appropriate child care—and paying for it, if and when they do find it. Two years ago I conducted a survey through my newsletter to establish the child care needs in my electorate. The survey results established that there was a significant shortfall in the number of places available. Eighty-seven per cent of people responding to my survey had difficulty in finding affordable, accessible child care. Sixty per cent responded that there were insufficient child-care hours available in the area.

The survey also found that there were many families who could not afford child care. This is the specific issue raised by the preschool in Oatley. The information provided in the letter to me states that Arndu receives significantly less funding than other preschools in Australia. Families sending their children there are not eligible to receive the government’s much trumpeted child-care benefit. Families will also be ineligible for the 30 per cent rebate. The preschool has circulated a petition asking that this matter be rectified. I hope that these pleas do not fall on the deaf ears of an arrogant and out of touch government.
Since I circulated petitions in late 2003 and highlighted the need for more child care in the Penshurst area of the electorate, little has changed. This government does not seem to want to face the reality that families want and need child care. I found it disappointing that the member for Lindsay recently suggested that child-care fees should be placed in the same category as company cars—that is, they should become part of a salary package arrangement. This suggestion just shows how out of touch government members are. Many women do not even have a full-time job, let alone one which has packaging arrangements. How many workers believe they could negotiate child-care arrangements as part of an AWA?

The Australian Bureau of Statistics released a survey on 6 February this year called *Barriers and incentives to labour force participation*. This is a valuable survey because it measures the numbers of women who do not want to work at all, or who wish to work more hours. This survey established that there were more than 250,000 women who wanted to work or to increase their hours but were unable to do so because of child-care or family concerns. Costs of child care have risen steadily: 50 per cent since 2000. The 30 per cent rebate was an admission from the government that there are significant concerns about child-care costs. Unfortunately, as with most of this government’s so-called reforms, the devil is in the detail. The following groups miss out altogether: parents on a minimum child-care benefit who have a child in full-time care and fees over $65 per day—these people hit the $4,000 cap; single parents starting up a business or on low incomes, who miss out on every dollar that exceeds their tax liability in a given year; parents who have not kept receipts; parents who work less than 15 hours per week; and parents using preschools.

Good quality, affordable child care is a prerequisite for those parents who want to work. This government has gone some way to addressing cost issues by subsidising parents, but as we know there are many parents who miss out on the child-care subsidy, including parents from Oatley. There are many steps this government could take to ensure that child care is more affordable. Yet it has essentially ignored the issue, particularly for those families who are on low incomes.

Labor has a genuine commitment to addressing quality, cost and availability issues. The first steps must be in consultation and partnership with the child-care industry. We need to collect relevant data on shortages so planning can occur. The government, as far as we know, collects no such data. There must be investment in child-care centres, particularly in areas of chronic shortages. Finally, we should increase the child-care benefit. This government has had 10 long years to invigorate the child-care sector and to provide funding for Australian parents seeking to work. It is indeed an indictment that the government has not chosen to do so, and it is typical of its arrogant and out-of-touch approach.

**Canberra Electorate: Pierces Creek Forestry Settlement**

Ms ANNETTE ELLIS (Canberra) (11.31 pm)—The Pierces Creek forestry settlement was established in 1928 to provide job-tied housing for forestry workers. In the 1980s the houses at the settlement became the property of ACT Housing, but residents remained tied to the forestry industry. Prior to the 2003 bushfires, there were 13 dwellings, with 35 people living in those dwellings. The Pierces Creek residents had long tenancies. Many of the residents were born there, or their children had been born there. The residents formed a strong social group, and have a long-lasting and historical bond to the set-
tlement. It was home to these residents and part of our local history.

As we all know, the January 2003 bushfires destroyed all but one of the Pierces Creek dwellings, and in doing so destroyed their future plans. Pierces Creek residents, like others who lost their homes in the fires, simply wanted to return home. Unfortunately, this now seems impossible. After those fires I said publicly that the fires should not affect the long-term outcome of the Pierces Creek settlement. The ACT government undertook detailed examination into the future for the fire-affected rural villages, including Pierces Creek. The National Capital Authority vehemently opposed the ACT government’s reconstruction plans, and without the NCA approval those plans could not proceed. The Joint Standing Committee on the National Capital and External Territories held an inquiry, recommending the two levels of government work to reach an agreed outcome. The ACT government had formed the view that simply rebuilding the 12 homes would be economically, socially and environmentally unsustainable, and intended to redevelop Pierces Creek to 50 homes.

I was hopeful that the negotiations between the NCA and the ACT government would lead to an outcome acceptable to everyone concerned. The ACT government revised their plans down to 25 homes. The NCA refused to compromise, agreeing to the 12-home replacement only. I believe they have been bloody-minded about this issue and will not allow the ACT government to build the 25-home settlement. They refuse to, or simply cannot, see this issue with compassion to the residents or an acknowledgment of the ACT government’s position. I deeply regret that the two levels of government were unable to reach a compromise, and I am utterly disappointed by the role of the NCA.

Members of the NCA board are not elected by the ACT residents; they are placed there by the Howard government. Some do not even live in the ACT. How can the NCA justify its position? Why should it decide on the future of Pierces Creek? These are two very appropriate questions. This is where the Minister for Local Government, Territories and Roads comes in, seemingly powerless to exert any influence on the NCA regarding Pierces Creek. I might add that he does not seem to hesitate, however, in letting the NCA know how he feels about waterskiing on Lake Burley Griffin. If legality of the NCA’s role is their defence then I suggest the Howard government urgently examine the legislation under which the NCA operates. What we have is a small village 30 kilometres or so from this House and an unelected, faceless group rather than the elected ACT government deciding the housing future of the village.

It has to be said that I am not alone on the Pierces Creek questions. I am aware of some members of the federal government who share my view. I recently said in a media statement:

“The NCA Chair, CEO and Board Members should go to Pierces Creek and meet with the residents face to face and explain why they have refused to let the ACT Government proceed with its plans to develop Pierces Creek.

Needless to say, I do not believe the NCA has made that offer to meet and explain its bloody-mindedness on this issue. I am extremely saddened that Pierces Creek will not be rebuilt. The Pierces Creek community are to be acknowledged and thanked for their patience and their tolerance through this whole sorry three-year saga. It seems Pierces Creek’s future has been determined. The least we can do is wish those people happiness in their eventual resettling and for their futures.
Leunig Cartoon

Mr DANBY (Melbourne Ports) (11.35 pm)—Appearing in the Australian and the Melbourne Age today is a story about Melbourne cartoonist Michael Leunig. Virginia Trioli and John Fane—a couple of people at the ABC whose judgment I usually think is fine—have expressed some sympathy for Mr Leunig, as has his own newspaper, the Age, because his cartoon comparing Israeli policies in the West Bank with Auschwitz was entered in an infamous competition being run in Iran by the Ahmadinejad government in order to denigrate the Nazi industrialisation of death that was practised in Europe and which led to the death of six million Jews, nearly the entire gipsy population of Europe, many political prisoners, millions of Soviet prisoners of war et cetera. These people seem to be outraged about the hoax of ‘poor’ Mr Leunig’s cartoon being entered in that competition.

The really sad point is that his cartoon was seen as perfectly acceptable by the ‘Mad Hatters’ in Teheran. Isn’t it a sad indictment of Mr Leunig that the kind of hurt and denigration that was the essence of his original cartoon led those at Hamshahri, the Persian newspaper in Teheran, to accept his cartoon with open arms. The decision of the former editor of the Melbourne Age, Mr Michael Gawenda, who is now in Washington as that paper’s Washington correspondent, originally was not to publish this cartoon, because of the taunt that it gave and the unnecessary hurt it caused the surviving victims of the Nazi extermination camps who live not just in my electorate but all over Australia.

Pro rata, Australia has the highest number of survivors of that paradigm of evil, the Shoah. They came to this country because Australia is such a tolerant and vibrant place. Many of them have had wonderful lives here. When in Melbourne, I have occasion to sit next to a wonderful gentleman who works as a volunteer at that state’s Holocaust centre. He has had an amazingly productive life here in Australia; like me, he is a bit left of centre on some issues. When Mr Leunig’s cartoon was published in the paper, he was so outraged that, after having subscribed to it for 35 years, he cancelled his subscription.

The issue is not the hoax that was pulled on ‘poor’ Leunig; it is the disgusting and loathsome taunt that he made in his original cartoon. I absolutely endorse the view of the former editor of the Age not to publish that disgusting cartoon. It is an indictment of Michael Leunig’s taunting of people and their real-life experiences that the bigots in Teheran welcomed his cartoon with open arms. That is the point, John Fane, Virginia Trioli and Melbourne Age, that you should have reported and not the side issue of some hoax by the gang at CNN&N.

House adjourned at 11.40 pm

NOTICES

The following notices were given:

Ms Julie Bishop to present a bill for an act relating to the grant of financial assistance to the States for primary and secondary education, and for related purposes. (Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2006)

Mr Abbott to present a bill for an act to establish Cancer Australia, and for related purposes. (Cancer Australia Bill 2006)

Mr Abbott to present a bill for an act to amend the National Health Act 1953, and for related purposes. (Health Legislation Amendment (Pharmacy Location Arrangements) Bill 2006)

Mr Ruddock to present a bill for an act to amend the law relating to bankruptcy, and for related purposes. (Bankruptcy Legislation Amendment (Fees and Charges) Bill 2006)
Mr Ruddock to present a bill for an act to amend the Telecommunications (Interception) Act 1979, and for related purposes. (Telecommunications (Interception) Amendment Bill 2006)

Mr Brough to present a bill for an act to amend the law relating to family assistance, social security and veterans’ affairs, and for related purposes. (Family Assistance, Social Security and Veterans’ Affairs Legislation Amendment (2005 Budget and Other Measures) Bill 2006)

Mr Nairn to move:
That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Construction of a new chancery building for the Australian Embassy in Phnom Penh, Cambodia.

Mr Nairn to move:
That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Construction of a new chancery building for the Australian Embassy in Rangoon, Burma.

Mr Nairn to 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: Villawood Immigration Detention Centre redevelopment, Sydney, NSW.

Mr Sawford to move:
That this House:
(1) recognise the diminishing effectiveness of the current educational framework used in Australian public and private schools; and
(2) recommend, as a matter of urgency, the introduction of a more balanced approach to education that is inclusive of all our children in all our schools.

Mr Price to move:
That this House:
(1) congratulates Rita Macalister on the occasion of her 100th birthday;
(2) notes that:
(a) Rita came to Australia in 1978 from Uruguay;
(b) Rita is the first Uruguayan woman living in Australia to turn 100; and
(c) her birthday celebrations were held in the presence of His Excellency, Mr Pedro Mó-Amaro, the Ambassador of Uruguay, Councillor Leo Kelly, Mayor of Blacktown City Council, Rita’s family, fellow residents of Residential Gardens and Mr Roger Price MP, the Federal Member for Chifley; and
(3) congratulates the board of management of Residential Gardens, the Chief Executive, Marta Aquino, and staff who work so hard to provide the highest level of care for the residents of Residential Gardens.

Contingent on the second reading amendment moved by the member for Lindsay to the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 being agreed to, Miss Jackie Kelly to move:
That so much of the standing and sessional orders be suspended as would prevent the Therapeutic Goods Amendment (Ministerial responsibility) Bill 2006 being introduced and being passed through all its stages without delay.
STATEMENTS BY MEMBERS

Werriwa Electorate: Hume Highway

Mr HAYES (Werriwa) (9.30 am)—Once again I am forced to point out the government’s negligence when it comes to looking after infrastructure in my electorate. Recently the government announced the commencement of the construction of the new Hume Highway on-and off-ramps at Ingleburn. Businesses and residents have been fighting for these access points to be constructed for some many years, and news of their construction was very much welcomed. The joy, however, was short lived, as businesses in the industrial estates of Ingleburn and Minto are now forced to reach into their own pockets to pay for part of the construction costs because the government has refused to come to the party.

The ramps will cost a total of $13.8 million, and the federal government has decided that it will meet only two-thirds of the cost. Through some twisted logic, the federal government has decided that Campbelltown City Council should meet the remaining cost of some $4.5 million. The federal government has held a gun to the head of the Campbelltown City Council by forcing the council to meet part of the costs for this critical piece of infrastructure; otherwise, it would not be built. The council have decided that local businesses will be charged a special levy in order to meet the costs. I am not criticising the decision of council in this regard. Their hands were forced in this matter by a complete lack of interest by this government in providing and improving transport infrastructure in the south-west of Sydney.

It is unfortunate that local businesses are now going to have to wear part of the costs. Naturally, they are upset about the additional cost of a special levy, which for some will be up to $30,000, and the effect it will have on their businesses. The levy translates roughly to a 16 per cent increase in the rates for all businesses in the industrial estate. The ramps are an important part of the development of the infrastructure in the electorate which will allow it to grow and thrive. There are direct employment and economic benefits that will flow from the construction of these ramps. The construction of these ramps will also assist in easing local traffic congestion. It will also help get some trucks off the suburban streets, improving the safety of all residents of Campbelltown.

For these ramps, the federal government has decided to overturn the long held protocol that infrastructure around federal highways is funded by the federal government. Local businesses are now paying the price for this decision. The businesses that face the levy have every right to be angry about paying it but they should direct their anger in the right way—at the Howard government, a government that continues to ignore the needs of local residents. I call on the government to overturn this decision and fund in full the Hume Highway access ramps at Ingleburn.

Health: Queensland

Mr NEVILLE (Hinkler) (9.33 am)—Back in 2003 I told the House of the Beattie government’s ambulance levy, whereby the Queensland Labor government imposed, in effect, yet another tax on residents to provide ambulance services. The levy was paid via an $88 charge on every electricity account in Queensland per year and was established to fund the Queen-
sland Ambulance Service. Ostensibly, the levy provides ambulance cover for every Queens-
lander but, in effect, is an example of how the Queensland Labor government is taxing peo-
ple by stealth and failing to provide even the most rudimentary of ambulance services.

Under the old system in Queensland you paid $98 for your whole family for a year. But 
now you can see how quickly things have changed in Queensland—beautiful one day, stuffed 
up the next. Not only has the ambulance levy gone to $92.55 since its implementation, raking 
in another $110 million for the Queensland government, but the once great ambulance service 
is now in a shambles, with crews having to transport patients from one hospital to the next in 
a vain attempt to find a functioning emergency ward.

Recent research shows an increase in ambulance trips from 460,000 a year to 688,000 in 
the last financial year. Whether the increase in usage is due to an ageing population or people 
looking to get the most out of their compulsory levy is open to speculation. But there is one 
thing the Queensland government cannot deny: the appalling condition of the state’s public 
health services. Where once we had a workable public health system, we now have serious 
doctor shortages. Where once we had functioning hospitals, we now have emergency depart-
ments closing down due to staff shortages. Just a matter of weeks ago—in fact, on 25 January—a fire crew had to give emergency first aid to a Bribie Island man who had had a heart 
attack, because the ambulances were too busy transporting patients from Caboolture hospital 
to other hospitals. Imagine having to go in on the back of a fire engine!

Mr Danby—It happens in other states.

Mr NEVILLE—That is no credit to the Labor governments which allow it to occur. A 
real-life taxpayer funded ambulance crew did not arrive at the scene for 1½ hours because 
they were too busy transporting other patients to hospitals that were actually functioning. If 
ambulances are going to be treated as taxis with fire engines being sent in their place, what 
exactly is the ambulance levy providing to Queenslanders? Premier Beattie promised a fair 
and reliable ambulance service for Queenslanders. He has yet to deliver on that promise.

Gulf St Vincent

Mr GEORGANAS (Hindmarsh) (9.36 am)—I rise to speak on the Gulf St Vincent, which 
binders the electorate of Hindmarsh. Many residents within the electorate of Hindmarsh have 
spoken with me with frustration, anger and almost a sense of helplessness over the downward 
spiral of the health of the Gulf. I called a meeting last December to hear residents’ concerns 
about the Gulf and was pleased to have Jennie George and Anthony Albanese present at this 
forum, which was conducted in the electorate of Hindmarsh. Also in attendance was the state 
member for Colton, Mr Paul Caica, who was representing the state government. He has been 
very supportive and has shown a keen interest in the health of the Gulf St Vincent.

The panel heard that the ecosystem within the Gulf developed in very clear, nutrient-poor 
waters as water from the coastal plain was filtered by extensive wetlands and sand dunes be-
fore, to an extent, accessing the Gulf. Decades of waste water and urban run-off have turned 
the Gulf into a turbid, nutrient-rich sink. Residents and environmental scientists that attended 
on that day called for a policy of stopping all stormwater run-off and waste water discharge 
entering the Gulf. The report of the 2000 Senate inquiry into the Gulf St Vincent has 143 para-
graphs on threats to the Gulf focused on greater metropolitan Adelaide. Forty-eight of these 
paragraphs—a third—focus on sewage, effluent, waste water, stormwater or run-off, with
waste water and stormwater receiving almost equal attention. That is one-third of the attention given to the metropolitan threats. Of the report’s 15 recommendations, only one is focused on one of the four major metropolitan waste water treatment plants. Otherwise, storm and waste water is ignored but for a reference to improved water quality in another.

Both federal and state governments agree with what Hindmarsh residents were saying on that day and have been saying for a long time. The federal government has multiple initiatives focused on improving water quality along coastal areas, including the Urban Stormwater Initiative. I am sure each has done good although relatively small project work. If governments do acknowledge the detrimental effect of storm and waste water entering the gulf, do they care enough to commit the necessary dollars to help the gulf? The South Australian Water Proofing Adelaide Strategy aims to increase storm and waste water usage. But while the gulf is inundated by 230 gigalitres of waste and storm water per year, at best Water Proofing Adelaide will decrease this to around 200 gigalitres—and this is in 20 years time.

If the gulf needs to be free of storm and waste water to have any chance of restoring itself, then all governments will need to show exemplary focus, commitment and cooperation to relieve the gulf of this pollution. This means putting the dollars where the sentiment is. I am here to advocate for the gulf itself using the best advice I have at hand. I am here, as the federal MP for Hindmarsh, to say to the federal government of the day that the gulf and all the life in it need increased assistance and protection and that, if the federal government is committed to preventing environmental disasters, increased financial backing of substantial environmental works appears unavoidable.

**Flinders Electorate: Community Services**

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (9.39 am)—I want to take this opportunity to discuss some of the developments for community services in the vicinity of Koo Wee Rup, Tooradin and Lang Lang, all towns on the northern end of Western Port within my electorate of Flinders. There are some tremendous developments. The first one, which I am particularly pleased to talk about, is the opening this week of new classrooms at St John the Baptist Primary School at Koo Wee Rup.

Mr Broadbent interjecting—

Mr HUNT—It is a beautiful little Catholic school well known to my colleague the member for McMillan. It is headed by Simon Dell’Oro, the principal, and this week we will be opening at the school new classrooms, a new administration area and a general update to much of the school area.

It has been an expensive project of $635,000. Most significantly, the school community should be congratulated. A community which does it tough from time to time has raised $160,000. The people of Koo Wee Rup, Tooradin, Lang Lang, Bayles and Catani—a fantastic farming community, and also the people who are serving the farmers—have raised this money. They have contributed to the St John the Baptist school. Of course, the Commonwealth has made a contribution. We have contributed $475,000 and I am delighted that we have been able to do that to support them in some way. But the real recognition should go to Simon Dell’Oro and to all of the staff, parents and family members, as well as the students, who have simply gone out there and raised $160,000 in an area where that amount of money really matters. That is an outstanding sign of the health of the community.
The second thing I wanted to talk about is that we have recently announced $146,800—or nearly $150,000—for respite accommodation at Koo Wee Rup Health Services, which is more widely known as the Koo Wee Rup hospital. This is extremely important. It is to assist carers by giving them a break by providing respite accommodation for those that are under care. That may mean young people or it may mean elderly people or those with disabilities. It is a real challenge for carers. They need time, whether it is to work or for themselves—to exercise, for example. They are absolutely the foundation of a healthy community. The work that they do to support people who are most in need and most at risk of extremes is outstandingly generous. I am delighted that we are able to make this small contribution to take the burden off carers in the Koo Wee Rup, Lang Lang and Tooradin area.

Dental Health

Ms KATE ELLIS (Adelaide) (9.42 am)—Today I rise to talk about the crisis in dental health in this nation. More than half a million Australians are being forced to wait up to five years to get their teeth fixed in what has become a national outrage. The Howard government’s abandonment of the public dental health system in 1996 has created too many horror stories that can no longer go untold. Currently, there are 650,000 Australians who have a whole lot to complain about, but their poor dental health sees many of them unable to speak or too embarrassed to speak out. The Labor Party and I will continue to fight for the Howard government to meet its responsibility in this area.

What kind of society do we live in where a policy of abandoning public dental health is accepted and, whenever questions or complaints about the state of our dental health system arise, the leaders of this country deny responsibility, telling Australians that it is a matter for the states? Dental health is not just a state issue. Section 51 of the Constitution—the highest law in Australia—gives the federal government responsibility for dental health. It is about time for the government to stop shirking its responsibility and start investing in Australia’s dental health.

When the Howard government abolished the program in 1996, there were 380,000 Australians waiting an average of six months for public dental care. Now, we have some 650,000 Australians waiting an average of five years. I was contacted recently by a constituent who is unemployed and missing several teeth. This man desperately wants to work and believes that his dental problem creates a bad impression at job interviews and, at the very least, massively affects his self-confidence. This man does not have the $5,000 he has been told he needs for a private dentist to fix his teeth, and he has now been in the queue to see a public dentist for more than 18 months. It is unlikely he will reach the front of the queue for some time. I have met with pensioners who are either in need of dentures or desperately need to have their existing dentures refitted. They have told me how they feel forgotten and neglected and how they have trouble eating and speaking whilst they wait on ridiculously long lists.

The provision of dental services is one of the basic services of a civilised society. We are a prosperous country and a country that prides itself on the notion of egalitarianism, yet we abandon the elderly and the disadvantaged in such a cruel fashion. I will continue to fight for the Howard government to meet its responsibility in this area. We need a national public dental system and we need a strategy to address a critical shortage of dentists and therapists. Dental health treatment is an essential element of the overall health system and it must be accessible to all Australians. I will continue to circulate the petitions, which people are lining up to
sign in my electorate, and we will continue to pressure the Howard government to stop letting down Australians in this matter.

**Dental Health**

**Bushfires: Victoria**

Mr BROADBENT (McMillan) (9.45 am)—I have a lot of time for the member for Adelaide and I have a lot of time for her concerns for her constituents and the things that she has brought to the table today. However, in Adelaide we have a state government rolling in money and these people will not give money to those who desperately need dental care. This is an important health issue; it is a state issue.

Mr Danby—She’s a new member.

Mr BROADBENT—No. I have been a new member three times. Don’t ever excuse someone for being a new member. Members represent their constituency and the member has done that properly today. However, the petition she brought to the table should go to the Premier of South Australia. She has a responsibility to do that.

Ms Kate Ellis interjecting—

Mr BROADBENT—No, I am passionate about what you said. I understand there are people in distress in our community. We should never forget that even in prosperous times there are those in our community who are missing out. We recognise that. However, when the state has a responsibility it should be dealing with it, and so should the Victorian state government, which is also rolling in money. The members have a responsibility to bring the dental issue to their attention.

I want to talk about the fires in Moondarra in Gippsland. The response to the fires by the chief executive officer and councillors of the shire of Baw Baw was very effective. During the fire, when there was a danger of getting a northerly long front and the south-west winds coming in and blowing the front through, what we decided to do—and I praise the DSE and the CFA for what they did—was to go into asset protection. Asset protection is about protecting homes. No houses were damaged and people did not have to leave their homes.

The response from the Baw Baw shire was fantastic. Their recovery program is going very well. It has provided a great opportunity for the community to come together. Tim Fischer came down to the area and promoted the businesses that lost money because the tourists stopped coming; they thought the area had been devastated. When the tourists come back to Walhalla there will be an opportunity for all of us to spend our money in our own backyard. This is a great place to visit. Walhalla—with the train, the mine, the people and the corner store—is open for business. I say to those people who are looking for a place to go in Victoria: come to Walhalla. Yes, there has been a fire through there; however, we as a community—(Time expired)

**Calwell Electorate: Kraft Foods Australia**

Ms VAMVAKINOU (Calwell) (9.48 am)—Today I rise to talk about the most recent spate of job losses in my electorate of Calwell. On 11 January this year Kraft Foods Australia announced that as of 31 March this year its biscuit-making factory in Broadmeadows would close permanently, resulting in the loss of 151 jobs. This is just another blow to the working
men and women of my electorate who rely on the manufacturing sector for their livelihoods and for those of their families.

I am particularly disappointed with Kraft Foods Australia because when I first became the member for Calwell—an event that coincided with the purchase of Lanes Biscuits by Kraft—I met with the CEO and other management officials seeking reassurances that the biscuit facility would remain in our community. Management assured me at the time that this would be the case. Kraft has now shunned its promise and closed the factory, leaving the 151 employees, many of whom have given over a decade’s loyal service, in the cold without a steady income and with limited job prospects. The reasons given by Kraft have an all too familiar and bitter ring to them. The company’s corporate and government affairs manager, Andrew Kilsby, stated in a letter:

... an on-going business review has deemed the closure of the Broadmeadows facility as necessary to the company’s overall business prospects as the Broadmeadows facility lacks scale and the manufacturing costs remain too high for the facility to remain sustainable within the highly competitive biscuit category.

Kraft’s response is therefore to move the manufacturing of some of its biscuit brands to a regional facility in China where no doubt it believes it could have better prospects of greater profits. Although Kraft is mindful, it states, of the impact this will have on its local workforce, I want to emphasise that the news, delivered with little notice, constitutes nothing smaller than a catastrophe for local families, many of whom will struggle to find another job in industry when companies are literally fleeing overseas chasing profits. These job losses however are only a drop in the ocean compared to the whopping 60,700 jobs that have been lost from Australian manufacturing in the last year.

It is clear that our manufacturing base is haemorrhaging. In the last year in my electorate alone we have seen Autoliv Australia shed 500 jobs and Kozmo industries shed 40 jobs. We have seen Ford Australia announce progressive cutbacks to all its plants including the Broadmeadows plant and Kraft again cut back in 2006 after an initial job loss of 2,400 jobs in Victoria in 2004. Australian manufacturing has a proud tradition. We need to sustain our productivity and international competitiveness. This cannot be achieved by lowering wages and conditions, actions that will only further weaken industry, making Australian workers even more vulnerable. We cannot compete with China and India on wages but we can compete by investing in skills and in training. It is imperative that the government recognises this in response to the crisis facing our manufacturing industry. (Time expired)

**Small Business**

Mr JOHNSON (Ryan) (9.51 am)—Small business is the subject of my speech in the parliament today. Some 1.2 million small businesses exist in this country and they employ over three million Australians. Small business is vital in my electorate of Ryan and as the federal member for Ryan, which I have the great privilege to be, I place an enormous emphasis on promoting small business and promoting opportunities for small business owners and operators to come together, to learn from each other, to network and to value add to their organisations. Small business is critical in our country because it sustains families, it sustains communities and it sustains the greater national economic prosperity and the growth of this nation. It creates jobs in so many ways, it provides important goods and services that the likes of Coles, Kmart and the big chains do not provide.
Not only is small business the lifeblood of the Ryan community in just the same way as roads, schools and hospitals but small business is also the lifeblood of this country. As I said, some 1.2 million small businesses in this country employ over three million of our fellow Australians and, as the federal member for Ryan, I place a great emphasis on promoting small businesses in my constituency.

Since 1996 the coalition government, led by the Prime Minister, has of course given enormous emphasis to economic growth and prosperity in this country. Today we have record levels of employment and the economy is strong and robust. There are opportunities galore for the people of Australia. People who have great ideas, great imagination and innovative technology are the ones who are creating and leading the prosperity in this country. Over 1.7 million jobs have been created in Australia. Most of them are full time. This country will continue to place enormous emphasis on creating job prospects not only for young Australians coming out of school and university but also for mature age Australians. This is an important part of our role as individual members and senators of this parliament.

I want to remind the people of Queensland and the people of Ryan electorate in particular that the Queensland government reaps some $7.7 billion of GST funds. This is an enormous amount of money. The states and territories across this country are awash with GST funds. It is about time that the Queensland government spent some of this money not only in our health facilities—hospitals in Queensland are crumbling; they are absolutely wasting the GST that comes into Queensland—but, in particular, on small businesses, just as the Commonwealth is doing. In conclusion, I want to commend the Howard government and all those community businesses in Ryan that do their part to ensure that posterity and growth continue. (Time expired)

**BHP**

Mr DANBY (Melbourne Ports) (9.54 am)—BHP used to be known as the ‘Big Australian’. After the revelations of the pattern of events and behaviour revealed at the Cole inquiry, it now might be known as the ‘Big un-Australian’. Events at the Cole inquiry reveal a pattern of dubious behaviour by this leading Australian based company. BHP’s first negative behaviour I would highlight was outlined in the weekend *Sydney Morning Herald*, which reported that in 1996 BHP tried to undermine President Clinton’s efforts to stop Iran’s nuclear program—those efforts have not borne fruit, but this grave issue was in the public mind even then. BHP was going to develop some of Iran’s gas fields. It was only legislation in the US Senate that stopped this attempt to undermine the international consensus that Iran should be prevented from developing nuclear weapons.

Second, we had this very dubious shipment of wheat sent in 1995 by an offshoot of BHP—Tigris Petroleum. It can only be described as a $5 million bribe through a shipment of wheat to Saddam Hussein which was designed to open up possibilities for BHP to gain access to the Halfayah oilfields in then Saddam controlled Iraq. Many people throughout the Western world have been critical of the French company Elf Aquitaine and some of the Russian companies for their collaboration with Saddam Hussein, but here we have an example of an Australian company desiring to deal with and prop up the Saddam regime. Another revelation from the Cole inquiry was that in 1997 BHP was going to offer Saddam a $100 million soft loan to help him through the period of economic sanctions. This thankfully did not proceed.
This kind of corporate short-sightedness in supporting corrupt regimes by making bribes to countries like that controlled by Saddam obviously fails even to understand those companies' own narrow interests. Of course the new Iraqi government now say they will no longer deal with the Australian Wheat Board but instead purchase American wheat. It is the same with BHP: why would the new Iraqi democracy ever give them access to their oilfields when they see that BHP were trying to bribe Saddam Hussein? It is very short sighted and very un-Australian. (Time expired)

Hasluck Electorate: Brickworks

Mr HENRY (Hasluck) (9.57 am)—I appreciate the opportunity today to speak against the proposal by BGC to lease land from Westralia Airports Corporation and build a brickworks immediately adjacent to Perth Airport in an area which was once the home of the West Aviat community golf club. Many thousands of people in the electorate of Hasluck and adjacent areas have a shared view: this brickworks is not wanted, not welcome and must not be built. This is clearly a brickworks in the wrong place. Local residents have good cause for concern. This brickworks will produce significant emissions of hydrogen chloride, hydrogen fluoride and sulphur dioxide gases, which will dump many tonnes of pollution over the area immediately surrounding the brickworks.

An earlier report produced by the Western Australian Department of Environment found that exposure to these types of acid gas emissions has caused adverse health effects, chronic respiratory ailments, itchy eyes and other sensitivities. Parents are greatly concerned about the future health of their children as there are over seven schools within 3,000 metres of the proposed brickworks site. One, the Matthew Gibney Catholic Primary School, is within 1,000 metres. Parents have an expectation that their children will go to school in a safe environment. The Middle Swan Primary School was closed as a direct result of odour and health issues associated with emissions from brickworks. The health and wellbeing of our children should be our first consideration.

Within a few hundred metres of the brickworks site, work is under way to establish an extensive aged care and retirement village. What effect will these noxious emissions from the brickworks have on senior citizens? Three local government areas are all strongly opposed to this development—the City of Belmont, the City of Swan and the Shire of Kalamunda. Kalamunda is extremely concerned about the impact heavy-haulage trucks will have on the single-lane Kalamunda Road, particularly through the small community of High Wycombe, and how this will impact on local safety and amenity.

There is no doubt that the proposed BGC Brickworks will adversely affect the lifestyle of some 14,000 home owners and their families; create traffic congestion with serious safety issues and loss of amenity; place the wellbeing of local residents in jeopardy, including that of young children; and destroy the ecology and local habitat of the western brown bandicoot and the feeding grounds of the endangered Carnaby’s black cockatoo. This proposal will have significant social, health and environmental ramifications in our community and I urge the Minister for Transport and Regional Services and the Minister for the Environment and Heritage to reject it outright.

I support a petition that I have and request that the government, consistent with the wishes of over 5,000 signatories, reinstate that area of precinct 3A previously occupied by the West Aviat community golf club to the club and, in so doing, create an effective buffer zone be-
tween the airport, future development and residential areas. This petition has been duly checked and stamped by the Clerk and I seek leave to table it.

Leave granted.

The petition read as follows—

To the honourable the Speaker and Members of the House of Representatives assembled in parliament.
The petition of certain residents in the state of Western Australia draw to the attention of the House to the rezoning of Precinct 3A (part of Perth Airport Master Plan) from recreational to warehouse and showroom, which Westralia Airport Corporation has used as an excuse to evict West Aviat Golf Club, which has existed since 1973, on land granted by DOT in 1979.

Your petitioners therefore pray that the House to influence the Minister for Transport, to rezone Precinct 3A back to recreational, and reinstate West Aviat Community Golf Club, and thereby the buffer zone, between the airport and South Guildford houses.

from 10 citizens.

The DEPUTY SPEAKER (Hon. IR Causley)—In accordance with standing order 193 the time for members’ statements has concluded.

APPROPRIATION BILL (No. 3) 2005-2006

Cognate bill:

APPROPRIATION BILL (No. 4) 2005-2006

Second Reading

Debate resumed from 14 February, on motion by Mr Nairn:

That this bill be now read a second time.

upon which Mr Tanner moved by way of amendment:

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

“whilst not declining to give the Bill a second reading, the House is of the view that:

(1) despite record high commodity prices the Government has failed to secure Australia’s long term economic fundamentals and that it should be condemned for its failure to:

(a) stem the widening current account deficit and trade deficits;
(b) reverse the reduction in public education and training investment;
(c) address critical structural weaknesses in health such as workforce shortages and rising costs;
(d) expand and encourage research and development to move Australian industry and exports up the value-chain; and
(e) address falling levels of workplace productivity;

(2) the Government’s extreme industrial relations laws will lower wages and conditions for many workers and do nothing to enhance productivity or economic growth; and

(3) the Government’s Budget documents fail the test of transparency and accountability”.

The DEPUTY SPEAKER (Hon. IR Causley)—Before the debate is resumed on this bill, I remind the Committee that it has been agreed that a general debate be allowed covering this bill and the Appropriation Bill (No. 4) 2005-2006.

Mr MURPHY (Lowe) (10.01 am)—Since 1947 the hands of the doomsday clock on the cover of the Bulletin of the Atomic Scientists have been used to warn the world of the ever present danger of nuclear catastrophe. At present the hands again sit at seven minutes to mid-
night, the same position they were in when the magazine first appeared at the start of the Cold War. In 1946 Albert Einstein wrote that ‘the unleashed power of the atom has changed everything save our modes of thinking, and thus we drift towards unparalleled catastrophe’. There is a new menace: rogue states and transnational terrorist organisations that have sworn to destroy the West by any means possible, including nuclear weapons. In 1939 Hahn and Strassman discovered nuclear fission in uranium, and the potential for a weapon was immediately obvious to the belligerents of the Second World War. In fact, the designers of the Hiroshima uranium bomb were so certain that it would work that it was deployed untested—a possibility that we must be aware of today when facing the chance of a nuclear terrorist attack.

The quality of uranium required to construct a workable Hiroshima style bomb is quite small. Just four 200-litre drums of yellowcake contain sufficient fissionable uranium-235 isotope to build a bomb with an explosive yield of approximately 15,000 tons of TNT, equivalent to the Hiroshima bomb. Extracting the explosive uranium-235 from natural uranium requires complex chemical and physical processing—not the sort of thing that can be carried out in a backyard or bunker but quite feasible for a Third World country with Western trained scientists.

The scientists who worked on the Manhattan atomic bomb project were in many cases profoundly concerned about the use of the weapon but were motivated by the real possibility that Nazi Germany would be the first to acquire a nuclear bomb. These days the potential construction of nuclear weapons by rogue states or terrorists would not be possible without the participation of highly trained technicians and scientists who may well have ideological commitments that lead them to ignore any scruples or concerns about the consequences of their actions.

A constituent of mine has recently expressed concerns to me that university level postgraduate research students from countries such as Iran have been receiving training in the kinds of technologies that may be useful to bomb makers without any exposure to ideas that could affect their preconceived attitudes. Now that these particular students have returned to Iran, it is not possible to determine if they are contributing to the evident Iranian nuclear weapons program. If members think that this is of small consequence, they should realise that the notorious Pakistani atomic bomb maker, Dr AQ Khan, employed his postgraduate students not only to source Western knowledge but also to produce materials and components needed for his bomb-building research laboratories.

Some years ago the FBI arrested two so-called students after they had attempted to buy high-strength steel for the construction of equipment designed to isolate uranium-235. These days Australian university engineering and physics departments appear to be recruiting foreign fee paying students, as dictated by the government, and to be concentrating on the provision of advanced practical training while neglecting the broader education of these students. Before the universities were corroded by the government’s commercial imperatives, engineering and science students, at least in some universities, were required to take subjects in the humanities as part of their compulsory course work.

All students, foreign and Australian, attending university should be exposed to challenging ideas. The current exclusive concentration on technical studies, especially in the engineering faculties, is producing highly trained but not well-educated graduates. We should remember that Osama bin Laden studied civil engineering at a Saudi university in the late 1970s. His
attack on the World Trade Centre demonstrated that he had been well trained in the design and
demolition of buildings but that he had never received what many would regard as an educa-
tion. So the universities should seriously be putting additional funding into the broader educa-
tion of both foreign and Australian students.

Another area where there is a shortage of funding is that of child care. In January this year,
the Australian Bureau of Statistics released figures that showed something like a quarter of a
million women across Australia wanted to work but were unable to work because they could
not find adequate child-care services. Last week the Barriers and incentives to labour force
participation survey was released, and it revealed some very instructive issues: (1) child care
is one of the top barriers to work; (2) problems finding suitable or affordable child care is the
No. 1 reason women who want to work are not looking for it; (3) almost 98,000 mothers who
want to work are unable to start within four weeks because child-care and family factors pre-
vent them; (4) another 160,500 women who want to work or work more hours and consider
themselves available to start immediately are not looking for work due to child-care factors;
and (5) a lack of jobs with suitable conditions was the reason another 80,200 have difficulty
obtaining work or more paid hours—a response the ABS noted ‘may reflect the need for more
flexible working arrangements’.

When we were on leave in the middle of January the member for Lindsay raised the issue
of child care—and I was very pleased that she did. She talked about, in particular, the prob-
lems for the care of the under-fives. In my view, four major reforms are needed to increase the
amount of affordable high-quality care for the under-fives. We could start by collecting data
on the shortages, because currently the government does not assess the unmet demand. The
reforms include: direct investment in long day care places; government assistance in estab-
lishing centres in areas of chronic shortages, including the inner city and low-income areas;
removing the disincentives for employer investment in child care by extending the categories
of employer expenditure on child care that are fringe benefits tax exempt—currently, fringe
benefits tax must be paid by employers on all child-care assistance to employees, unless the
employer operates the whole child-care centre. Another area where the government could
spend money would be to increase the child-care benefit.

There is enough money for the federal government to do more for child care. We are run-
ning a surplus in the order of $12 billion in the current year. In relation to child care, impor-
tant findings by the Australian Institute of Health and Welfare show how inadequate the fed-
eral government’s funding and policy is, because child care is not keeping pace with the huge
increases in child-care fees. In its report Australia’s Welfare 2005, the Australian Institute of
Health and Welfare found that new data shows that over 61,000 children have been turned
away from a child-care service because there were no vacancies, more than 30,000 children
are not in child care because fees are too high and 22,000 children could not access child care
because there was no service in their area. The institute also found that since 2006 the cost of
child care as a proportion of disposable income has increased for all family types except cou-
ples families with high incomes. In the new, extreme industrial relations environment that the
government has visited on Australia, this will allow employers to require parents to work ir-
regular and family-unfriendly hours—including early mornings, nights, weekends and public
holidays—without overtime or penalty rates.
In my own electorate of Lowe in the inner west of Sydney, there is a very great shortage of child-care places. One centre just up the road from where I live, the Abbotsford Long Day Care Centre, currently has a waiting list in the order of 200 parents. The biggest problems are for those parents attempting to place toddlers under two years of age because parents are waiting at least 12 months and much more if they are to get the toddlers into child care at the Abbotsford Long Day Care Centre. I know the great job that the Manager of the Abbotsford Long Day Care Centre, Ms Michelle Sidoti, does and the great care and interest that she shows in promoting this problem. I have visited this centre many times over the years and I have a clear understanding of what the problems are for Ms Sidoti and those parents who want to get child care. Currently, it is costing between $80 and $100 per day per child. Parents find that there is no financial benefit in returning to work because most of their income is being taken up in child-care fees. They are facing the dilemma that if they fail to return to work in a reasonable amount of time not only has their employment position gone but also, if they extend their maternity or paternity leave, their skills are lost and their re-employment prospects are diminished.

Further, at the Abbotsford Long Day Care Centre, parents of children with special needs find that extra funding for their children is insufficient or nonexistent, with the end result that these children with special needs are being disadvantaged as well as the other children in centres that create spaces for children with special needs. Also in relation to Abbotsford Long Day Care Centre, early childhood teachers provide quality work, with most centres like Abbotsford having a well-developed mixture of experienced and newer staff. But with the low salaries there are fewer and fewer quality trained staff available, and we must ensure that the staff who are caring for and educating the future of Australia are adequately and fairly compensated for their labours.

I know that Ms Sidoti at the Abbotsford Long Day Care Centre has been on a crusade to get a salary increase for these staff who do such a very important job in forming the lives of very young Australians at an important time of their lives. I would hope that, as we approach the budget, with the message that is coming not only from Abbotsford Long Day Care Centre in the inner west of Sydney but from all around Australia—and clearly out in the west of Sydney, where the member for Lindsay has made her position clear to the government—the government does something to provide more funding in the coming budget.

I would also like to raise the issue of the plight of the public broadcaster. A few weeks ago the general manager of the ABC, Mr Russell Balding, once again submitted his triennial funding submission, in which he called on the government to give an extra $38 million to the public broadcaster. When you look at the totality of the government’s budget, particularly bearing in mind the huge surplus, an extra $38 million to help the public broadcaster is not, in my view, very much to ask. The additional funding is clearly going to be required over the next three years if the public broadcaster is to meet the objectives in its act of parliament and provide news, information, entertainment and drama—all the quality programs on the ABC that we have come to know and enjoy.

It is going to be terribly important to give that extra money to the public broadcaster so that it can better compete with the commercial players. We know that the government is planning to release its media policy, which might impact on the new-age media in Australia. On many occasions over the past five years I have expressed my grave concerns about the implications
of the cross-media ownership legislation for media proprietors. If we let the ABC wither on the vine, we will be doing a great disservice to the public interest and the future of our democracy. The ABC has a very important role in Australian life, particularly in keeping people informed and entertained. I would ask that the government give serious consideration on this occasion to giving that additional funding to Mr Balding because we all benefit from that. I make that point because, as I have also said on many occasions, all the messages coming from the government are that it is looking after the two biggest and most powerful media companies in Australia.

The final issue I want to raise in this debate on the appropriation bills is that Sydney will desperately need a second airport in the near future. Yesterday and on Monday I got stuck into Mr Max Moore-Wilton, who now works for Macquarie Bank, which bankrolled the purchase of Sydney Airport for the Southern Cross Consortium. I am extremely alarmed by the expansion of the commercial operations of the airport and the implications for the people I represent and the people of Sydney at large. Quite plainly, Macquarie Bank paid far too much for that airport, and clearly the agenda of Mr Max Moore-Wilton—who went from being Secretary of the Department of the Prime Minister and Cabinet to Chair of Sydney Airport Corporation Ltd to working for Macquarie Bank—is to make that airport make every dollar it can in the interests of fattening the salaries of all the directors and shareholders of Macquarie Bank at the expense of the people I represent.

The government are allowing this to happen. It is an absolute outrage to think that hotels are going to be built on that land and they are proposing to build cinemas and so on. What a lot of nonsense! This is an airport. This is not a shopping centre but, clearly, it is being developed as a shopping centre so that Macquarie Bank can make vast amounts of money. If you go and visit the airport, you know how much you have to pay for food or service or if you want to buy clothing or anything at that airport. People are being absolutely ripped off. Doubtless, Macquarie Bank is charging huge amounts of money for the leases for subletting those businesses out at the airport. And the government are doing nothing about it. The consent for all this development rests with the Minister for Transport and Regional Services, Mr Truss. I ask for a message to be taken back to him to come down heavily on Macquarie Bank and do something decent and make sure that the long-term operating plan is put in place and funding for a second airport is provided to take pressure off Sydney airport. (Time expired)

Ms ROXON (Gellibrand) (10.21 am)—A key constitutional principle is involved whenever parliament is asked, as it is at the moment, to approve appropriation bills such as the ones we are debating today. That principle, often forgotten in the day-to-day work of the House, is that it is parliament’s job to control government expenditure.

In a country of dominant executive government this might seem a little anachronistic, but I want to explore the protection it is meant to give taxpayers and my fears that one of the most basic and important constitutional concepts in the Westminster system, arguably the bedrock of responsible government, is disappearing from view and practice—and with it accountability to the people is disappearing too.

In 17th century England, this principle was hard won, with blood spilt in support of parliament’s rights. This history, of course, was very well known to the framers of our Constitution, who tried to set down in black-letter law parliament’s control of finances, principally in sections 81 and 83 of the Constitution. Unfortunately, as a result of changes to budget processes
made by this government and compounded by a recent High Court decision, this constitutional principle has been reduced to little more than symbolism. The Howard government has ridden roughshod over this principle and rendered the whole parliamentary budget process, especially the additional estimates process, almost entirely meaningless.

The erosion of genuine parliamentary control of finances started with the introduction of accrual accounting in 1999. There is nothing intrinsically wrong with accrual accounting, but the change happened to coincide with another unrelated change—the outcome/output structure for the budget documents. This system of setting out the budget involves allocating money against general outcomes, written in terms that are so vague as to mean almost anything, and only slightly more clear are the outputs.

The problem was illustrated in the most startling way this year, and I want to spend some time on this. We can now actually see that the effects are reflected in Appropriation Bill (No. 3) 2005-2006 today. As the House is well aware, last year this arrogant government wasted millions of taxpayers’ dollars—$55 million so far, we are told—on a partisan, inaccurate and misleading advertising campaign for its extreme industrial relations changes. It was a despicable campaign. It was a gross misuse of taxpayers’ funds to force Liberal Party propaganda down the throats of those taxpayers who were actually funding the campaign. It was wasteful because it achieved nothing but making prime time TV viewing a very irritating experience for several months. Australians already knew what they thought about the IR package, and $55 million or more on advertising was not going to change that. It was wasteful, unethical and party political. I suspect we have not seen the end of it.

Under the 300-year-old principle that parliament controls the purse strings, you would have expected that this type of expenditure would have been contained in the budget papers passed last May. So of course I looked. It was not there at all. There was no talk of a public campaign of any type, an industrial relations information campaign or any of the euphemisms the government uses in other circumstances. There was nothing even close to a big, expensive Liberal Party propaganda campaign that we might have expected to feature somewhere under some name in the budget papers.

Together with Greg Combet of the ACTU, I launched an action in the High Court on the grounds that the government was spending money that had not been appropriated by the parliament. We took up an important fight on behalf of Australian taxpayers to stop this rort. But this was when the full constitutional ramifications of the 1999 budget changes became clear. In its defence the government made the extraordinary claim that it did not have to show any reference to the advertising in the budget papers, simply that it went toward one of the outcomes in the appropriation act. The one that it identified was the outcome ‘higher productivity, higher pay workplaces’.

We argued in the court that, because the appropriations act referred to the portfolio budget statements, the court needed to look at those documents to find what ‘higher productivity, higher pay workplaces’ meant, given that it is such an amorphous, if not meaningless, term in this context. To assist our argument we relied on actual parliamentary practice—for example, the critical role that the PBS play in Senate estimates and the constitutional principles set down in sections 81 and 83. The government’s argument was tantamount to saying that the PBS are not worth the paper they are written on: at any time the government can diverge from the spending plans that parliament was given when the budget was passed. This made a
mockery of parliamentary scrutiny, and it made a mockery of the institution of parliament itself.

As it turned out, the High Court was split. Only one judge, the Chief Justice, accepted the reasoning of the government. Two judges accepted our argument: Justice Kirby and Justice McHugh. The other four judges took an entirely different approach with far more radical implications than even the government’s own submissions. Justices Gummow, Callinan, Hayne and Heydon looked at one small part of the appropriations act—in fact, an interpretative note—and decided that the government did not even have to stick to the broad outcomes, let alone the portfolio budget statements. Those judges held that it was enough to show that the money was ‘departmental expenditure’—that is, money spent by a department. In effect, this could mean that the executive government has complete, unfettered discretion to spend all the money in appropriation acts allocated as ‘departmental expenditure’ on any purpose, including on extreme ideological propaganda—even, in this case, when the industrial relations law had not even been presented to the parliament, let alone passed by the parliament.

With great respect to those judges, I have to disagree with that decision. Their reading of the appropriations act could just as easily and rationally have gone the other way, and the constitutional context was a very powerful reason to do so. Indeed, the effect of the decision is to do what, in 1945 in the pharmaceutical benefits case, Chief Justice Latham said the Constitution could not allow: providing an ‘appropriation in blank’. Until 2005, that was settled constitutional law of Australia. Chief Justice Latham went on to describe what he meant:

An Act which merely provided that a minister or some other person could spend a sum of money, no purpose of the expenditure being stated, would not be a valid appropriation Act.

But, according to the current High Court, an appropriation of exactly this type is not only valid but to be preferred in the event of ambiguous drafting.

Let us be clear about this: not even the government had that interpretation of its own appropriation acts. It is the result of a particular reading of a particular way in which the appropriation acts have been drafted since 1999. It is, in other words, an unforeseen side effect of the coalition’s new style of presenting the budget—and it needs to be fixed because it is doing serious damage to our constitutional arrangements, reducing parliament’s role in overseeing the budget to the extent that we are simply being asked to write blank cheques for the executive. In fact, as Appropriation Bill (No. 3) 2005-2006 shows, it is not even limited blank cheques that we are being asked to write: we can also be asked to pick up the tab after money has been spent on ways we were never asked to approve. This bill contains an additional estimate of over $100 million for the ‘higher productivity, higher pay workplaces’ outcome. This is to reimburse the Department of Employment and Workplace Relations for the money they have wasted on this advertising campaign. For all we know, it was more than the $100 million that is being sought to supplement the department’s expenditure.

This is what the centuries-old principle of parliamentary control of finances has come to in John Howard’s Australia: parliament has next to no control or opportunity to scrutinise the spending plans of government at all. The annual budget is effectively reduced to a blank cheque, and if the government overspends on that amount they can simply come back in the additional appropriations round for a top-up. The Howard government, with control of both houses, now has absolute power, and it has taken no time at all to become absolutely corrupt
in its budgeting process. It is treating consolidated revenue as a Liberal Party slush fund. This abuse of parliament’s budget scrutiny role is, as we know, only one example.

The DEPUTY SPEAKER (Hon. IR CAUSLEY)—Member for Gellibrand, ‘slush fund’ is a term that has always been considered unparliamentary. I think you should withdraw that.

Ms ROXON—I withdraw. The government is treating consolidated revenue as a fund for its own political purposes, and I think this is only one of many examples we have seen. These developments should worry all of us in this House, not simply as parliamentarians deprived of our ancient and important role. It should concern us all as Australian taxpayers, knowing that our government has the power, the opportunity and the inclination to waste our money on keeping itself in power.

I would like to turn now to a separate issue, which goes to the additional appropriations in these bills of over $350 million for the Department of Health and Ageing. I want to see more of that money go towards preventive health care for children. It is patently obvious to Labor that we need to address preventive health care in childhood, and we have outlined some plans in our recently released discussion paper entitled ‘Goals for Aussie kids’. Labor’s plan for the future health of Australian kids is through early intervention and prevention. We have outlined a range of programs to address childhood health issues, ranging from allergies to mental health. The issue I want to talk about today, which is also raised in our paper, is that of childhood obesity, which Labor has committed to addressing in our goals for Aussie kids policy. I am aware that the government has recently launched an advertising campaign aimed at children to encourage them to switch off the television and get active. This is a good message, but you do have to ask whether there a single problem in this country that the government does not think can be fixed by advertising.

In my view, to tackle childhood obesity and encourage healthy food choices in youth it is essential to establish long-term healthy eating patterns and an interest in food and cooking. This then becomes an important part of preventive health care. Obesity is a complex problem which requires comprehensive solutions. The literature on the subject suggests that a complex interplay between cultural, social, behavioural and economic pressures influence the incidence of childhood obesity. Around 17 per cent of Australian children and adolescents are overweight, and a further six per cent are obese. Over the past decade the percentage of overweight children has almost doubled, and the percentage of obese children has more than tripled. Obese children are eight times more likely to become obese in adulthood, and entrenched obesity is very difficult to treat. It is well documented that childhood obesity leads to a range of health problems later in life, and we need to begin to address this issue now. Obese children are more at risk of developing diabetes in childhood and cardiovascular disease in adulthood and to experience premature mortality.

It is imperative that we encourage better nutrition and healthier lifestyles to avoid health problems related to obesity in childhood and later in life, not only for the health and wellbeing of Australians throughout their lives but also because the costs of obesity related illnesses down the track will have an impact on all of us. I am interested in a project that has been established for a range of reasons, and in one main part it tackles childhood obesity. It is a program to introduce children to healthy eating, gardening—a result of which is a number of environmental issues, including water conservation—and the social benefits of sharing a meal with other people.
Last year I attended the launch of the Stephanie Alexander Kitchen Garden Foundation. The project is an innovative program currently running at Collingwood College in Melbourne’s inner city. It aims to create positive eating experiences and engage kids in the process of producing food, through growing and cooking their own meals.

The kids are involved in planting, tending and harvesting an extensive vegetable garden and then cooking with the produce. They spend a period a week in the garden and a double period in the kitchen. The program brings together physical outdoor activity with education about food, the environment, healthy eating and social interaction.

This program has the potential to engage kids and teach them in a unique way, and to introduce them to food, cooking and healthy habits which increasingly—and unfortunately—fewer kids are experiencing at home. It was wonderful to attend the launch and to see the passion and excitement of the children involved in this project. Stephanie Alexander was there and told of the excitement and disappointment at growing their own food—what happened when an animal ate the large watermelon they had been tending so carefully. She said that some of the children were trying these vegetables for the first time and going home and talking to their parents about meals that could be cooked at home as well. It is a very exciting project which has the capacity to transform many children’s lives.

To run the Kitchen Garden program for children in years 3 to 5 costs approximately $60,000 a year, not really a large amount of money for a program that can have such an impact. At this stage there is no specific funding source to which a school can apply to establish a Kitchen Garden program, even though the pilot work has been done through the establishment of the program that has been running at Collingwood College.

In 2004, this government allocated $15 million to the Building a Healthy, Active Australia package. This program was designed to grant schools a one-off payment of $1,500 to fund activities such as ‘developing canteen menus, establishing school vegetable gardens, healthy cooking classes and awards for students’. At the end of last year only $760,000 had been spent. Today I want to ask the Minister for Health and Ageing whether he is prepared to make this money available, and in more generous amounts, to schools which want to take up the kitchen garden idea. Clearly it is consistent with the objectives of the program when it was first introduced. There has not been the take-up rate that was expected, perhaps because there has been an underestimation of the cost to keep these projects operating in an ongoing way.

I would like to see the government investing in programs in areas such as my electorate of Gellibrand where socioeconomic disadvantage is high, where the health outcomes still rate poorly and where there is plenty of enthusiasm to make things change so that we improve health and social outcomes—particularly for children in our area. There are so many benefits from a program like this that it is worth revisiting how the money already allocated could be spent. I have to declare an interest, as a committed foodie from a foodie family: I think the benefits of teaching and encouraging children to eat with each other, understanding the aspects of talking during a meal and taking pride in sharing hospitality, is important not just for their health outcomes but also for their social outcomes.

I know that the Stephanie Alexander Kitchen Garden Foundation has been inundated with requests to establish the Kitchen Garden project at many schools across Victoria. It seems a pity that the federal government cannot get the same level of response to its program. I think we can assume that this is due to a fairly serious and gross underestimation by the health min-
ister of the resources that it takes to change entrenched behaviour. The piecemeal program that the government has in place does not do anything to address what the World Health Organisation is calling the ‘obesity epidemic’.

It is time to start looking further afield for fresh ideas because the ideas the government is using have become a bit stale. This is a good fresh idea. The hard work has been done. There are plenty of people who are enthusiastic and interested in setting up the program. They just need a little help from the government to get the projects off the ground. I invite the government to consider making this money available for the Stephanie Alexander Kitchen Garden Foundation projects and for these sorts of projects in general. We will be writing to the minister to follow up this suggestion further.

Mrs BRONWYN BISHOP (Mackellar) (10.39 am)—The federal government provides around 47c of every dollar that state governments spend on hospitals. We provide money but we have no say in how they spend it. In my electorate of Mackellar the major hospital is the Mona Vale Hospital. It does not get its fair share of spending. It is starved of funds by the state government and, as a consequence, we have a state government that wishes to close it and build a single hospital on the northern beaches. That would mean that the people in my electorate would be sorely disadvantaged and have no local hospital where their lives could be saved, as the hospital does now. I have been very much part of the movement to save Mona Vale Hospital and, indeed, to have it declared by the state government as the major hospital site and have a level 5 hospital there with a second, level 4, hospital elsewhere on the northern beaches.

I have never ever deviated from that principle. There have been strong rallies that I and others have addressed. We recently lost our local member, Mr John Brogden, when he resigned. We had a by-election on 26 November. The mayor was a leading proponent in the Mona Vale Hospital movement and stood on that platform during the whole of the by-election, saying that the Liberal Party candidate would not promise a level 5 hospital and would not promise to keep the hospital at Mona Vale upgraded. Therefore, he said, he was the only one who would go and fight for that hospital, and he was elected on that platform. He has not been in the job for more than two months and he has done a complete backflip and come up with a so-called alternative site in Warriewood. In other words, he has agreed with the state government that one hospital will do and that they can sell Mona Vale Hospital. The land is hugely valuable—clearly, the state government wants to get its hands on that land and has always wanted to.

They have agreed in this so-called backflip that certain parts of the Mona Vale land may be sold. This is something that we have all railed against for years, and he has betrayed the electorate. Mr McTaggart, who promised to resign as mayor, has now said he will remain as mayor. Presumably, he did make a comment to the local newspaper that by winning the election he was getting—pardon the expression—a ‘shitload of money’. Presumably, he thinks that the mayoral payment adds to that accumulation of money. Should he be re-elected at the next election, because of the way the state government superannuation scheme works he will be on a pension for life. So he will probably fight hard to get some more of that money.

As I said, he has lied about his promise to resign as mayor and is not doing so. His biggest lie is that about his commitment to Mona Vale Hospital. Having stood and said that he was the only man who could be elected for that, he has in fact deceived the entire electorate. Now we
have a third one. This morning, he is reported as saying that I have sought an alternative site for the Mona Vale Hospital. That is his third lie. I simply say, ‘I have not.’ I have spoken to the general manager this morning. Mr McTaggart said the general manager had told him I had sought another site. That conversation took place this morning, with me on speaker phone so it could be overheard by my chief of staff. He listened to that conversation. During that conversation the general manager told me that he had briefed the mayor about his meeting with me last Friday when he came to brief me on the council’s proposal for the new site for a hospital.

I made it quite clear in that meeting that I always had supported, do support and will support the Mona Vale Hospital as the continuing hospital and the perfect site for a level 5 hospital. The general manager agreed that he had been verbally by the mayor and apologised to me. I accepted that apology. During that briefing last Friday with the Pittwater Council general manager, the general manager disagreed when I said to him that his duty was in fact to serve the people of Pittwater. He said that no, his job was to serve Pittwater Council.

What has happened as a result of Mr McTaggart’s backflip, deception and betrayal of the people of the Pittwater state electorate is that he has totally used Pittwater Council and its officers as an extension of his political arm. He has politicised the council itself. Mr McTaggart has taken over the office of Mr Brogden and has removed the name of Mr Brogden but has not put his own name on the office so that nobody really knows where to find him. Most of his announcements are made as the mayor. The state government makes provision for members of parliament to have offices set aside and to properly serve the people. I am afraid Mr McTaggart does not know how to separate his mayoral job responsibilities from his parliamentary responsibilities. As I said, he has been a state parliamentary member for barely two months and in that period of time he has totally backflipped on the one thing for which he said he was the only one who could represent Pittwater, which was to save Mona Vale Hospital and which he has now totally left.

In the course of that briefing, I was also told by the general manager that Mr McTaggart had had a meeting with Mr Iemma one week before the by-election. In that conversation he was made aware that the state government was about to make an announcement on the new site for the hospital and Mr McTaggart asked could they please put in a new submission and please could it not be announced before the by-election. So the people were totally deceived. Mr McTaggart knew that the state government was going to move away from the Mona Vale Hospital. He stood for the election and said, ‘Vote for me, I’m the salvation of the hospital,’ knowing that the state government was not going to back it and was then not prepared to fight—not even a skirmish, not one—not a speech, not a press release, nothing. There was no reaction to a new proposal to move Mona Vale Hospital a short distance down the road to Warriewood so there will only be one hospital and the land at Mona Vale can be sold off, which we have fought against all the time.

I can simply say that what Mr McTaggart has done is to betray the voters. Quite frankly, that makes him unfit for public office. He has said he will not resign from his mayoralty. Perhaps he should stay mayor and resign as the state member for Pittwater. Let us have a fresh by-election and elect someone who will not get elected on a lie and, when challenged subsequent to his election, continue to lie and utilise poor innocent members of his council’s staff as dupes. It is an absolute disgrace, and I will continue to fight for Mona Vale Hospital. It is
the proper place for that hospital to be and it is land that must not be sold by the state government for more development, which is their ultimate aim.

Mr Danby—How much is he paid—

Mrs BRONWYN BISHOP—He is paid as an alderman and has a mayoral salary as well and other perks that go with it. I cannot tell you the precise figure but I am damn sure he could.

Mr HAYES (Werriwa) (10.48 am)—I rise today to speak on the Appropriation Bill (No. 3) 2005-2006 and the Appropriation Bill (No. 4) 2005-2006 and support the amendment moved by the shadow minister for finance. The amendment we have before us gives voice to the serious concerns about this government’s economic management and its economic credentials. This government is asleep at the wheel when it comes to managing Australia’s economy. Currently we are experiencing record commodity prices yet, at the same time, we are experiencing a record current account deficit and a record trade deficit. These are hardly signs of an economy that is in good shape and hardly pointers to an ongoing economic success should the economic boom come to an end at any time soon. While the government may dismiss the growing current account deficit, saying that Australia’s foreign debt is held by the private sector and mostly the debt is in Australian dollars, there is still a looming storm sitting on the economic horizon.

November’s trade deficit was $2.5 billion. That is one of the worst on record. Imports grew at a whopping 7.2 per cent compared to the export growth of a mere 0.6 per cent. The current account deficit continues to run at six per cent of gross domestic product. Household debt is at record levels, and people live in fear, quite frankly, of the slightest lift in interest rates. All of this adds up to a potential disaster. The Australian economy has benefited as other Western economies have acted through monetary policy to stimulate their economies. Borrowing has no doubt been cheap and we have taken advantage of that. However, the combination of events that have presented such great opportunities could come to a halt just as quickly through a sustained fall in the US dollar. The current account deficit will certainly matter then, and it is something that ought not to be currently ignored.

The potential for a disaster and for the Australian economy to be hit harder by external shocks has grown as we have taken advantage of the highly liquid international capital market. The government’s willingness to ignore the possibility of increased impacts of external shocks calls into serious question the government’s claim to be great economic managers. The government is not using this period of record high commodity prices and a resources boom to invest in Australia’s long-term economic future.

The trade and current account deficits are not the only economic indicators that this government is trying to sweep under the carpet. As noted economist Paul Krugman once said, ‘Productivity isn’t everything.’ But he went on to say, ‘But in the long run it’s almost everything.’ Sadly for Australia’s long-term economic growth, this government has seen fit to ignore the need to encourage productivity growth. Australia has once again fallen more than 20 percentage points behind the US efficiency levels after our dramatic improvements that occurred in the 1990s. It seems as though this government has a fundamental problem with driving productivity growth. In the decade that it has been in office, its claim to fame when it comes to promoting productivity growth is the introduction of labour market reforms culminating in the extreme Work Choices legislation. I am sorry, but the slashing of take-home pay
and conditions of Australian workers does not constitute, to my mind, a serious attempt to improve the productivity ratings of this country. It constitutes a serious attempt at tearing at the very social fabric of Australian society, and it does not in any way, shape or form constitute a real solution to Australia’s declining productivity. At the end of the day, productivity growth is the only means through which real incomes can rise over the longer term. It is pretty straightforward stuff and I expect most economic students have come to terms with that. Despite this, the government continues to refuse to tackle Australia’s declining rate of productivity growth.

The opposition is not alone in voicing its concerns when it comes to productivity performance or lack thereof. Recently, the chief executive of the Business Council of Australia, Katie Lahey, said the following about Australia’s declining productivity:

“This is the pointer to where our economy is heading. It is clear that after sustained growth, Australia’s productivity is in decline. This indicates that the benefits of past reforms are waning and we now need a fresh wave of economic reforms to reverse this trend.”

It has also been reported recently that the Business Council of Australia—an association which is constituted of leading business executives—is also concerned about a culture of complacency developing within this government. It comes as no surprise to me that there are concerns about the complacency of this government creeping into the views of various leading economic and business groups. It certainly comes as no surprise to me that constituents in my electorate have expressed concern at this government’s complacency when it comes to assisting with their economic development.

I would like to refer to a case in point, that being the Hume Highway and the on-and-off ramps on the Hume Highway at Ingleburn. Efficient and adequate infrastructure is essential to support the development potential of towns and regions. Recently, the south-west of Sydney has benefited from the construction of the new M7 motorway. It is expected that, within three years of opening, the Westlink M7 will generate an additional 24,000 jobs in Western Sydney. That is certainly welcome news for those of us who live in the west. An efficient piece of transport infrastructure that bypasses up to 56 sets of traffic lights is going to make a considerable contribution to the future of Western Sydney. It is an important point—and I hope it is not lost on the government—that infrastructure supports and enhances employment opportunities. It is for this reason that I am extremely disappointed that the federal government has decided to throw away the longstanding protocol to fund infrastructure works around federal highways by forcing, in the case of the Hume Highway, the Campbelltown City Council to pick up one-third of the tab for the new on- and off-ramps at Ingleburn. Residents and business operators alike have been waiting for a long time for this important piece of infrastructure. These on- and off-ramps will improve access to industrial estates at Ingleburn and Minto, supporting the growth of local businesses and creating local employment opportunities. The ramps cost $13.8 million and the Campbelltown City Council will be forced to contribute $4.5 million to the construction of these ramps; otherwise, the ramps will not be constructed.

On the one hand, the federal government was willing to support the construction of the M7 motorway and bask in the reflected glory of the employment opportunities that will be created, but when it comes to the issue of the Ingleburn on- and off-ramps to a federal highway it has decided that in this case it needs to have a cost-sharing arrangement. There are not many councils around that have a spare few million to contribute to a project like this—a project
that they ordinarily should not be expected to pay for. The money had to come from somewhere. In this case it will come from a special levy on the businesses in the industrial estate at Ingleburn and Minto.

The problem associated with the on- and off-ramps is not the only dereliction of duty on infrastructure by this government in my electorate. The government is also dragging its heels on the completion of the widening of the freeway north of Raby Road, particularly in the section north of Brooks Road. The widening project on the southern side of the freeway is well on the way—in fact, it is almost complete—but I have yet to receive any advice from the government as to when the additional northbound lane might start. The benefit of such an additional lane is clear to anyone who travels in the area. Currently, there are significant delays for northbound traffic during the morning peak, and these delays are being exacerbated as motorists and transport operators seek to use the Hume Highway as an access point to the Westlink M7 to cut out, as I said earlier, up to 56 sets of traffic lights that would otherwise need to be negotiated.

The additional northbound lane from Brooks Road will not only assist in reducing traffic congestion; it will also improve the safety in the area and contribute to business growth as local businesses are able to efficiently and effectively transport their goods through Australia’s global cities and to the world. Campbelltown City Council has estimated that the financial benefit of a third northbound lane from Brooks Road would be up to $18.5 million annually by the year 2021. I call on the government to commence this project immediately. It concerns me greatly that this government goes about its merry way, ignoring serious threats to our economic future, ignoring the prospect that the salad days of the current resources and liquidity boom will one day end and ignoring the real and serious need to address underlying structural and economic problems. Instead, it concentrates on implementing an agenda based on some ideological social engineering. Instead, we have two appropriation bills before us today that seek to allocate more government money to advertising.

I understand that there were only two policy initiatives that this government had up its sleeve when it came to government this term—one being industrial relations and the other the privatisation of Telstra. But I have to ask: is there a need to spend an additional $110 million on advertising associated with these industrial relations changes? When residents in my electorate are struggling to get prompt access to a GP because there are not nearly enough of them to serve the population, would it not be better to take some of that $110 million and open up more places at university? Members opposite may claim that this was done last week with the COAG agreement, but the agreement was only for the creation of additional full fee paying medical degrees. I do not know many people in the south-west of Sydney who have a spare couple of hundred thousand dollars to allow them to send their sons or daughters to study medicine through a full fee paying degree.

In addition to the increase in taxpayer funded media in these appropriation bills, there is another $52.4 million to cover the increased costs of the highly disadvantaged in the Job Network. I welcome any additional spending to assist people to get jobs, particularly local jobs. Unemployment has almost become an intractable problem in the south-west of Sydney, and various reasons underpin that. But local unemployment rates are consistently above those in the rest of Sydney and they rank among the highest in the state. By way of comparison, the national unemployment rate in January rose slightly to a seasonally adjusted rate of 5.3 per
In the Fairfield-Liverpool and other outer metropolitan Sydney region, the statistics in December of last year showed that the unemployment rate rose to 7.8 per cent. That is another 2½ per cent above the current national rate. I note that these regional figures are not necessarily seasonally adjusted, but I would suggest that the comparison is not without merit.

In the December quarter last year, in outer Western Sydney the number of unemployed increased by 4,400. These figures could best be described as disappointing, but even more disturbing are the statistics for youth unemployment. At a national level it seems that progress on youth unemployment has stalled. Nationally, the male youth unemployment rate is more than 17 per cent—some two per cent higher than it was a year ago—while the female youth unemployment rate is 14.3 per cent, up one per cent from the previous year. But locally, in the south-west of Sydney, the rate is much worse: it is a staggering 17.9 per cent. Immediate action needs to be taken by the government to address this situation.

The government’s response to matters of unemployment is the same as its response to corrections within the Australian labour market—that is, change the industrial relations system to see whether forcing down wages and conditions will prompt employment gains. No evidence has been presented to support that case. No-one, except the Prime Minister, is expecting thousands more jobs to be created by cutting wages and conditions back to the bare minimum.

What is required is real and serious commitment to training and skills development. Earlier, I reflected on the need for the government to get serious about halting the decline in productivity growth, and I take this opportunity to remind the government of the importance of investing in its human capital. While I welcome the additional funds that will be dedicated to the Job Network to help people with disabilities find work, often the biggest barrier they face is access to training. The OECD noted:

... the single most important finding of recent economic research might be that new evidence from longitudinal microeconomic data reveals that firms that innovate more consistently and rapidly employ more workers, demand higher skill levels, pay higher wages, and offer more stable prospects to their workforce.

No matter how much money is dedicated to job search activities, it will not be worth nearly as much as investment in improving the skills of those seeking work to make them more employable. Lowering the cost of labour does not make people more employable; it makes them more expendable.

Australia’s economic future—its capacity to grow and thrive—hinges on our ability to innovate and, through that, to improve productivity—to be better than the best. Innovation, research and development and the key drivers of economic growth in an age of the global economy interaction stem from skilled workers applying those skills. Innovative firms are able to grow much more rapidly than those who do not innovate, and growing those firms has to be a priority.

Research and development spending has been allowed to fall to 0.89 per cent of gross domestic product—nearly half the OECD average. This gives Australia a rank of 15th in the OECD when it comes to research and development. It is not a proud record, and it is not a situation that is going to be corrected by WorkChoices. No matter how you look at it, the long-term economic prosperity of this country is being squandered by this government. (Time expired)
DISTINGUISHED VISITORS

The DEPUTY SPEAKER (Mr Lindsay)—I inform the committee that we have present in the chamber today the transport committee of the Irish parliament. Welcome. It is great to have you here in the Main Committee. We are currently debating an appropriation bill, which is to provide extra moneys for the Commonwealth of Australia. But it is a bit of an Irish bill in that the standing orders say that members can discuss any subject—it does not have to be related to the bill. This is also a bit of an Irish chamber in that members of the opposition sitting on this side can make their speeches on the government side, but that cannot happen in the House. In introducing the bill, the standard question put was that the bill be read a second time, to which the member for Melbourne has moved an amendment. The question now before the parliament is again a bit Irish—by the way, you have a wonderful country—in that the words proposed to be omitted stand part of the question. I have always found that a bit convoluted.

APPROPRIATION BILL (No. 3) 2005-2006

Cognate bill:

APPROPRIATION BILL (No. 4) 2005-2006

Second Reading

Debate resumed.

Ms OWENS (Parramatta) (11.10 am)—I rise to speak on the Appropriation Bill (No. 3) 2005-2006 and the Appropriation Bill (No. 4) 2005-2006. The opposition has put forward a second reading amendment that condemns the government for its poor performance in securing Australia’s long-term economic fundamentals. We have heard lots of debate in this House over recent months about the lack of investment in skills, our declining investment in education, the appalling inaction over our crumbling infrastructure and our poor trade performance. But today I would like to address the government’s failure to build the fundamentals on which families—whether they be singles or couples, with or without children, or retirees—build their future. We have had considerable debate about the issues surrounding the fundamentals: the ability to move in and out of the workforce with ease, family-friendly workplaces, an industrial relations process that supports family-friendly workplaces, the need for child care, access to quality education for both parents and children, appropriate support for people trying to return to the workplace, the ability for a family to build assets over its life and support for those who care for disabled or infirm relatives.

I am sad to say that the government has failed overwhelmingly in building these fundamentals for families, and in the budget last year and in these new appropriation bills we see nothing that will alleviate the situation that families find themselves in at the moment. We need families to do what families want to do. We need them to build their future, save for a rainy day, save for their retirement, have children and raise and educate those children well. We need them to build all those community networks, through schools and workplaces, that provide additional capacity for our communities to cope with stress and trauma.

Getting the fundamentals right for our family units, whatever those family units might look like, is as essential to our long-term strength as a nation as getting the fundamentals of the economy right. When families fail or when we fail families, all of us, not just the families, pay the cost. We the taxpayer become the de facto family. We support family members through

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retirement. We support them through periods of unemployment. We all pay additional health costs and crime costs if children are not well supported in their upbringing. We provide unemployment benefits. We also pay through insecurity and angst about the future.

It is timely to look at the needs of families this week as we discuss in the main chamber of the House the issue of RU486, which, once again, raises the debate on abortion. I do not believe it is ever appropriate for us to talk about the decisions that women make not to have children without talking about how we can make it easier for women to decide to have children and about the pressures that are placed on women and families that lead to those decisions.

So let us look at some of the fundamentals. One issue that immediately comes to mind and is raised in my electorate over and over again—and, I assume, is raised in every electorate—is that of child care. It is one of the biggest issues for families and it is causing the most difficult times for women trying to return to the workplace. Child-care costs have risen to five times higher than the consumer price index in the last financial year alone and over 50 per cent since 2000. Parents’ choice to care for their own children and not participate in the paid labour force deserves respect, but so does a parent’s choice to mix paid work with their caring responsibilities. Most families these days would say they have no option—that mixing the raising of children with work is a necessity for both parents. Figures released recently by the Australian Bureau of Statistics demonstrate this. There are more than 250,000 women who want to work but are unable to do so because of a lack of affordable child care. Yet the government response to this has been very poor. There was the introduction of a rebate which was available to those who can afford child care in the first place but it provides no assistance whatsoever to the poorly-paid women who cannot afford it in the first place.

The Barriers and incentives to labour force participation survey released this week shows that child care is one of the top barriers to work. Problems finding suitable or affordable child care is the No. 1 reason that women who want to work are not looking for work. Almost 98,000 mothers who want to work are unable to start within four weeks because of child care and family factors that prevent them, and another 160,000 women who want to work or work more hours and consider themselves available to start immediately are not looking for work due to child care and family factors. A lack of jobs with suitable conditions was the reason for another 80,000 people having difficulty obtaining work or more paid hours. This all demonstrates a need for more flexible working arrangements but also a considerable need for the government to act on the lack of availability of child-care places.

The greatest child-care shortages and the highest fees are for children under school age. If a mother with a child under five cannot find long day care or family day care at a suitable location, they simply cannot work. Increasing after school care places, which we have seen the government do—and we must acknowledge that—does not fix this problem. The government sees child-care costs as a cost for families to bear; on this side of the House, we believe it is a crucial investment for governments to make, and it is one of the fundamentals that underpins a family’s ability to work for its future. The shortage of affordable child care is a drag on our economy but, equally, it is a significant drag on a family’s ability to build its future. On our side, we believe it is necessary to start collecting data on shortages straightaway, to increase the direct investment in long day care places, to remove the disincentives for employer in-
vestment in child care by extending the categories of employer expenditure on child care that are fringe benefits tax exempt, and by increasing the child-care benefit itself.

People remaining at home because of the lack of child care are an extraordinary untapped potential for the economy. Quite often, they are people with skills, people wanting to return to the workforce, but they are also an untapped potential for a family—a wasted resource in that economic family unit that the families themselves want to put to use for their own benefit. Again, we need families to do what families want to do, and we must start providing the fundamentals that allow them to do that.

The government’s new industrial relations laws will only make the situation for families worse—and worsen the child-care crisis, for that matter. The new IR legislation changes will allow employers to require parents to work irregular and family-unfriendly hours, including early mornings, nights, weekends and public holidays, without overtime or penalty rates. Yet across Australia there are only eight child-care centres that are open on both Saturdays and Sundays, and only two child-care centres that are open 24 hours. What are Australian parents expected to do about child care when their bosses expect them to work all hours and at short notice? Again, there is no answer from the government to this fundamental question.

Australians are already working longer hours—the longest in the OECD—and much of that work is already unpaid. In June 2005 the Human Rights and Equal Opportunity Commission revealed that the hours of paid and unpaid work parents do each day cause an alarming level of exhaustion, with a majority of parents reporting feeling always or nearly always stressed and with around 35 per cent of Sydney fathers spending more time commuting than they do with their children. That is a very sad state that we find ourselves in—that families are so stretched now, trying to balance work and family life, that the quality of time they spend with their children, and indeed the number of hours they spend with their children, is insufficient at best.

The flexibility that the government champions in this new industrial workplace is a one-way flexibility designed for the benefit of the employers. The government’s proposals will lead to unpredictability of pay and working conditions. Two factors—predictability of pay and predictability of working hours and conditions—are essential for families as they make the choices in the short term and the long term as they plan their time together, as they plan the picking up of children, as they plan the sharing of parental responsibilities and, for that matter, the sharing of earnings between the two partners. Unpredictable hours affect family life. It is not possible to arrange child care, let alone commit to training the kids’ soccer teams. I have spoken to several couples in my electorate, who both work casual hours, who are unable from one day to the next to commit to each other as couples need to do to share in the parenting of their children.

Unpredictable pay affects the family budget. Most of us assume that all those things we take for granted like receiving pay on a regular basis for regular hours is the norm. It is not the norm under this new industrial relations system. You cannot get a car loan, let alone a mortgage, if you do not have regular working hours and regular pay. This places an extraordinary burden on families. It reduces their capacity to save for their retirement, to build assets and to save for a rainy day. Predictable pay and predictable hours are fundamental to any family seeking to build a good future for themselves. Again, we all need families to do what families
want to do: build a secure future for themselves and build good strong relationships between them and their children.

The government’s rhetoric is that individuals will be able to negotiate greater family-friendly agreements with their employers. Isn’t that necessary in this day and age when both parents are working? Isn’t it essential, when both parents spend part of their day in the workplace, that we have arrangements between families and employers that allow families to balance those sometimes competing realities?

But the reality is that 93 per cent of employees in the private sector who are now on individual contracts have no additional family-friendly rights because of those AWAs. Recent research reveals that fewer than one in 12 AWAs provide paid maternity leave. Only one in 20 provides paid paternity leave, and one in 25 provides unpaid purchased leave, such as extra leave during school holidays. Individual contracts, as we see them now, are clearly hostile to family life. If anything, the new industrial relations legislation makes it possible for those contracts to be even worse than they are now. There is nothing in the industrial relations legislation that encourages workers to give away more than they need to give away now.

Penalty rates were lost in more than half the number of individual contracts. Annual leave was lost in more than one in three individual contracts, and sick leave was traded away in more than one in four individual contracts. Again, we need families to do what families want to do, including the ability of families to organise holidays so they can take care of their children during school holidays, to be home when their children are sick and to know that they have two days on the weekend to spend with their children. These are fundamentals of family life; they are not luxuries. They are the fundamentals on which families build their future and build their relationships between parent and child.

The new Welfare to Work legislation is another blow to the fundamentals that underpin families—in this case, single parent families. The new Welfare to Work regulation will essentially trap over half a million single parent families. If they move off welfare for even a short period—because they return to the workplace or because they form a new relationship or reconcile with their partner—when they come back onto welfare, if they need to do that, they will come onto a much harsher system of sole parent pension or Newstart. Already, parents in my area are starting to consider their future income from the sole parent pension when they make those decisions to return to the workforce.

The vast majority of parents in Australia do return to the workforce. In fact, 70 per cent return to the workforce by the time their child turns three. This new Welfare to Work regulation punishes new sole parents when they apply for the pension. It makes it more difficult, not less, for sole parents to develop the financial base that they need for their families. Again, sole parents, too, want to do the right thing in the main. We need them to be able to do the things that they want to do—that is, develop a secure financial base for their families, return to work and find meaningful well-paid work that fits in with the needs of their family responsibilities.

In 1966 the proportion of women in the workforce was around 35 per cent. It is now around 56.3 per cent. And as to the question of maternity leave, more mothers are returning to the workforce than ever before. As I said, nearly 70 per cent of mothers are back in the workforce by the time their child has turned three. The sole parents of Australia are not slackers; in most cases they are overworked in their parenting role alone, and now a vast majority of them seek to balance unfriendly work hours with the needs of the family. In many cases, we see an
underutilisation of the skills of sole parents. We see them returning to the workforce at a considerably lower skill level than before they had their children and working fewer hours than they would like. Again, this is a waste of resources for the economy, but it is also a significant waste of resources for single parent families seeking to build a strong future for their children.

The new legislation makes work less attractive than welfare. Under the new changes, through tax and a reduction in benefits the Howard government will take back as much as 75c of every dollar a welfare recipient earns. According to respected independent research, single parents will work for an effective return of as little as $3.88 an hour. An even more alarming issue for me about the Welfare to Work reform is that it strips sole parents of access to training support. Under the Howard government's welfare changes, when single parents are dumped onto the dole they will be refused access to the pensioner education supplement, which was a bonus to working age pension recipients seeking to improve their job prospects through approved training or education. Given that many of these parents spend considerable time out of the workforce and given that so many of them—in fact, most single parents—have no post-school qualifications, real training that assists them back into the workforce is one of the fundamental things that they need to build a good strong family. Again, if they do not build a good strong family, we the taxpayers pick up the tab in many ways. And so we should pick up the tab, but equally we should make it possible for these sole parents, desperate to do the right thing for their families, to build the fundamentals that underpin their work efforts in that regard as quickly as we can. Training is fundamental for families, and not just for parents returning to the workforce but for parents and their children generally.

The increases in HECS fees and the shortage of TAFE places have placed additional drains on families. HECS fees in particular place an extraordinary financial burden on families just at a time when they should be accumulating assets—when they are saving for their first mortgage and really setting themselves up as families. It is a significant drain and absolutely the opposite of the way we should be supporting families at that crucial time of their first 10 years. Workforce characteristics are also working very much against families. Australians are working longer hours than ever before—the longest in the OECD—and around 35 per cent of Sydney fathers spend more time commuting than they do with their children.

Women's earning capacity is drastically altered by time spent out of the workforce. There is not any Australian research into this, but US research shows that leaving the workforce for just three years results in a one-third drop in earnings if you return to the workforce full-time, or $250,000 on average over the remainder of your working life. Again, what an extraordinary situation it is when we are in a time of skills shortages and we are prepared to waste the potential of so many parents who spend time, quite appropriately—and, we should say, thankfully—out of the workforce taking care of their children. If we cannot find ways for parents to move in and out of the workforce without this significant drop in earning potential, then we really are not providing families with what they need to do the right thing for their future.

How can we allow this to continue? It is an extraordinary waste of resources for the economy. A couple of years of lighter work should not be a career death sentence for either men or women. I have been talking here about women, but I can equally talk about men. Men who choose in the early years of their children's lives to back off from their career paths talk about that being a death sentence for their careers. They too suffer earnings drops for the rest of their career lives. We as a society should be supporting parents—both men and women—who
choose to move in and out of the workforce. We should be finding ways to make our work environment, culturally and through industrial relations, much more family-friendly. It is in nobody’s interests that we are getting the fundamentals of family life so profoundly wrong, that we are not building the fundamentals to support families while they strengthen themselves for their future. It is not in the family’s interest or in the individual’s interest to be underused and feel frustrated by a lack of career opportunities and a lack of flexible working arrangements. It is not in the employer’s interests in the long run and it is not in the taxpayer’s interests. We must get this right. *(Time expired)*

**Mr QUICK** (Franklin) (11.30 am)—I welcome the opportunity to speak on the appropriation bills. Today I wish to raise two totally different issues, both very close to my heart. The first relates to the events in Iraq and Pakistan. Mr Deputy Speaker Lindsay, you represent an area—very proudly, I know—in which a large proportion of Australia’s defence arrangements are centred, in Townsville and Thuringowa.

**The DEPUTY SPEAKER (Mr Lindsay)**—Australia’s largest Army base.

**Mr QUICK**—I know you seize every opportunity to extol the virtues of our armed services. I compliment the role that our troops are playing overseas but, as a pacifist, I am really worried as I raise the first issue—that is, what is happening in Iraq and Afghanistan. Despite the manifestations and the media coverage from both Iraq and Afghanistan, I think it has gone off the radar. Today as I looked at one of the websites it highlighted to me that in 32 days time we will be celebrating the third anniversary of the second war in Iraq. On 19 March 2003 most of us were watching with shock and awe as America declared war on Iraq. There were the coalition forces, Britain and Australia, and we saw the firepower and result of that war. It is interesting to note that in the war, which started on 19 March 2003, 137 Americans died—a very small number. It was obvious that, due to the way in which the war was waged, Iraq suffered enormous casualties and the Americans only 137 deaths. One remembers on 1 May 2003 George Bush flying out on the aircraft carrier dressed as a pilot, wearing a helmet and a Mae West, saying, ‘Mission accomplished,’ and a big banner flying. Since ‘mission accomplished’, 2,128 Americans have died. A total of 137 died in the war and, since then, 2,128 have died.

On 13 December 2003, Saddam Hussein was captured. Since then, 1,798 Americans have died. The handover to the provisional government was on 29 June 2004 and since then 1,399 Americans have died. The election was held on 31 January 2005 and since then 829 Americans have died. From all reports, any mention by the media—TV or print—about the coverage of American bodies being returned home has been virtually censored. It is all done at the Air Force base. When the first bodies came back we saw the typical way in which American soldiers are returned, with the escort, slope arms, coffins carried by representatives of the armed services, draped in the American flag, the flag folded, and the mourning relatives.

After a while, as I have said, the toll started to mount: to 2,265 since the war began. The toll since the war was theoretically all over is 2,128. It has all become too embarrassing. The sad thing is that 204 deaths have been from coalition troops. Even sadder, as one realises that a couple of thousand deaths is pretty serious, is that there have been 16,549 Americans wounded. A report on the war on terror states that ‘one in every 10 soldiers evacuated to the army’s biggest military hospital in Europe was sent there for mental problems’. We have
heard about Agent Orange and stress related illness from the Vietnam War, and from the first Iraqi war about depleted uranium shells and the like. We are creating a monster.

Over a thousand soldiers have been evacuated to Europe because of mental problems. Yet none of this makes it into the media. All we hear is that we have democracy in Iraq, we are trying Saddam Hussein, through the farce that is the court trial over there, and that things are going well and everyone is pulling out. We hear that the Japanese are going and it looks like our Australian contingent of 400 or 500 troops are coming home because they are no longer needed to support the Japanese, and then we are off to Afghanistan.

There is a perception in Australia that, ‘We’ve captured Saddam. We’ve had elections. Okay, there’s a bit of a hassle between the Shiah and the Sunni, but the Kurds up north are all happy because they’ve got their own little part of the Iraqi homeland.’ But if you look behind the scenes you find something else. Here is some of the war news for Monday of this week, and it is really sad. In Baghdad the former minister of electricity escaped an assassination attempt when a roadside bomb went off near his convoy. Three of his bodyguards and a woman passing nearby were wounded. In Ramadi a police colonel and a brigadier were killed on Sunday by gunmen in two different incidents. In Baquba gunmen killed four people driving in their car. One worked for the ruling Supreme Council of the Islamic Revolution in Iraq. In another incident two policemen were killed and one was wounded when a roadside bomb went off near their patrol. In Hilla two policemen were killed and another wounded. In another area a policeman was killed and two others wounded. And it so goes on, a daily occurrence. Yet there is a perception in Australia, in America and in Britain that everything is rosy, that they are training the Iraqi troops to take over and that everything is going to be fine. The news also states:

Last week, the Pentagon said it will ask Congress to almost triple the anti-IED budget, from $1.2 billion to $3.3 billion. The new money is for quicker rollout of more vehicles with V-shaped hulls to deflect blasts and a further expansion of the most reliable jamming technology.

$US 3.3 billion. We do not hear anything about this; we are being brainwashed into accepting that everything is fine. We hear talk about an exit strategy from Iraq, but it is all too hard. And now, as I say, we are in Afghanistan. It is interesting to note that this report also says:

There are now lethal similarities in the methods used by the insurgents in Afghanistan and Iraq. Nato commanders acknowledge that terrorist techniques are being imported from Iraq to Afghanistan and Islamist fighters are entering the country in ever-increasing numbers from Pakistan.

The place where this is most evident is the province of Helmand, where most of the British forces will be deployed, and where a resurgent Taliban and their al-Qaeda allies have killed almost 100 US and Afghan troops in the past few months.

That 100 is ‘the total number lost by British troops in the Iraq war’. But we do not hear any of this. All we hear is the good news.

The sad thing is that 25 deaths have occurred this month, and these are just the statistics from the American and coalition forces. As usual, it is the Iraqis who are paying the highest price. Thank God, among our troops, we have lost one soldier in Afghanistan. I do not think we have lost anybody in Iraq, but I might be wrong. At least one is a small number.

When we peel the onion even further, we find some wonderful things about the Coalition Provisional Authority, the body set up to rule Iraq before the elections, headed by President
Bush’s favourite man, Paul Bremmer. It is interesting to look at some of the legal orders that he issued by decree. I will cite one which I think is a classic. It says:

Within a few days of the order being passed, mass produced chicken legs were dumped on the Iraqi economy by US companies, forcing the market price of chicken down to 71p a kilogram, below the cheapest price that Iraqi producers could sustain. Those chicken legs were surplus to the US market because the average American prefers breast meat. Before the invasion, those chicken legs would most likely have been sold as pet food.

Order 39 permitted full foreign ownership of a wide range of state owned assets. The intention is that over 200 state owned enterprises—including electricity, telecommunications and the pharmaceutical industry—will be sold off, permitting 100 percent foreign ownership of banks, mines and factories. The decree allowed these firms to move their profits out of the country.

The biggest scandal involved reconstruction contracts. In one period between 2003 and 2004, more than 80 percent of prime contracts were given to US firms, with the remainder split between British, Australian, Italian, Israeli, Jordanian and Iraqi firms. One source estimates the total received by Iraqi firms during the CPA’s rule at around 2 percent.

So who is making all the money? I raise these issues because, as I said, we do not hear about them. They are all below the radar. When the Minister for Defence or the Minister for Foreign Affairs are asked questions in the House at question time, democracy reigns, everything is under control, and because, thank God, we have not suffered any casualties in Iraq we are told we should, ‘Be alarmed, but don’t be concerned.’

On a totally different note, I raise another issue that is close to my heart—aged care and the role of nurses and carers in that industry. Nurses, both enrolled and registered, and the carers involved in the nursing homes in my electorate of Franklin and in the electorate of Denison—our borders abut—

Mr Kerr—We don’t need passports.

Mr QUICK—No, we don’t need passports. Nursing homes in my electorate and in the electorate of the honourable member for Denison are run by not-for-profit church organisations. They do a wonderful job. I know for a fact that they are having real trouble employing registered and enrolled nurses. The carers who work in conjunction with the nurses to look after the needs of the frail aged, the infirm and those suffering, unfortunately, from dementia are receiving less in wages than those who work in the state hospital sector.

This is a real crisis. I know several nurses and carers who work in the aged care sector and I know for a fact that many of them have to work double shifts. They have such a love for the clients they service that they are almost part of the family. When deaths do occur, as they do, in nursing homes on a fairly regular basis there is a real sense of loss and grief. This makes the job even harder, because even when you are under enormous stress—you have this love for the job that you do; you are not being recompensed financially for it—there is a willingness, if you are asked to do a double shift or someone is sick or has family concerns necessitating their not being able to do their shift, to fill in and do the job. I have had the pleasure of visiting nursing homes, and I know the honourable member for Denison has likewise, and it really worries me that there is not a concerted effort by both state and Commonwealth governments, especially in the health sector, to ensure that the nurses, both enrolled and registered, and the carers have the same wage structure as those who are working in the Royal Hobart Hospital or the Launceston General Hospital in Tasmania.
As we know, there is a huge nursing shortage. In a couple of months I will be 65 and one contemplates what might take place in the next 20-odd years. My father is 87 and my mother is 86, so hopefully I have got another 20-odd years, God willing, to walk on this earth, but when you visit the nursing homes and you see people in that transition from their home to home and community care, then going into a hostel, then into a nursing home and then into high care you do think about what is happening. Who knows, dementia strikes at random and if you are part of that system you know that the people who are going to look after you are doing a fantastic job. I have nothing but admiration for the nurses and the carers in the aged care sector, but it worries me that they are being paid a heck of a lot less than their counterparts working in the hospitals. It is not just in Tasmania but right across the nation.

I compliment the government in allocating a whole lot of money in the area of mental health this week as a result of the COAG meeting, but all the statistics show that in the next 20 years the age cohort is going to increase enormously and we need to put something in place now. We are training countless doctors, but the numbers of nurses are declining. Why wouldn’t they be declining when nurses can earn far more in other areas in our community? So I say to state and Commonwealth governments and to the health ministers: pay a visit; take off your ministerial coat and be the local member and go and visit the nursing homes at 11 o’clock at night when there is a transition shift and at seven o’clock in the morning when there is a transition shift; spend some time and talk to the nurses and the carers and the dons and just see what is happening. As I said, these are the unsung heroes. I thank the House for the opportunity to raise these two issues which, as I said at the outset, are very dear to my heart.

Mr JENKINS (Scullin) (11.49 am)—In talking to these appropriation bills can I start by mentioning something that I was not going to raise today but which arises from the speech of the honourable member for Franklin. Late last year in the main chamber I referred to Iraq as a four-letter word that we did not often hear, and I thank yet again the honourable member for Franklin, in his consistent way, for raising that particular issue of silence as well as the chilling statistics to demonstrate what continues to happen in Iraq. The fact is that at no stage was there an exit strategy. As the honourable member for Franklin outlined, the winning of the war was a simple thing—what an unfair contest the military might of the coalition, especially the United States, versus the Iraqi forces, whether based on intelligence that was flawed or intelligence that was deliberately not interpreted in the right way, was.

But at that time many of us said that the great challenge was not that aspect; the great challenge was winning peace. I have seen nothing in the years since that convince me that those that are the great minds of the coalition of the willing have learnt anything or understand that aspect. I conclude my reference to Iraq by saying one thing: I am sick and tired of the likes of the foreign minister in question time haranguing the opposition for having an alternative view. There is this fixation that we were happy to see Saddam continue unchecked.

What really galls me is this assumption that in the United States or the United Kingdom the government view is the only view expressed. I do not know where Alexander has been when he has been listening to the US congress, but the foreign minister should listen carefully. There is a large body of opinion that believes the US administration is on the wrong trail. As I have said often, if I were a member of the British Labour Party caucus, all along the journey I would have been a member of the substantial minority which, on every occasion the Blair
government has escalated its involvement, has opposed involvement. This nonsense that in some way an opinion that is in disagreement with the governments of these three countries is disloyal or lacking in reality is too dismissive of something that is now a very complex question that the global community really has to look at with much greater care than it does at the moment.

It is my intention today to make reference to a study that was released this week and which has been mentioned around this place—that is, the Australian Unity Wellbeing Index. The interpretation of this body of work in the popular press talks about electorates being the happiest or the saddest. I stress that in what is a fairly technical and academic paper the researchers attempted to look at relative personal wellbeing throughout the electorates on the basis of certain criteria. It was most appropriate that an article in the *Herald Sun* article yesterday described how the researchers went out to the electorate of Gorton—which the *Herald Sun* has interpreted, by using this index, as being the saddest of the Victorian electorates—and talked to a Kings Park mum, Lilyana Mukevska. She had just given birth to a son in Sunshine Hospital and she was ecstatic with life. She is quoted as saying:

‘My family is fantastic. They make you laugh and share their points of view.’

The seat of Scullin, in the Victorian context, is listed as the fifth saddest. I would think that I could find plenty of my constituents who are happy with their lot but would like to see it better. When we look at this index of wellbeing we should extract the components that have been used to build it up. I would acknowledge that the people I represent have a great deal of stress in the challenges of their daily life, which they contest with a cheery heart, and need our understanding and assistance. They do not need a government that makes life tougher. They do not need a government that puts in place policies that do not give them a chance to improve their lot and reach their hopes and aspirations.

As I have often said in this place, government policy at a national level should understand the regional impacts. For instance, when the new legislation on sole parent pensions and disability pensions is put in place on 1 July, the government should understand that in electorates like mine and the electorate of the member for Holt, who is present in the Main Committee chamber—two electorates that are mentioned among those five electorates—it is going to make things worse. It is going to affect the ability of the large number of people affected by this legislation to progress.

The thing that characterises most of the electorates mentioned in this article is that they are outer urban electorates where the pressures go to things like the amount of time that people have to expend to go about their business—the distance to work, the distance to child care and other important services. This is another area on which the federal government has walked away. The House of Representatives Standing Committee on Environment and Heritage said unanimously in its *Sustainable Cities* report that the federal government should be looking at the ways in which it involves itself in the outer urban areas of our major cities to invest in public transport. What do we get when that is put to the Minister for Transport and Regional Services? We get: public transport is a state issue. The people on the outer urban fringe do not want to be told whose responsibility it is; they want to be involved in the solutions. I think solutions will only be achieved when there is cooperation from all spheres of government, the private sector and the community.
The federal government, in its collection of petrol excise and in the way it can show leadership, should be involved in this matter. If it is all right for the federal government to be involved in the provision of roads by whipping out all sorts of programs that it uses as pork-barrelling exercises for marginal seats—RONIs and things like that—why can it not be involved in a shared way in public transport? In addressing the needs of the time-poor residents of my electorate, that would be one way the government could have an effect.

There are other burgeoning factors such as the cost of health. According to the Australian Unity Wellbeing Index, the electorate of Scullin gets a low score on health and standard of living. It does not help that we have a continuing increase in family medical bills and a government that is driven by trying to get people to go into private health insurance when over the last five years the cost of private insurance has risen by 40 per cent. Over Christmas, it grew a further seven per cent. What do we see? We see a scheme that subsidises private insurance without any recognition of what might be happening in the outcomes of the provision of health services.

My electorate has a high migrant population, many of whom came here in the post-war migration and worked successfully in the large manufacturing concerns that surrounded the northern suburbs of Melbourne. Some moved from inner urban areas such as Carlton and Collingwood and typically bought a fibro shack down at Dromana or Rye. Now they find that, because of the way the market is working, the value of their simple shack down at Dromana, just based on the value of the land, has become exorbitantly high. How does this affect them? It affects them as pensioners—pensioners who were denied the access to occupational superannuation during their working life—because of the way that it affects the assets test. I do not decry the assets test. It was a way in which we made the distribution of government assistance fair. Mr Deputy Speaker, in a previous life, you knew the agony that Labor governments went through in implementing that policy, but it was correct. What I say now is that we should recognise that as a device to distribute economic resources fairly there are aberrations in the way in which it is now impacting on the lifestyle decisions of some pensioners in a disproportionate way. Typically we have people being denied benefit because, in their simple lifestyle, something that was of relatively low value has increased. They are denied the enjoyment of that in retirement because at the end of the day, to survive, their only option is to divest themselves of that investment and put it in another form of investment so that they can get an ongoing income.

Another anomaly is that some of them kept their workers cottages in inner Melbourne and used them for rental purposes, and when the asset value and income from these rentals were in a relatively fair proportion they could survive. Now, regrettably, even though the asset value has gone up, the return on income has not gone up in the same way, and therefore the impact of the way in which the income and assets test actually impinges on them has become greater.

This is a policy that needs some refining. We need to be creative in the way in which we can ensure that those people can enjoy life—they do not want an increased lifestyle; they want to pursue a lifestyle commensurate with what they had expected when they retired. We should be able to twig that, especially when we have the scandal about the way family payments have developed unchecked, without putting in place income tests, let alone someone ever thinking that they should be asset tested. Now we see the wealthy being given the same
benefit or, in fact, a larger benefit than the poor. Under this draconian legislation, which will come into place on 1 July, we see single mothers expected to work for what adds up to about $3 an hour.

When I talk about these pressures that affect the wellbeing of the people I represent, I would also like to recognise that in our area things that are positive continue to happen. Some of them are small; some of them are large. They might be an organisation such as Churinga, operated by St John of God, an adult training support service that has asked local MPs to display the artwork of the people who use their service. I proudly display the colourful and vibrant artwork of three members of the Churinga community. That is the way you get the community involved and vibrant. It is projects like NARTT—the Northern Assessment, Referral and Treatment Team—which is a cooperative between non-government organisations, the local community health centre and the police that actively endeavours to intervene, especially in the area of drugs. NARTT acknowledges that drugs are entwined with domestic violence and crime, and it intervenes with proper counselling and help to ensure that the people who are finding the stresses that lead them to this type of antisocial behaviour do not just directly go to courts but are given an opportunity to be involved in programs that will keep them out of courts.

The final positive thing I want to mention is the work of organisations like NorthLink/NIETL and the Northern ACC. These are organisations that have blossomed under policies of Labor governments at state and federal levels. On Friday, I participated in a briefing session sponsored by NorthLink/NIETL and the Northern Area Consultative Committee, which local, federal and state members attended. My colleague the honourable member for Batman, Martin Ferguson, was there and so were state members such as Peter Batchelor and Jenny Mikakos, Lily D’Ambrosio and Danielle Green. Other members’ offices were represented—two federal members and three state members. At this meeting they put to us aspects of importance in economic development and job creation in the north. For instance, one of the great opportunities that is arising for the north is the location of the National Biosecurity Centre at La Trobe University. This will see the amalgamation of four or five state department of primary industries sites on the one site. It is going to provide some 450 science based jobs and it is recognition that in the north we have the opportunity to display the skills that are required for a centre such as this. It also enables us to display the cooperation that we can see between a tertiary institution like La Trobe University and the local community.

It is also important because this is the second annual gathering where local members have come together with these organisations to campaign on things of benefit to the north. Last year, in January, we successfully had a meeting that led to a concerted effort to ensure that the wholesale market was relocated to Epping. This was a successful campaign. As I said then, what it saw was the cooperation that was required between the people who represent the north in promoting the north.

In the two minutes that I have left, I want to refer to the debate that is going on in the main chamber at the moment with regard to the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 [2006]. It is unlikely that I will get an opportunity to speak in that debate. As I have said to those constituents that I have been able to get back to who have put their views to me, I will be supporting the bill. I thank all those constituents who have given of their time and opinion. I have treated each of their contribu-
tions seriously and they have helped me in the consideration of my position. As I have said to those that I have spoken to, simply put, much of the public debate about this bill has complicated the issue. This is a simple decision for us as legislators to decide how we believe a drug that can be used for lawful means should be best studied for its safety and efficacy.

I believe that there is nothing about RU486 that means that it should be treated in any different way to other drugs that are made available to the Australian community. The Therapeutic Goods Administration is put in place by the legislation and regulation of this parliament. It is given criteria for its work. These people are the experts. We rely on these people for all other groupings of drugs and there is nothing I can see that would give me reason to believe that we should put it separately.

I do not come to this position on the basis of any beliefs of the present Minister for Health and Ageing. The fact is that a minister for health that might be pro-choice might be the decision maker. But it is an anomaly that we have a drug or a grouping of drugs that should be set aside for special treatment. I believe that the TGA is best placed to ensure the safety and efficacy of a drug that can be used for a legal reason. (Time expired)

Mr BYRNE (Holt) (12.09 pm)—I rise today to address Appropriation Bill (No. 3) 2005-2006 and Appropriation Bill (No. 4) 2005-2006. In relation to Appropriation Bill (No. 3), I note, for the edification of Mr Deputy Speaker Causley, who is not here at present, the $54.6 million that is spent on the Australian Federal Police, particularly in the area of policing airports. In reflecting on this and the role of the Australian Federal Police, and in undertaking a little research with respect to that fine body, its responsibilities, its tasks and its level of resourcing, I have come to the conclusion that this federal government has miserably failed that particular organisation in providing the appropriate level of financial resourcing to ensure that the Australian Federal Police has the person power that is required to perform the tasks that have been stipulated.

I would like to start my reflection on this particular matter by quoting the Prime Minister. The quote is from a speech by the Prime Minister at the official opening of the AFP training village in Canberra on 23 June 2005. He said:

Events of the last five years have totally transformed both the demands and the expectations of the Australian community on the Australian Federal Police. In that five year period we've seen the threatening arrival of international terrorism, and we've seen the emergence of an ongoing need on the part of this country in cooperation with our friends in the Pacific Region to involve ourselves in the restoration of conditions of law and order and cooperation with the police services and governments of those countries.

In that short time, the Federal Police has had demands placed on it which go as far beyond the demands that have been placed on an organisation in terms of change as any I have seen at a federal level. I want to put on record a counter-response to the Prime Minister's statement by the Chief Executive Officer of the Australian Federal Police Association, Jim Torr, on 28 June 2005. It is about the reality of what sworn police officers—sworn AFP officers in particular—face in executing their duties. Jim Torr said:

The Australian Federal Police is today fighting with one arm tied behind its back. Huge increases in the taskings since September 11 have not been matched with comprehensive, consultative strategic planning.
Significant increases in the government funding have not been translated into sustained permanent staffing outcomes. The men and women of the AFP continue to perform to a world class standard but the AFP provides no staffing or surge capacity certainty. The future operating environment has not been adequately considered, analysed and modelled. The AFP lurches through sporadic recruiting bursts and reactionary operational responses.

It's time for strategic planning over a 10 year time frame with a goal to achieving sustained operational capability and flexibility with budget certainty. The people of Australia and our other stakeholders deserve no less.

In a particularly instructive paper by Organisational Architects—a key issues paper titled ‘A planned future for the Australian Federal Police’—the issue of the AFP and its staffing shortfalls was extensively addressed. I want to quote selected sections of the paper to highlight and amplify the problem that sworn police officers have in executing their duties on behalf of the Australian Federal Police. They will illustrate the problems that we face, with very severe consequences to policing of certain areas in the Australian community. The executive summary states:

While the Australian Federal Police (AFP) has a greater role in the National Security of Australia than ever before its staffing level is approximately the same as it was 20 years ago. Moreover, during the past 20 years there have been dramatic variations in staffing that have not been linked to the changing mission of the AFP.

Unlike Australia’s Defence establishment, the AFP has been predominantly managed on an inherently budget driven and short-term basis without public discussion in relation to its future funding and capability requirements. Evidence of this can be seen in the ongoing tasking of AFP resources to international operations without action being taken to ensure that “traditional” responsibilities are being adequately back filled.

The AFP is today so important to the National Interest that it should be subject to a process similar to the Defence White Paper and thereby be able to project resourcing, environmental modelling and capability development up to ten years into the future.

Best practice environmental and strategic modelling requires that the planning for the AFP be conducted in an open, consultative and strategic fashion, and that this planning involve: consultation with the public and other stakeholders, a rational identification and assessment of the various risks to Australia’s interests, commitment to forward budget expenditure, and a coherent resourcing model for future linkages to existing and planned Defence and other National capabilities.

Members in this place may recall that the AFP was formed in 1979 following the Hilton bombing in Sydney. Since that time, the AFP has assumed the role of Australia’s leading investigative agency in relation to illicit narcotics, criminal attack on Commonwealth revenue, political corruption, e-crime, people-smuggling and a number of other crimes. The AFP evolved through the eighties as an organisation principally focused on illicit narcotics trafficking and major fraud against the Commonwealth. A comprehensive network of international liaison officers was established and ties with foreign police established and strengthened.

In 1988 the AFP was made up of 2,771 sworn members and 547 unsworn members, a total of 3,368 employees. However, a reduction in the size of the AFP commenced at this point and continued until 1999, when the AFP employed 1,887 sworn members and 690 staff members, a total of 2,577 employees. From 1999 to 2003 the organisation again began to increase in size to a maximum staffing of 3,496. In 2004, numbers had reduced again slightly to 3,473. Between 30 June 2004 and 30 June 2005 the AFP’s unsworn number rose by 144 but the sworn police number decreased by 16, leaving a staff total of 3,601. Basically they are indi-
cating that there is a substantial drop in the number of sworn police officers. To illustrate the point: 20 years ago in 1985, when the world environment was much different and the AFP’s task was less, the AFP had 2,838 sworn police while, as at July 2005, it had 2,310 sworn police. That is a loss of 500 sworn police officers.

A review was conducted into the second half of the nineties—the Ayers review—when the AFP achieved a high public profile largely through their work in the areas of people-smuggling investigations, East Timor deployments and an increased role in cooperation with Pacific rim neighbours, particularly in the provision of training. In 1998, due to critical staff shortages and lobbying by the AFPA, Prime Minister Howard announced the Ayers review. As a consequence of that review, we saw large budget increases for the AFP, which were reflected in the previously mentioned increase in numbers from 1999. However, since 2001 the AFP has been without a long-term strategic plan, which I find quite amazing given the task that this organisation is required to perform—again, with no effective public accountability.

Then we had September 11 2001, after which the role of the AFP changed in a very profound way. No arm of government had been more affected by September 11 than the AFP. It is now understood that terrorists have no return address and that conventional military responses are very often inappropriate. As a result, police, including the AFP, are now absorbing more and more of what we have previously identified as military roles. Since September 11, if you think of those declining numbers of sworn police officers, over 600 AFP employees have been diverted from what they were doing on 10 September 2001 to new counter-terrorism functions. This retasking of AFP resources, though fully warranted by the circumstances and the environment following September 11, has led to a real shortfall in resourcing in traditional areas of AFP responsibility. The AFPA is not aware of any strategic planning that has been conducted to accommodate future AFP responses to the changed global environment. To all intents and purposes, the AFP is still planning with a pre-September 11 mind-set.

Since September 11, the AFP has been thrust more into the public consciousness. The AFP seems to be everywhere at once. Its new focus on counter-terrorism cannot exist in a discrete counter-terrorism only framework. A vacuum is formed in investigations of other crime types which produce counter-terrorism intelligence as an important by-product—for example, narcotics, identity fraud and money trafficking. It is worth noting that the Madrid atrocities involved active drug offenders.

Concerning planning requirements at the current time, what I can do for the edification of the chamber is detail AFP functions and sworn police numbers over 20 years and contrast the functions they were required to perform in 1985 with the functions they were required to perform in 2004.

One of the AFP’s key functions is ACT policing, as the member for Fraser will know. The AFP conducted that policing in 1985 and they still did so in 2004. The second is Australia’s remote territories policing. They did that in 1985 and they also did that in 2004. Narcotics was one of their responsibilities in 1985 and still was in 2004. Commonwealth revenue fraud was one of their duties in 1985 and they still performed that duty in 2004. Political corruption investigations they performed in 1985 and were still required to perform in 2004. Diplomatic and VIP security they performed in 1985 and were still required to perform in 2004. Witness protection they were required to perform in 1985 and were still required to perform in 2004.
Special event security planning they were not required to provide in 1985, but they were required to provide this in 2004. People-smuggling they were not required to investigate in 1985, but they were required to provide in 2004. E-crime involving internet and child pornography they were not required to explore in 1985 but they were required to explore in 2004. E-crime which constitutes attacks on business continuity they were not required to investigate in 1985 but they were required to investigate in 2004. Sexual servitude they were not required to investigate in 1985 but it was one of the parameters of their responsibilities in 2004. Child sex tourism they were not required to investigate in 1985, but they were required to perform that duty in 2004. Sky marshals, air security officers, they were not required to provide in 1985 but were required to provide in 2004.

International deployment for the United Nations they obviously were required to provide in 1985 and they continue to provide that facility to this day. International deployment for Australian response to events they were not required to provide in 1985 but they were required to provide this in 2004. International disaster response was not one of the parameters listed in 1985 but they were required to respond to these events in 2004. International police training—we have seen that occur in the Solomon Islands in particular—they were not required to provide in 1985 but were required to provide in 2004. Interpol liaison was not a duty that was required in 1985 but it was required in 2004.

One of the key changes where they have lost an area of responsibility, which I think they should have retained, is policing at federal airports, which they were required to provide and supervise in 1985. For some bizarre reason, they no longer have control of that, which I think leads to serious issues with respect to airport security.

In essence, what is happening to the AFP—and I understand it—is that the AFP is now suffering a shortfall of resources in its traditional areas of responsibility, such as community policing and general criminal investigations. It is trying to take on its new expanded role with a total staffing level, as I have said in this place on two occasions, which is the same as it was 20 years ago, with the number of sworn officers reduced by 528 or almost 20 per cent. As I have said, over 600 AFP members are directly involved in counter-terrorism functions both in Australia and offshore, including the 400-strong International Deployment Group. At times, since 11 September 2001, the AFP has had nearly 10 per cent of its people serving overseas—compare this with a much lower percentage of the Australian Defence Force on duty offshore—with serious implications for performing their domestic functions. Their ability to do so is much reduced.

Faced with these constraints, the AFP has effectively found it impossible to backfill the vital positions it needs to keep up its traditional area of responsibilities. And it is believed within the AFPA and by the sworn officers that if the public were fully aware of the significance of these gaps, including skyrocketing stress factors on individual officers doing their best with inadequate resources, there would be an immediate and loud outcry.

In the words of those connected with the AFPA, the inescapable by-product of these personnel gaps has been a worrying vacuum in the investigation of crimes which are the backbone of AFP operations. Yet it is, as I said before, these very tasks—narcotics, identity fraud and money-trafficking crimes, for example—which are inextricably linked to terrorism. If the government is seriously concerned about adequately arming and resourcing its police forces, particularly the AFP, in continuing their functions then it would address this as a serious issue.
There is another serious issue—that is, that the AFP is not accountable to any one particular parliamentary committee. You have the Australian Crime Commission, for example, which has to answer to the Australian Crime Commission committee. You have DSD, ASIO, ASIS and DIGO and a range of other intelligence organisations, which have to answer to the joint intelligence committee, and yet this very important body is not accountable to any parliamentary committee for its oversight, which I find quite stunning. I know the government specialises in lack of accountability, but we are asking the sworn officers who put their lives on the line for the benefit of our community to not have protection, to not have some of their grievances discussed by the duly elected representatives that are elected here to represent them and to not have the oversight protection of a parliamentary committee.

Make no mistake about it: they are very serious concerns that I have detailed to this place about operational shortfalls. These will obviously impact on domestic resourcing and the capacity to investigate some of the areas that I have just mentioned, and that is unacceptable. This government prides itself on being strong on crime and strong on security, but when it comes down to the test, when it comes down to laying its money on the table—it does not matter how many hundreds of millions of dollars it spends on spin—this government, by this document and by the reports emanating out of the Federal Police, is clearly abrogating its duty to adequately resource a key front-line agency in the fight against terrorism, the fight against narcotics, identity fraud and money trafficking. I am just wondering when the Prime Minister, who prides himself on being strong on these security matters, will actually take some direct action to fix these shortfalls.

We will continue to raise these matters and press these matters in parliament. I believe the AFP will be before the estimates committee tomorrow, where these and other issues will be raised. This is a structure, an organisation, which has serious operational concerns. If we do not fix this issue, if we do not provide accountability, then this organisation will continue not to be able to perform its domestic functions. We will not let the government off the hook with respect to this; we will continue to come into this place until the government assumes its responsibility to adequately support and adequately resource a key crime-fighting agency in this country.

Mr BRENDAN O’CONNOR (Gorton) (12.28 pm)—I rise to speak on Appropriation Bill (No. 3) 2005-2006 and Appropriation Bill (No. 4) 2005-2006. I do so in order to explain some of the concerns I have about the way in which the Commonwealth has failed to adequately fund important infrastructure in the electorate of Gorton. There is no doubt, quite justifiably, there is concern shared amongst community members in my electorate that they are not getting their fair share of resources to provide the important infrastructure required for one of the fastest growing areas of Melbourne.

I was contacted yesterday and asked to comment on a survey or a review of all the electorates in Australia. I was asked to comment on why it was that the electorate of Gorton was allegedly the one with the lowest level of satisfaction. I do not think that is true and I challenge the assertions made by those eminent academics who have tried to find a measure for happiness, because I go around my electorate, whether it be to the New Year’s Eve Lunar Festival at St Albans or the Keilor Gift held this Sunday, a magnificent race in Victoria, or indeed many other festivals and events such as the festival held in Glengala Road at St Andrew’s Church. It is a great Greek-Cypriot festival where thousands flock every year to celebrate and
enjoy themselves with their families. I see a lot of happiness in my electorate. I see people who are very community minded and very welcoming to not only people from outside the area but also their neighbours.

I challenge the assertion made by this survey that the residents in the electorate are not happy. But we could be happier. I can assure you that if we were able to fix some of the major transport blockages that are created by the lack of resources from the Commonwealth there would be many commuters much happier than they are currently. I can visit the Western Highway at 8.30 on any weekday morning and find the traffic at a standstill. The Western Highway in my electorate is a car park; it is effectively not moving or is moving very slowly. That is causing great frustration to the community in Caroline Springs, Burnside, Deer Park, Kings Park and Ardeer.

Mr Barresi—who’s funding the Deer Park bypass?

Mr BRENDAN O’CONNOR—I will get to that. The member for Deakin has raised an important issue. It has taken a lot of effort by locals to campaign very effectively, as they have done, to finally achieve a commitment for the commencement of the construction of the Deer Park bypass this year. But it has been very late in providing this important piece of transport infrastructure and it will be some years before we see the final completion of that bypass. For many years ahead constituents of the electorate, particularly in the south-west region, are going to be frustrated. This will add to any unhappiness that they may experience in their everyday lives.

The Commonwealth certainly made a commitment, but it is very late in the piece to be ensuring that that vital piece of infrastructure is built. It will benefit not only residents in my electorate but also residents in Melton, Bacchus Marsh and Ballarat. Indeed, it will be important for freight users between Adelaide and Melbourne. It is the second most used highway in Victoria and it has been neglected. In my view, it has been neglected primarily because the Commonwealth has not seen fit to focus on that area. It does not see any electoral advantage in doing so. It does not see benefits in terms of seats going to government. Areas with less merit and less reasoned argument about transport use have received Commonwealth money. Indeed, Queensland has had far more from the Commonwealth purse per capita than Victoria in terms of transport needs. This is something that should be addressed quickly.

The other transport area that is a real burden and problem for the constituents of my electorate is the failure of the Commonwealth to fund proper overpass intersections, or flyovers, along the Calder Highway. We have a situation where fatalities are becoming the norm on the Calder Highway between the CBD and Sunbury. In particular, there are a number of intersections—such as Robertsons Road, Calder Park Drive and Sunshine Avenue—where major accidents are occurring. They are occurring because we have ground level intersections on a major freeway. It is not good enough for the Commonwealth to ignore the plight of the community that uses that stretch of freeway and those that live very close to the freeway who are seeking to turn onto and off the Calder Highway while going into and out of the city. It is also causing problems for people that are obviously using it as a freeway to go, for example, from Melbourne’s CBD to Bendigo. We should not have so close to the CBD ground level intersections on such a major transport route. It is unsafe and it congests traffic; it leads to all sorts of problems.
Why Gorton is alleged to be one of the unhappiest electorates is anyone’s guess. I refute that, but I can point to those deficiencies in areas of Commonwealth expenditure that certainly would not make the people that live in my neck of the woods happy. Quite seriously, I have had to speak to bereaved family members who have lost relatives as a result of the dangers that clearly continue to exist because of the ground level intersections on the freeway.

There are other comparisons that one can draw. This survey talked about the happiness of people in electorates. That is a very difficult thing to quantify or qualify. It is true that if you make comparisons between electorates you find they are very different. You have the metropolitan and regional and rural divide and you have coastal communities and communities that reside within the centre of Australia, so you have many variables with the electorates of this great country. When I look at a number of comparisons, it does concern me that there is such a gap in opportunities between constituents in one area of the country as opposed to those in other areas. I quite often say that if you look at the socioeconomic demographic of the electorate of Gorton you see it is actually quite similar—maybe without the difficulties of distance—to those in country seats.

If you look at the income levels and employment opportunities, you see their differences are not as great as one would hope they would be. For example, why is a 10-year-old in the Prime Minister’s seat four times more likely to have access to a computer at home than such a child in the electorate of Gorton? Why is a 10-year-old child in the Prime Minister’s seat four times more likely to be online and able to access the internet than such a child in the electorate of Gorton? Why is a constituent in the Prime Minister’s seat three times more likely to be undertaking postsecondary education than a constituent in Gorton? By the way, I am not only making the point of comparison between a Labor seat and a government held seat. Quite clearly, you see a big divide in many respects when you look at rural and metropolitan seats. You see seats held by Nationals, Liberals and Independents in country Australia that have inherent disadvantages above and beyond the tyranny of distance. I think it is true to say, for example, that the effects of the Work Choices legislation upon workers in country areas will be worse, relatively speaking, than—

Mr Barresi—You don’t know that!

Mr BRENDAN O’CONNOR—That is my assertion, Member for Deakin. I respect the member for Deakin. He is a very decent Chair of the House of Representatives Standing Committee on Employment and Workplace Relations. I am his deputy; I quite often to defer to him, at least in administrative matters, because he has got the numbers. It is true to say, and I am making an assertion, that the effects of the Work Choices act in the country will be compounded because of where people live. When you reduce the security of employment in smaller communities, the chances of finding work are smaller and people are going to have greater difficulty if you increase exponentially the precarious nature of work.

We know we are now the most casualised workforce amongst all OECD countries. More than one-quarter of our workforce is casualised. And what does the government do to redress this? It introduces legislation that will accelerate the casualisation of work and accelerate the precarious nature of employment for people who require security and certainty. It would be dishonest for members of parliament to say that we can do all things, that we can regulate all matters of things that are beyond our control. It would be wrong for us to pretend that we can turn back the clock to a time where almost all employment would be Monday to Friday day.
shift. That is not possible, nor is it necessarily preferable. But we should not be introducing laws in this country that will allow employers to unreasonably treat their employees, to unfairly sack their workforce without any legal recourse. To legally enact a law to say, ‘Yes, you may well be unfairly sacked but you have nowhere to go; we’re not interested,’ is not something most Australians would accept. That would be another reason why all the electorates in this country would be a little unhappier, and they will all know about the unhappiness as the Work Choices act unfortunately takes effect throughout the course of this year.

I started my speech on the appropriation bills talking about the lack of resources in my electorate. If I compared my electorate to one that is not too far away—not Deakin; I will leave Deakin alone, although it once was a marginal, so I should check the grants that Deakin received—say, McEwen, held by Fran Bailey, and the number of sports grants that the member for McEwen received leading up to the last election, she received 17 out of 27 of the grants that were given under that heading in the nation. I have got to give her credit for being able to lobby whichever minister was responsible, but those constituents in my electorate who are not that far away from the communities in McEwen are wondering why they received none, although applications were made. They are forever receiving far fewer grants, whether it is in the area of education or sport, compared with other electorates that are close by which are, in socioeconomic terms, better off.

Labor governments of the past have done this. I do not think they have made it an art form like the Howard government. The pork-barrelling is extraordinary; it has got to the point where it is hard to say it without scratching your head as to how they can get away with this sort of rorting. But it is about time all governments of all colours—I do not care who is elected—start worrying about the marginalised and not the marginals. Start worrying about the people who are disenfranchised, who lack resources in the areas of education and health, who have transport needs that are not being addressed and where merit is not even in the argument as to where Commonwealth expenditure goes. There has got to be a way in which we can get rid of what people believe they need to do to stay in government or to get elected—that is, to bribe people in marginal seats. This bribing or rorting that goes on, this disproportionate allocation of Commonwealth money to areas that are not necessarily in need—certainly not in as much need as other areas—is a national disgrace.

Something must be done to ensure that, from now on, governments do not allocate Commonwealth resources on the basis of purely electoral benefit for the party in government but focus on the needs of Australian citizens, treat them equally and attend to their needs where help is most wanted. Unfortunately, the government does not have any interest in doing that. It is therefore important that this obsession with marginal electorates—at the expense of the marginalised—should be raised in this place, and publicly, as often as possible. We have a very sceptical and cynical electorate who believe they need to do to stay in government or to get elected—that is, to bribe people in marginal seats. This bribing or rorting that goes on, this disproportionate allocation of Commonwealth money to areas that are not necessarily in need—certainly not in as much need as other areas—is a national disgrace.

We have to change that view, and we can only do that when we have an accountable government which bases its decisions on the needs of the nation and allocates money on the basis of merit and does not pork-barrel for electoral advantage. It may be some time before those
new criteria take hold, but ultimately I think the community will demand it of government because too many constituents go without. There are certainly constituents in my electorate who are not properly attended to, not only by the Commonwealth but also by other governments. I think it is about time that attitude towards pork-barrelling changed.

Sitting suspended from 12.47 pm to 4.04 pm

Mr STEPHEN SMITH (Perth) (4.04 pm)—I rise to speak on the Appropriation Bill (No. 3) 2005-2006 and the Appropriation Bill (No. 4) 2005-2006. Australia’s living standard fell from about the highest in the world at the beginning of the 1900s to nearly 20th by 1990. Largely because of the major structural economic changes effected by the Hawke and Keating Labor governments, Australia is now enjoying the second quarter of its 15th year of continuous economic growth. As a result, our relevant international position in terms of living standards has risen from 19th in 1990 to eighth in 2004. But Australia still faces significant economic challenges that this government is either unwilling or unable to address—challenges that include the parlous state of our nation’s productivity, industry and export trade performance; challenges that with national political leadership can be met and overcome.

During the 1990s, Australia enjoyed our best run of productivity growth on record. Against the United States, we went from 79 per cent of the US productivity rate in 1983 to 86 per cent by 1998, but since that time we have gone backwards. We are now at 81 per cent of the United States productivity rate. Since 2002, we have fallen behind the OECD average. For every quarter of the past year, our national productivity has been negative.

In terms of our trade performance, Australia today has a massive $450 billion foreign debt. That is up from the nearly $210 billion foreign debt when John Howard first came to power in 1996. Today it soars above the debt of countries we might have once considered economic basket cases—countries like Argentina, Brazil and Russia—and we are beaten only by Qatar and Iceland. I now know where Mr Howard and Mr Costello have hidden the debt truck: under the desert sands of Qatar or under the ice of Iceland. In the 1990s, Australian foreign debt was around 40 per cent of GDP. Due to increases in the current account deficit, foreign debt is now around 51 per cent of GDP, with a current account deficit trending as a proportion of GDP at about six per cent. With GDP at around $890 billion, this amounts to more than $50 billion of new debt every year. Despite the favourable historic high prices that Australia receives for our commodity exports and the best terms of trade we have seen in more than 30 years, the Treasurer still manages to run a current account deficit in the order of $60 billion—some six per cent of GDP.

These challenges, in terms of productivity, trade and exports, are the result of 10 long years of economic complacency—a complacency characterised by short-term politics rather than long-term planning; a complacency that has the potential to do real damage to our economy and our economic future. This neglect has been particularly evident within areas under my direct shadow ministerial responsibility—those of industry and infrastructure, and today both of those areas are hot topics in our national debate. The problem for our nation is that they are policy areas that the Howard government has neglected for 10 long years. Instead of focusing on the real drivers of productivity, the government has pursued an ideological obsession that the Prime Minister has had since the 1960s: a slashing of wages and conditions for ordinary working Australians—an approach which will not deliver a productivity benefit for our nation.
The government’s approach to industrial relations is both extreme and unfair, and it is neither sensible nor economically efficient. Last year, the Prime Minister argued that his industrial relations changes were essential to the future economic benefit of our nation. The Prime Minister argued that these changes were needed to maintain and build on Australia’s economic performance. The Prime Minister and the government assert that these changes are the magic bullet needed to improve employment, wages and productivity. At the time the legislation passed in the parliament at the end of last year, the Prime Minister’s benchmark claims were that these changes would increase employment and reduce unemployment, increase national and workplace productivity, and provide a boost to the economy.

Let us examine those various assertions. By removing the independent umpire, the Australian Industrial Relations Commission, from setting the level of the minimum wage, the government seeks to realise its ambition of a reduction in real terms of the value of the minimum wage. In the government’s view, reducing the value of the minimum wage in real terms will lead to an increase in employment. But Australian and overseas experience shows that the assertion that high minimum wage levels inevitably lead to high levels of unemployment does not stack up. The Australian experience shows that it is possible to have falling unemployment while experiencing real wages growth. In Australia, we have experienced annual minimum wage increases over the past five years at the same time as unemployment has fallen. Over the past five years, jobs growth has increased by 10.4 per cent while minimum wages have grown by 5.3 per cent in real terms.

International evidence also questions the government’s claims. In the United States, over the past five years jobs growth has risen by only 2.9 per cent while the minimum wage in real terms has fallen by a massive 12 per cent. We have better employment levels for men aged between 25 and 65, while those mature age workers who did not complete high school also have a better employment record in Australia than in the US. During a similar period in the United Kingdom, the minimum wage has more than doubled from around £2.30 to its current level of £5.05, whilst employment has risen by a significant 4.4 per cent.

At the same time as seeking to reduce the minimum wage for the fundamentally flawed view that it will increase employment, the government talks up the alleged benefits of these changes. The Prime Minister uses as his justification for this the fact that since 1996 real wages have increased by more than 15 per cent compared to less than two per cent during Labor’s period in office. But that ignores that, during Labor’s period in office, disposable income for average Australian families increased by more than 40 per cent through the so-called social wage, which constituted elements such as superannuation and a universal health care system, both of which the current Prime Minister vigorously opposed. And it ignores the most important measure of real wage growth, namely, against the level of inflation. When Labor came to office in 1983 it inherited a 10 per cent inflation rate from then Treasurer, John Howard. When it left office 13 years later in 1996 Australia’s inflation rate was just two per cent.

On the issue of real wages growth, the empirical evidence simply does not support the government’s assertions that these benefits will come from a deregulated labour market. We only have to look at research undertaken by Professor David Peetz of Griffith University to see that. Professor Peetz’s research shows that labour productivity growth prior to the prices and incomes accord of the 1980s averaged 2.6 per cent annually. The introduction in 1983 of the
accord radically altered this, and through the shift to enterprise bargaining we saw labour productivity eventually peak at an annual rate of 3.2 per cent during the years 1994-2000. Contrast this with the current productivity cycle, which according to Peetz commenced in 1999-2000—the first full cycle subject to the government’s Workplace Relations Act 1996 with its emphasis on individual contracts—and annual labour productivity growth has fallen to just 2.3 per cent.

My own state, Western Australia, stands alone as an example of the most egregious consequences of the policy approach being implemented by John Howard. In Western Australia, between 1994 and 1996 around five per cent of employees had agreements that provided below award rates in their agreements. By 1998 this had climbed to around 25 per cent of all agreements registered with the Western Australia Commissioner of Workplace Agreements. This meant that under the Court-Kierath industrial relations system labour productivity fell to an average annual growth rate of 3.8 per cent, compared to 6.29 per cent under the current state government’s industrial relations system, a year-on-year increase of nearly 10 per cent in 2003-04.

How productivity will be improved as a result of the government’s industrial relations changes has never been explained. It has only been asserted, despite being one of the government’s central assertions. Certainly, neither the Treasury nor the Department of Employment and Workplace Relations claim any economic analysis of their own to that effect.

The government’s approach has been to equate productivity improvements with lower wages. Simply put, the government’s extreme industrial relations changes will see Australia introduce a system of labour market changes that will drag wages and conditions down, may or will increase profits, but will not increase productivity or efficiency. This is because an industrial relations system that suppresses labour costs reduces the incentive of business to focus on capital investment and other more sophisticated sources of competitive advantage.

And that is the likely outcome of these changes. We only need to look to New Zealand for proof of the impact of this approach, where according to a 2004 New Zealand Treasury report:

… changes in factor market regulation may have changed firms’ incentive to source output growth from employing more labour versus investing more in physical capital, because of a change in the relative price of labour to capital.

The New Zealand industrial relations experience served to discourage investment and innovation, with the result that Australia’s labour productivity is now more than 23 per cent higher than New Zealand’s. Even the Commonwealth Treasury here has echoed this sentiment, saying in advice to the Treasurer on 6 October that, as a result of the government’s changes, labour productivity growth may be ‘suppressed’.

The government’s assertion that its industrial relations changes will fix any economic problems Australia faces is not just simplistic, it ignores the real drivers of productivity in our economy: the knowledge and skills of our workforce, the ability to innovate through quality research and development and the adequacy of our infrastructure.

In dealing with these issues, let me return to Australia’s external imbalance, particularly our current account deficit, as it is the clearest manifestation of the government’s complacency and neglect in these areas. While one of the causes of Australia’s current account deficit has been a lack of domestic savings, the current account deficit has really come to the fore as our
trade deficit has ballooned. The Howard government has to date presided over 45 monthly trade deficits in a row, the longest run of any Australian government—and it is still continuing. Australia’s share of world exports has now fallen from a high of 1.22 per cent in 1989 to 0.94 per cent today, its lowest level since records began in 1946. This is not surprising when, over the past five years, manufactured exports have grown by a trend rate of only 1.7 per cent while at the same time manufactured imports have grown by 5.4 per cent. And according to ABS estimates, our negative net export position reduced economic growth by 0.3 per cent in the September quarter last year.

In 2004-05 Australia’s trade deficit in goods and services stood at nearly $26 billion, with a deficit in manufactured goods of more than $88 billion. Is it any wonder then that we have seen manufacturing decline as a proportion of GDP to its current level of 12.6 per cent, down from 19 per cent in 1975? If manufacturing continues to shrink as a share of GDP then our current account deficit will continue to grow. While export growth generally is less than half that achieved under Labor, our manufacturing exports are even more dire. Today, manufactured exports are growing at only 3.6 per cent, more than four times smaller than the growth recorded under Labor. Particularly disturbing is the composition of our manufacturing export performance.

One of the biggest failures of the Howard-Costello government has been that it has let slip Labor’s focus on the export of elaborately transformed manufactures. While knowledge-intensive manufacturing accounts for 8.4 per cent of the economic value add in Europe, it accounts for only three per cent of the value add in Australia. Worse still, while Australia’s share of knowledge-intensive manufacturing was rising strongly during the early 1990s, it has declined since 1995 by an average 1.5 per cent a year. This is impacting on our jobs market and our skills formation. If the Australian Industry Group, AiG, is right, over 40,000 manufacturing jobs are being lost each year, year in, year out. That ultimately will hurt our skills base and our ability to innovate in the future. There is little doubt that Australian manufacturing is bleeding—so much so that if these trends were to continue Australia would cease to have a manufacturing industry by about 2025.

We cannot prosper as a nation by simply lowering wages and neglecting efforts that encourage industry innovation and productivity. We need to continue to seek out ways to work smarter, not just harder. This means it is essential that we look creatively at adopting measures to boost research and development innovation, not relying on labour market participation or labour market deregulation. Australian business innovation today is at only half the average of OECD nations, a situation achieved in the 1980s and early 1990s when taxation arrangements encouraged companies to triple their investment in research and development. Now into our 15th year of continuous economic growth, Australia remains near the bottom of the international research and development league table, with a meagre 0.89 per cent of GDP for R&D expenditure, against an OECD average of 1.5 per cent of GDP. That is 15th on the OECD table, half the effort achieved by the United States, a third of Sweden and substantially less than both Germany and Belgium. Today, expenditure on R&D is no better than it was nearly 10 years ago when this government came to office. This should obviously be a much higher and greater investment.

Since 1996, business investment in research and development has been growing at only 2.6 per cent, while in the previous decade R&D investment grew at 11.4 per cent. In manufactur-
ing the fall has been even more pronounced, with R&D growth of 10.5 per cent to 1996, down to just 0.8 per cent a year since then. Research conducted by Melbourne university in its 2005 *R&D and intellectual property scoreboard* found that, of the over 5,000 Australian companies that undertake any form of R&D, fewer than 50 spent more than $10 million on it in 2003-04. That scored us a rating of C minus.

Meanwhile, our international competitors are marching ahead. Companies in China have been boosting expenditure on R&D at a rate of 21 per cent a year. The Howard-Costello government has no policy or political strategy to deal with these issues. At best it does not understand them; at worst it does not care about them.

Labor’s approach in government was to recognise that a viable and vibrant manufacturing industry relied on our ability to be globally competitive and to build on our success by encouraging a culture of innovation and exporting. Australia needs an economy where manufacturing plays its part as a producer of technology, alongside goods and services rich in intellectual property. Commonsense sees that the future of a modern, dynamic, successful manufacturing industry must be based on a foundation of skills, quality and innovation. This requires national leadership from the Commonwealth to develop a comprehensive national industry strategy, to revitalise the COAG Industry and Technology Ministerial Council, and to expand and encourage joint research and development activities to move Australian industries and exports up the value chain. Of course, the Howard government simply will not do this.

The government’s neglect of the productive capacity of our economy is not confined to just manufacturing. After 10 years of government economic complacency, Australia’s competitive edge is being further undermined by an economy pressing up against capacity constraints—a direct result of the deterioration in our key infrastructure assets. Speaking to the Committee for Melbourne in July 1995, John Howard said:

… I’ve been struck by the need to improve the coordination of infrastructure policy at the Commonwealth-State level.

In November 2005, John Howard told the Australian Davos Connection’s infrastructure conference:

… no-one disputes that better coordination across different levels of Government is an important part of getting the right environment for … [infrastructure] investment.

The problem is that, over 10 years, there has been no tangible progress. While the recent COAG outcome on infrastructure is a positive step, it comes off the back of 10 years of neglect and indifference and has the trappings of a government seeking a political fix to a substantial public policy problem.

The approach to infrastructure adopted at last Friday’s COAG meeting was not only belated but vastly inadequate. The COAG communique merely agrees to think about reform rather than undertake actual reform itself. According to communique timelines, no progress will be seen until at least 2007, while a number of potentially substantive issues are pushed back until well into 2010-11.

In addition, the communique contained no reference to any independent coordinating body, an initiative long called for by the infrastructure sector itself. There was no plan for any audit of national infrastructure assets, merely a report every five years, with little or no accountability or transparency.
In a modern, dynamic and outwardly looking Australian economy, real productivity improvements can only come from a commitment to the adequacy of our infrastructure; a commitment to the education, skills and training of our workforce; and a commitment to our ability to support and foster innovation and the commercialisation of our ideas. Such commitments represent an investment in our nation’s future, not something to be viewed merely as an expense or a budgetary item.

In contrast to the government, Labor recognises that the current national process for the integrated coordination and planning of our future infrastructure requirements is either dysfunctional or does not exist. Labor believes that there needs to be a more mature, collaborative relationship between the Commonwealth and the states, the territories and local government. That is why Labor believes that the Commonwealth should work with the states to give priority to long-term strategic planning of the nation’s infrastructure needs.

Strategic planning for our national infrastructure needs is complex. It requires cooperation amongst the three tiers of government and it requires sound research and projections of likely trends in population growth, economic development, exports, consumer demand and technology.

That is why a federal Labor government will conduct a national infrastructure audit; establish a national infrastructure priority list; create Infrastructure Australia, a Commonwealth body to drive rebuilding; and seek to reduce complex and overlapping regulations between the Commonwealth and the states. The priorities of this government encompass none of these commitments—commitments that would substantively and sustainably increase the productive capacity and capability of our nation.

The period since 1996 is a missed opportunity that has hurt Australia’s ability to remain internationally competitive—a fact that is being acutely felt today. Although the government makes noises about the need to improve productivity, it is trying to achieve this through an industrial relations approach which will likely reduce wages, particularly at the lower end of the scale.

Australia needs a government that is committed to the national interest and long-term solutions rather than political considerations and short-term fixes. Australia needs a government that has a vision and is committed to building an economy geared towards long-term production, not just short-term consumption. The Howard-Costello government is not the government to do that. Only a federal Labor government will effect that long-term planning for our nation’s future.

Mr HATTON (Blaxland) (4.24 pm)—I am indebted to the honourable member for Chisholm for allowing me to take her spot on the list for the debate on Appropriation Bill (No. 3) 2005-2006 and Appropriation Bill (No. 4) 2005-2006. What we are dealing with in these appropriation bills covers a very wide range of activities of the Commonwealth where there have been adjustments to (1) the original budget outlays and (2) the actual programs that have been undertaken. In part that is because there have been necessary adjustments as the year has gone on, being initiatives as well as changes to what was originally proposed, because circumstances have changed. That is why we have debate on these additional appropriations. That is also why we have a half-yearly report to indicate, given what was proposed initially, where Australia has got to in terms of its budget half-way along. So a lot of the material that is contained in these appropriation bills was dealt with last December in terms of changes.
I will make a general point, just as I have in all appropriations debates: it is much harder now than it was 10 years ago to participate in a debate on the budget and further appropriations because the specifics of what is being done are clouded by the way in which they are reported. There is the new method of looking at how the budget is done, not on a cash basis but on an accrual basis, and also the way in which it is stated, with goals, outcomes and so on. If you look at the core statements themselves—appropriation bills Nos 3 and 4, as well as the statement of savings—you do not actually get a handle on what is practically being done. They satisfy the Treasury’s conditions for this mode of accounting but I do not think they would satisfy ordinary individuals in Australia or certainly me, as a member of parliament, or others, because what we are actually interested in is how the administered actions of government through practical programs impact on people or impact on government departments and the way in which they carry out their business.

What is covered in these appropriations is very important. I will give you one instance. There is an extra $155.8 million going to the Department of Defence. If you go to the general papers on this, they will tell you that the outcome that they are looking at is the defence of the Commonwealth of Australia and, if necessary, the defence of Australia by action overseas. That really tells us nothing except what the generality is. But in the minister’s second reading speech and also in what are invaluable papers—the portfolio additional estimates statements for the Defence portfolio, and there are also the Attorney-General’s and Transport ones, which I will be referring to—you actually find out what it is about—and the PAES are usually locked away in the Table Office. If you look at what it is about, you see that of that order of money $40.9 million has gone to provide a special forces task group in Afghanistan. That has been raised through mid-year because it is a specific response to the deteriorating strategic situation in Afghanistan. The fact is there was a specific request for more Australian troops to be sent there. That has been supported by the Leader of the Opposition and members of the opposition. In order to facilitate that, another part of it—$16 million—is there to fund the deployment of helicopters and support elements in Afghanistan. That is an extremely important part of our forward defence posture in an age of war on terror. As the opposition has pointed out, what is fundamental here is that we do not want to see—and certainly President Musharraf, next door in Pakistan, does not want to see—the reimposition throughout Afghanistan of the power of the Taliban, having been beaten in Afghanistan, by their being able to defeat troops on the ground and overturn the democratically elected government of Afghanistan, which is battling, after so many decades of hostilities, to try to rebuild its country with assistance from Australia and others. So practically, you can look at it and say, ‘Yes, that’s good and that should be supported.’

Also there is a series that particularly bears on security in relation to Sydney airport and airports across Australia. If we go to the particulars of the portfolio additional estimates statements in the Department of Transport and Regional Services portfolio, we find in the administered programs at page 17 a special provision of $4.9 million for aviation security and strengthening international air cargo security arrangements in Australia. Regionally—which bears on Bankstown as a regional airport, but the specifics of this are for those that are further away from the main cities—there has been a change in the way funds are allocated. In aviation security enhancements, there is a regional airport 24-hour closed circuit television pilot study which is important not only for members in regional seats but in my instance in Bankstown, with Bankstown Airport in the middle of Sydney, to be assured that we have a much
better security situation and that we can cover, 24 hours a day, attempts to get into Bankstown, which is a very short distance from Kingsford Smith and 22 kilometres from the CBD. That is very important, and there is an associated allocation of funds for aviation security enhancements in regional passenger screening, because we know that there has not been enough previously given to screening people at regional airports. Most people then fly into Sydney, and there is a great deal, of course, between Sydney and Canberra and between the capital cities of Australia, but there is still an open security hole which this money is trying to be directed to.

Further, on page 18, we see that there is not only that allocation for international air cargo security arrangements but also a surface transport security enhancement, which would be welcomed, and a strengthening of the security and crime information service. There is an attempt to put that together. Regarding more specifics on this, I am indebted to the minister’s second reading speech, and I just wish we had a lot more material like this from the government so that we could make a better assessment of what is happening. Generally, $11.9 million of the $22.5 million to improve aviation security has been provided to the Department of Transport and Regional Services to improve the security of international passenger aircraft through increased inspection of air cargo. That is a vital thing that has not been done at a high enough level yet, and that money goes partway to helping to solve that problem. We know there is still a significant problem of container traffic through our ports and seaways, but this addresses that in aviation. There is $10.6 million allocated to the Australian Customs Service to increase airside patrols at airports.

Mr Deputy Speaker Causley, you would be aware, as would other members, that there has been a continuing concern and coverage in the media generated from concerns arising in the parliament that, while a range of measures to increase security have been taken for the broad travelling public, we have massive security holes in terms of airside security staff at the airport, people working for Qantas and the security area. In the past six months, part of the change in the funding provided was to try to pull those things together.

When these matters were dealt with previously, I asked the former Minister for Transport and Regional Services, the Hon. John Anderson, whether or not he could assure the House that the arrangements that had been made to ensure that people working at Sydney airport had been properly security cleared were now in place. I got a fairly strong answer to say that that had all been done, but I indicated to him further in argument that the information I had been given was that there was a key problem in terms of the hierarchy of security at Sydney airport and at others. That goes to the fact that it is not the government taking responsibility for what happens there: those services have been leased out. There are private companies which are the head companies to provide security services. They have given guarantees to the government that their people have been security cleared and so on. When you go down the chain, those major security companies which provide services to State Rail and Sydney airport then go to subcontractors. I indicated in argument that that is an area that particularly needs to be looked at: whether those subcontractors fulfil those requirements. And the subcontractors themselves go to sole traders.

I received some information just recently which indicates that, whatever changes have been made and whatever guarantees have been given that this is an area of concern in terms of security at Sydney airport—and at others, but particularly at Sydney—it has not been resolved.
The major companies have difficulties with particular subcontractors, and there is competition between subcontractors and between sole traders to get work. The government has been told that there are issues to do with people passing security testing, and, more importantly, the cash rates that people are being paid, whether there is appropriate workers compensation being paid by these companies, whether or not there is an associated situation where there may in fact be fraud against the Commonwealth and whether there may be a deliberate use of social security payments to supplement people's wages. This is an area that continues to need very specific scrutiny by the government.

I want to make a quick comparison here between Australia and the United States. At the end of the parliamentary break I went to Hawaii for eight days. It is a very different proposition going into the United States than it is travelling within Australia or, indeed, coming into this parliament. Our security situation in the parliament is strict, and we are strict in Australia as well, but in the United States, given the events of 11 September 2001, and the other events which have occurred and which have seemingly been foiled in the United States, there is a very high degree of concentration on providing aircraft security.

The difference between the way Australia does it and the way America does it is underlined by this simple fact: anywhere you travel in Australia, given the information there has been recently—highlighted by security footage that has been taken and the revelations that on the airside area it has been possible for people to put drugs or other material into people's bags—it has been a pressing situation that people make sure that their bags are locked and secured. There is even a service now where you can wrap the whole thing up completely so it cannot be gotten into. In the United States, the situation was that they did not want any locks on the bags at all. They knew if we were coming from Australia we would have locks on our bags, and they simply told us: 'We're going to inspect them. It's better for you to stay here and unlock them if we need them to be unlocked, because otherwise we're just going to cut them open and you can forget having locks at all.' They said, 'Americans know not to lock their bags because that's the kind of security environment we've got here.'

Security at airports in the United States has not been provided by private companies. It is not a question of head companies then going to subcontractors who then go to sole traders. The United States actually employs people directly. They are government employees that they security test, that they have responsibility for, that they use to try to guarantee that they will not have the holes in their security that have been alleged in ours and, in fact, proven in the past with the problems airside. It is a different approach to government. People do not well enough understand that the bastion of private enterprise, the United States, is also the bastion of federal government and state governments acting on their responsibility to ensure the safety of their communities. They do not worry about (1) being a rule-bound society or (2) the fact they see it as their direct responsibility to provide direct services and for the government to ensure the safety of the travelling public.

We have still got a big potential and probably actual security problem because we have not got government employees doing this work. It disturbs me that the allegations that have been put to me recently may have point and purpose, and it may well be the situation that some companies operating at Sydney and at other airports are breaking the law and that some companies may be telling the government and government authorities that the situation is entirely different—not just in security terms but in broader terms about workers compensation, the
remuneration they get and so on. People may cut corners in order to get the work, but those cut corners may lead to the travelling public being in peril.

I entirely endorse the moneys that have been proposed for the regional area, not only to pick up on regional security at airports—televising in that pilot—but also to improve other regional security. I would also endorse what has been done here not only with aircraft cargo in the international container area but also specifically to knit together the crime prevention unit and to increase security on air side. It is also vitally important that this new combination, which has arisen as a result of matters raised within this parliament and has been revealed in terms of investigations of what the actuality is, goes forward with fully open eyes and with an effort to see that these private contractors are brought under very close scrutiny to ensure that the safety of the travelling public and the operations of those significant pieces of infrastructure are not undone.

As part of that, there is a further tranche of moneys involved in these appropriations of $54.6 million to the Australian Federal Police for their airport policing measures. There is $27.2 million for phase 1 of community policing at airports, $18.2 million to provide a first response counter-terrorism capability at relevant airports, and $9.2 million to establish joint airport investigation teams with the Australian Customs Service which will also receive an additional $1 million for this initiative.

The very last point is the key to ensuring that the current situation does not become a security concern. If the allegations that have been put to me are correct, the joint airport investigation teams—where Australian Federal Police will work more closely with the Customs Service—will take up a series of points that have been put to them and look structurally at just what the problems are. I would far prefer the situation we had previously where we had government instrumentalities in charge of those services, where there was a direct responsibility that could lead right back to a federal government minister and where there could be cooperation between the state and federal governments to ensure that our fundamental infrastructure is not compromised.

We have seen in recent trials and in trials going back some time now initial allegations about people who had come to the notice of not only the Federal Police but also the state police, ASIO and others. We have seen with people charged in relation to terrorist activities that Sydney airport has been a key part of the concern in relation to that antiterrorist activity. The fundamental backdoor that can be used is not John or Jill Public walking in off the street to fly to Melbourne, Brisbane or somewhere else. The screening services that we have there work particularly well. They are not as severe as the United States where they tell you to take your shoes and just about everything else as well because you may as well save yourself time. Likewise, when it comes to testing for explosives we have—and I have encountered this at Canberra airport twice now—the same kind of facility as they have in the United States. They test as a matter of course—they do not just test a selection of people—for explosives to ensure that people cannot take C4 and other plastic explosives onboard and damage everyone.

The most vulnerable part is that there could always be a significant chance that people working for the American federal authorities at those airports could take part in terrorist activities or could have slipped through the security net. But the comparison is very simple. There is a much greater chance of that, as has already been demonstrated in the past, if governments do not have control of the situation, if they are at arm’s length and if they are reliant
upon information from private companies that probably do not know who they have employed. When they go to subcontractors and the subcontractors go to sole traders competing against each other, the security holes are there. The evidence that I have heard recently is disturbing and I would ask the relevant minister to please follow this closely for everyone’s benefit. (Time expired)

Mr ADAMS (Lyons) (4.45 pm)—I always say that you can always trust a man with hair on his face. I would like to say that the member for Blaxland is a very trustworthy person. I wish to speak on Appropriation Bill (No. 3) 2005-2006 and Appropriation Bill (No. 4) 2005-2006. In particular, I would like to refer to the additional funds of $1.2 million allocated towards the Department of Agriculture, Fisheries and Forestry, which include items such as fishing adjustments, timber industry support and drought related exceptional circumstances. I want to relate those to some activities within the Department of the Environment and Heritage, because I believe that the spending within that department is having a harmful effect on how some of our land management is being carried out.

I do not believe these two departments work together in their overall consideration of land management. While one area is in crisis because it is tied up in red tape, another is being fed large sums of money to lock up very usable and sustainable land. I am particularly concerned about the changes in a number of pieces of legislation, including the Nature Conservation Amendment (Threatened Native Vegetation Communities) Bill 2005, the Forest Practices Amendment (Threatened Native Vegetation Communities) Bill 2005 and the Forest Practices Amendment (Threatened Native Vegetation Communities) Regulations 2005. They are all aimed at trying to control activities on private land.

Some of this was raised under the regional forest agreement bills, but the rest came though as additional legislation under another hat altogether. Like the recent fisheries legislation, it seems to have been drawn up without consultation with any reference to those who will be most affected by it. Tasmania is not the only place that has suffered from this very heavy handed approach to legislation. I ask the question: who is actually paying the cost of all this work and to what end? Huge amounts of information have been collected, as can be seen by documents on the net and provided by various researchers.

However, the starting point appears to be wrong and, therefore, a lot of work will have to be done again if the federal government is serious about the consultation process. Recently in Tasmania there has been widespread concern, so much so that a group of farmers and retired farmers got together and called a public meeting to see what is going on. The ABC’s Landline was invited, too, and the main thrust of that meeting was to seek answers about what was going on and why this was being done without consultation.

Six months went by and another meeting was called. By this time, some of the legislation under discussion had been received and one of the farmers, Don McShane, sifted through all the information provided and came up with some questions and some interpretations. Don did an excellent and very precise job on the material and has kindly lent me his notes as background for this speech. The discussion paper put out to look at threatened non-forest vegetation had all the hallmarks of being written by someone working off a theoretical base who had been asked to undertake a study on how to deal with threatened species without really seeing if the species are threatened and what their extent is in Tasmania.
Many of these species are prolific on farmland that has only been used for grazing. They could only be threatened if all the land was suddenly intensively farmed for cropping, as has happened with the vegetable farmers and dairy farmers on the north-west coast of Tasmania. Many farmers are puzzled by this, because they have not changed their land use generally for some time, and many of the areas discussed are sheep and cattle grazing runs. They cannot see why any species on them should be any more threatened now than it was 30 years or 60 years ago. So any comment through the consultation process would have had some basis from which to start.

The question that was raised here was whether there were not more workable ways of achieving the required outcome. For instance, in the explanation for the requirement of a regulatory impact statement, the introduction to that paper made the point that the Treasury and Finance Regulation Review Unit made an initial assessment that the proposed legislative amendments to restrict the clearance and conversion of threatened non-forest vegetation communities on private land would impose major restrictions on competition and have a significant negative impact on business.

This is not a very encouraging start. Farmers are not going to be asked to place voluntary restrictions on the use of their land so as to save species that might be threatened or that might be threatened if farmers change the use of their land in the future. The reason given for this was that Tasmania was out of step with the rest of Australia, that there had been public and political pressure to restrict the use of certain private lands and that there was a gap in the legislation in that some non-threatened, non-forest vegetation communities were not explicitly covered so that all non-forest vegetation communities would end up being protected, whether they were threatened or not. Questions were asked at the meeting about why Tasmania was out of step, who was complaining or putting on the pressure and whether the gap would mean that all unimproved farming land would be locked up. The notes on the legislation certainly did not provide any answers to that.

Using this legislation as a guideline, it would mean that, if farmers wanted to apply fertilisers to their land or plough it up, they would require the equivalent of a forest practices plan. At the moment, a forest practices plan can require the use of a professional planner to draw up a plan to harvest timber that would take into account all of the forestry regulations on water zones, species on the ground, biodiversity and everything else that the forester had to deal with. This can cost up to $5,000 each and a minimum of about $600, depending on how many reports are required, just to plough a paddock to get some better grass for your stock.

The midlands and the east coast of Tasmania consist of a lot of rocky ground and steep slopes. They are unlikely to have strong pressure on them for change. As Don says, do the authors of this legislation understand what the application of seed and fertiliser or the use of technology such as direct drilling can do to stony ground? Some farmers have achieved amazing results, particularly in better economic times. Yet, within all of this, there seems to be little reference to where the farmer can find the additional funds to afford to carry out these changes. If they do decide to carry out some minor land conversion and they fall foul of the legislation, the fines can be enormous. The penalties for noncompliance go up to $100,000.

What are we dealing with here? Talk about using a jackhammer to crack a nut! Farmers know what sort of impact their activities have on their land. They would be stupid not to know, because it affects their livelihoods. They have bought their land in good faith to under-
take what is required to run a sustainable and profitable farm. Legislation that comes out of
the blue without any discussion with the land user because somebody somewhere is worried
about a few native plants but cannot actually say what those plants are, the extent of their
range in Tasmania and whether they would indeed be harmed by current farming practices
where they occur has to be considered unfair. It is not what people expect in Australia and it is
not what Tasmania is all about anyway.

If there are concerns and if farmers are consulted and assisted in ensuring that enough of
the species are left to assist with biodiversity, the rest is not necessary. Where there is a need
to develop reserves, appropriate compensation should be available and management plans
drawn up by the farmer and the management body to ensure that any impact from the reserved
land does not impinge on the farmer’s land. As with forestry, some stewardship arrangements
can be made available so that the farmer can be encouraged to look after that part of his or her
farm that is required to be reserved.

After experience with the assessment for forestry compensation, many farmers are cagey
about allowing just anyone to assess the value of their land in production. An acceptable sys-
tem should be to ensure that there is a standard assessment process that everybody knows
about and that there is a profit market of valuation on the land to be reserved. There should
also be an understanding that many farmers use their farms as their superannuation and that
when they come to the end of their working life they need to have something of improved
value to sell to give them some retirement prospect, like any other businesspeople.

The regulatory impact statement talks about ‘potential compensation to affected landown-
ers in prescribed circumstances’. However, it also states that ‘up to a certain point of duty of
care, landowners are expected to provide environmental protection on their properties without
compensation’, but there is no description of the point of duty of care, should this apply. As
usual with this sort of thing, it is so indefinite that any interpretation can be used by those who
make the regulations. The questions have to be asked: do we need more controls; what on
earth are we going to control next—maybe it is the number of sheep and cattle each farmer is
allowed; and do we not think that control has just spun out of control?

Many comments and concerns came out of the meeting, but the bottom line is that policies
that fail to engage the cooperation of landowners will themselves ultimately fail. This group is
deeply concerned about the outcome. They are certainly not stupid and will resist any efforts
to have anything forced upon them. But they are willing to talk and see something sensible
come out of this. The preferred option is something like the model developed for the Regional
Forest Agreements Private Forest Reserve Program, but there has to be an agreement between
the state and federal governments to undertake a proper consultation and be provided with
proper scientific data on which to develop any guidelines. The stuff that has been provided so
far is totally inadequate and from the wrong perspective.

If funds are to be spent on this sort of activity where the federal government is trying to
appease some of its greener constituents, let us get it onto a rational basis so that if a new en-
vironmental policy is being developed it at least starts with the proper information, the scien-
tific basis and the likely impact on the traditional land users, whether they be European or
Aboriginal. Australians are proud of their land ownership because few people around the
world have the sort of acreage that we have in our care. No-one wants to really ruin it for the
future. Past practices have pushed farming into some pretty marginal land—but then econom-
ics have driven them out again. Those who are farming today are on the lookout for new ideas and new ways of helping the earth to produce our needs. We should be funding research and development, especially to assist with things like drought proofing, having more skilled people and keeping them healthy and housed. It is here that our farmers need some practical assistance, not having someone to tell them how to conserve their land and being left to grow weeds, promote bushfires and become unproductive in every sense.

This can be much better handled and I believe that this government should be well advised to take heed of what that meeting and the one that was held at Oaklands had to say. There is an avenue for negotiations to restart. There is a will between both state and federal parties to vary the agreements. And, quite honestly, it is vital that this be done. Any further funds spent on developing a hollow case is not what this is all about. If this government were fair dinkum then there should be no ifs and buts; it should be on the road to a new agreement by now. I look forward to seeing something more positive come out of this and not seeing more money being wasted.

The present position that applies is one where a farmer 10 years ago ploughed up his sags and land that had been used for grazing for the last 100 years and put in poppies. Because the price of wool was not giving the return that it used to, he looked to the poppy industry and the spud industry. That was okay 10 years ago. His neighbour now is forced to look for an alternative way to return money, to get a new cash flow, and he is being denied that opportunity. This, in anybody's opinion, is very unfair and denies natural justice.

When we look at these issues, if areas have to be set aside to safeguard biodiversity, then that is in the public interest. This occurred in my electorate, in the Mole Creek area, where karsts exist and where people sit above caves and have sinkholes on their properties. Their lives were put on hold for years because of the disruption that was put on them when land use issues took over and people were denied the right to harvest their forests because it was said that there were karsts beneath them. I do not mind having a public interest. I believe in the public interest. I believe that government has a responsibility to take care of the public interest. But, if we are going to look after biodiversity and things like karsts and the cave systems that apply within our country, and if we say that this is in the interests of the public, then the public has to pay for the public interest.

There are all sorts of opportunities that can be developed, like the stewardships where some landowners will fence off certain areas and will only use those for grazing and they can be paid rent on a yearly basis. There are some taxation issues with that, which are difficult, but it is still an income. There are some people who are quite willing to do that and have already gone into those sorts of arrangements. These are quite acceptable processes that we can continue to develop to enhance these programs. However, we are coming along and saying to a person who, 10 years ago or less, saw their neighbours plough up the sags and grasses and put in the poppies and spuds because wool was in a downturn and they could not make the same amount from the property that they used to with the same management techniques or processes, so they had to look for another cash flow: ‘You cannot do what your neighbour did 10 years ago, and we’re not going to compensate you. But it’s in the public interest. That’s why you can’t do it.’

There is something wrong when that happens, and natural justice is being denied to people. As I said, I am about the public interest if it needs to be put forward, but I am also about natu-
ral justice. You would think that The Nationals would have some sort of an interest in this kind of legislation when it goes through this parliament, but The Nationals seem to have let these bills go through without any consideration. That is probably one reason why people say that that party is now failing rural and regional Australia.

**Ms LIVERMORE** (Capricornia) (5.04 pm)—In speaking on the Appropriation Bill (No. 3) 2005-2006 and the Appropriation Bill (No. 4) 2005-2006, I would like to raise some issues of concern in my electorate. I do that in the context of the second reading amendment moved by the member for Melbourne on behalf of the opposition because while the government is quick to pat itself on the back for its economic credentials and the size of the surplus it is failing—in my electorate, certainly—to create opportunities and invest in the services and infrastructure that we need to maintain the economic growth and prosperity that Australia has been enjoying over the last 15 years or so.

In particular, I would like to talk about Telstra. I did not plan to raise Telstra, its services and the National Party’s sell-out of my electorate and other regional areas in agreeing to sell Telstra late last year but, when I opened the *Financial Review* on Tuesday morning and saw the article about the exchange at Senate estimates between Senator Ian Macdonald and Senator Coonan, I could not resist. While we expect to see a bit of conflict and biffo between Labor senators and government ministers, you can imagine my surprise and glee at seeing government members doing the same thing. It seems that the regional members in the government are starting to wake up to the contempt with which they will be treated by a privatised Telstra.

The issue that Senator Macdonald raised was the government’s 2001 election promise of mobile coverage for our highways. He mentioned a number of regions in Queensland, as you would expect from a senator representing Queensland. In particular, he mentioned the span of coastline between Rockhampton and Mackay. That is a road travelled by me when I service the northern part of my electorate and also by many of my constituents. I was pleased to hear the senator make those remarks because that is an incredibly busy stretch of road which has a reputation for being a high accident zone. The issue of mobile coverage on that stretch of highway is very important to people in my electorate and visitors to our electorate as well.

It is not just the area between Rockhampton and Mackay that is a problem for people in my electorate. Also when you travel on the highway west of Rockhampton, which is increasingly popular for tourism and also for the mining workforce in our area as the coal boom continues apace in the Central Highlands and the Bowen Basin, you find big gaps in mobile phone coverage. Far from the government living up to its promise of providing coverage on these highways, we know very well that has not happened, and the exchange between Senator Macdonald and Senator Coonan at estimates the other day seems to indicate that the government is now washing its hands of that promise.

People ask me, ‘Is mobile phone coverage an issue in your electorate?’ People in my electorate can tell you exactly where the phone cuts out. When you drive out of Rocky to Westwood it cuts out. When you drive north of Rocky and get to Yaamba it cuts out. People can tell you, within a few kilometres, exactly where the coverage cuts in and out, so anyone who thinks this is not an issue in my electorate is kidding themselves. The blame is laid squarely at the feet of Telstra and increasingly at the feet of those government members who voted to sell Telstra and privatise it completely. I applaud Senator Macdonald’s stand on this matter and I
join him in condemning the government for failing yet again to carry out an election promise and for betraying the people of rural and regional Australia by moving to privatise the rest of Telstra.

Another good one from Telstra is its decision to shelve the CDMA network in favour of the so-called 3G technology.

A division having been called in the House of Representatives—

**Sitting suspended from 5.10 pm to 5.22 pm**

Ms LIVERMORE—As I was saying before the break, another Telstra issue that is causing some concern in my electorate is Telstra’s decision to shelve the CDMA network in favour of the 3G technology before the software that will enable this technology to gain coverage comparable with current equipment is designed. This is incredible; people in my electorate cannot believe that they went out and bought the gear and the CDMA handsets in order to plug into the CDMA network, all on the urging of Telstra when that was the technology of choice. That Telstra is going to turn around and throw that out is unacceptable and is causing a great deal of anger in my region.

Another area that I wanted to speak about that is of concern to people in my electorate and electorates right across the country is aged care. In surveys that I conduct in my electorate it shows up consistently as an issue of major concern to people and a priority area for governments to focus on. I am sure that is the same for many other electorates. There have been a couple of issues in my local area just in the last couple of months that have really brought this to the forefront, and both of these issues relate to the staffing shortages—the workforce shortages—that we know about in aged care.

One is the instance of the Blue Care facility—a brand new facility on the Capricorn Coast, which is a very fast growing region and particularly popular among retirees. These extra beds have been sought by the people of the Capricorn Coast since before 1998. This issue was around before I got elected. We have finally managed to get those places for the Capricorn Coast; I think it was announced at the end of 2001. The facility is built; it is sitting there waiting to open and up until a few weeks ago it had not been able to open because of Blue Care’s inability to find staff. It is in Yeppoon, of all places. It is a beautiful place with a fantastic lifestyle, and still this facility is unable to find adequate registered nurses to open its doors to the elderly residents of the Capricorn Coast who, as I say, have been waiting for this facility for some seven or eight years.

Another issue that has arisen recently is that of the John Cani hostel in Mount Morgan, which is a small rural town 30 kilometres west of Rockhampton. Unfortunately, it has been sanctioned by the Aged Care Standards and Accreditation Agency, though that is not the issue that I want to discuss today. The management there have already taken steps to address those problems, but the report that led to the sanctions really comes back again to staffing issues. It is just impossible to find qualified staff for aged care facilities. The federal government has known about this for years now; the problems are well known. The biggest problem that everyone talks about is the lack of parity—the gap that exists between wages earned by nurses in the public and acute care sectors in our hospitals and the wages earned by nurses in the aged care sector. As my colleague Senator McLucas has demonstrated, the wages gap between those two sectors has actually increased from $84.48 per week in 2002 to $191.83 per week in

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2005. Is it any wonder that aged care providers are finding it difficult to recruit and retain staff when nurses can get such better wages and conditions elsewhere?

The government has acknowledged this problem. It committed $211 million in the 2002-03 budget to ensure that aged care facilities provided better wages and conditions and a further $877 million in the 2004-05 budget. But the problem is that this funding was not tied to wages and conditions. So the funding can go to aged care providers but those providers could be spending it on anything. The government has acknowledged the problem and made the funding available, but it has not gone that extra step to make sure it is fixing the problem. The government has been quite lazy and complacent about this very important issue. In the meantime the discrepancy in wages continues to blow out and the shortage of qualified nursing staff in aged care facilities is placing more and more pressure on providers, making it harder and harder to provide quality care to residents in nursing homes. As I said, there have been two classic and different examples of that in my electorate just in the last couple of months. There is a lot of work to be done by the government. In fact, the Senate Community Affairs References Committee, which conducted an inquiry into aged care last year, recommended that the government address that issue. The money is there to go into wages for aged care nurses, so let’s make sure it happens.

One of the things highlighted in Labor’s second reading amendment is this issue of the government having a surplus due to quite good economic conditions—and many of us on this side would say that that is a product of good luck rather than good management and comes off the back of many of the reforms of the Labor government in the nineties—but we are not necessarily seeing those funds returning to electorates like mine. And the boom in the coal industry that is occurring now in my electorate is contributing a great deal to the revenue coming to the government.

There are two projects on the agenda in my electorate where two communities are getting in and having a go. They are pulling together private contributions from industry to make local projects happen and we are waiting on the federal government to do its bit to help make those projects a reality. The first one is the Moura airstrip. Moura is a mining community in the Banana Shire. It is a very fast-growing community. In the middle of last year, a $1 billion expansion to the coalmine that operates there was announced. The shire council is keen to upgrade the airstrip in the township of Moura, partly to support the industry there and in recognition that, when you have thousands of miners working in the community, emergency services facilities are always very important. There is always the risk in a dangerous occupation like that that people will need urgent medical attention.

The mining industry has stumped up $300,000—Anglo Coal has put in $300,000—and the state government has contributed $230,000 already towards the project to make the Moura airstrip an all-weather runway, in recognition of the growth in the town. The project is expected to cost $820,000 in total. The council is very keen for the federal government to come on board and put in a share of funding to help that project go ahead. I understand an application is with the area consultative committee and it is getting quite a bit of support from our local area consultative committee. I hope that Minister Truss will look very carefully at that application and recognise that the community has already put forward a big contribution on its own behalf, through the coal company, and that the state government is also on board. We need a demonstration from the federal government that it recognises the importance of this
project and the opportunities that a community like Moura is identifying for itself and that Moura needs that partnership to make it a reality.

The other project is in the town of Blackwater—another booming coalmining town in my electorate. The project is to build a health facility and a gym on the site of the current PCYC facility. That is also a project that has great community support, which is demonstrated by the support of the council and also the local mining companies. There is a consortium of four or five mining companies, including Wesfarmers and BHP Billiton Mitsubishi Alliance, together with Thiess and Yarrabee mines and a local contractor TWM, who between them are putting up $350,000 for the project. They are also seeking a federal and state partnership and funding to help make that project happen.

So, again, I would call on the federal government and particularly Minister Truss to recognise what these communities in my electorate are doing for themselves and to support that important project. The project will really enhance the lifestyle in Blackwater by providing that important sporting facility. The facility will also accommodate an allied health centre to attract more health professionals to Blackwater and will generally improve the health of citizens by making the sporting facilities available.

Finally, I want to shift tack altogether and talk about the number of calls and visitors that I am getting to my office complaining about telemarketers. Telemarketers are becoming one of the biggest gripes for constituents in my electorate and the issue is only getting worse. Last week, I had Mrs Meek, who is 83 years old, contact my office about an issue she had with a telecommunications company. Mrs Meek had received a bill from a company that she had never heard of before who were charging her for a service that she was unaware she was using. Upon investigation from my office, it was discovered that Mrs Meek had been switched from Telstra to another company after one of these telemarketing calls. Mrs Meek said that she never gave anyone permission to switch her phone but that she listened to what the telemarketer had to offer before kindly rejecting their offer.

This is not an isolated case. My office is handling many more of these complaints of telecommunications carrier switches without approval from the customer involved. These telemarketers particularly prey on the elderly by asking questions that will garner a positive response. This is then all they need to switch that person’s calls to them. This is an outrageous practice and needs to be reviewed immediately.

At the other end of the spectrum, from the elderly people contacting my office, there are young families. There is nothing more annoying for Australian families than the telephone ringing while dinner is being prepared or eaten. Anyone who has had the displeasure of answering the phone under the presumption that it may be important only to find that it is a telemarketer ringing to waste their valuable time, knows why. Many individuals have expressed to me that they no longer answer the phone at dinner time simply due to the possibility that the caller may be a telemarketer trying to sell them something they do not really want or need. These calls seem to come at the worst possible time, and many people are reporting numerous calls in one day. For example, one woman in my electorate reported a total of 15 calls in a single day. Even my electorate office, it appears, is not immune from these calls, with my staff reporting several calls every week from telemarketers trying to sell everything from insurance to holidays. So I can certainly understand why many of my constituents become angry with the callers.
Labor’s proposed Do Not Call Register is an idea that is appealing to everyone I speak to who has had the unfortunate experience of being swamped by telemarketing calls. Our proposal to fine companies that breach the list would see a massive reduction in the number of calls being made in this country. Anything that can reduce these annoying invasions of privacy should be looked at by the government. But they are ignoring our proposal simply because they were not the ones that came up with it. Instead, the telecommunications minister asserts that she needs another 12 months to implement something in this area. This is crazy. Australians want a Do Not Call Register and they want it now.

The common thread in these issues I am raising is that while the government wants to pat itself on the back for its apparently successful management of the economy—although dark clouds are gathering, from some of the figures that we see—it is just out of touch with what is really going to make a difference in people’s lives. As I said, telecommunications infrastructure, aged care and things like addressing these nuisance calls from telemarketers are important in my electorate.

(Time expired)

Mr ALBANESE (Grayndler) (5.37 pm)—There is a stark difference between the government and Labor in addressing Australia’s and the world’s most serious environmental challenge, that of climate change. The Howard government argue that economic growth and protecting the environment are incompatible. They are wrong. The Howard government also argue that economic growth and taking strong clear steps to avoid dangerous climate change are incompatible. They are wrong again. The Howard government argue that one comes at the cost of the other. This is not only old thinking, it is wrong in economics. The challenge of both economics and the environment is the same: to improve our quality of life. Our quality of life is affected when we are worse off for losing our job, but our quality of life is also affected because we are worse off when we suffer from water shortages or land use changes.

The Howard government has taken far too long to address the devastating symptoms of climate change. Critically, the Howard government is even slower to wake up to the real causes of climate change. The reason the Howard government is taking no meaningful steps to avoid dangerous climate change is because it is split over whether climate change is actually happening. Even amongst those in the government who agree that climate change is happening there is a serious split over what to do about it. No wonder the policies are a mess! Australia cannot afford to suffer through the inconsistencies of the Howard government’s policies.

These days you just do not know where the government stands. When it comes to whether climate change is happening, on the one hand the Minister for the Environment and Heritage said that climate change is a ‘very serious threat to Australia’. The next day he was in court challenging the very existence of climate change. One day the Department of the Environment and Heritage was highlighting coral bleaching and the dramatic impact climate change would have on the Great Barrier Reef. The next day the Minister for Industry, Tourism and Resources said:

I think the Reef is in good shape. Those areas where it is being closely managed… it is probably in better shape than it has been for years.

This contradicts the AGO report *Climate change risk and vulnerability*, which stated in 2005:

Cairns and the Great Barrier Reef are expected to see multiple dimensions of change. The Reef itself is likely to suffer from coral bleaching events, which have long recovery times and flow on effects for the
whole ecosystem. Climate model projections suggest that within 40 years water temperatures could be above the survival limit of corals.

With his comments—denying that the Great Barrier Reef is bleaching as a result of climate change—the Minister for Industry, Tourism and Resources is defying all the signs and, once again, is contradicting the Minister for the Environment and Heritage. The Minister for the Environment and Heritage says that we need to reduce greenhouse gas emissions by 60 per cent by 2050. Yet, under the government’s policies, greenhouse gas emissions will—according to a report from ABARE—on a best case scenario, increase by 70 per cent to 80 per cent by 2050. On the one hand, we need to reduce emissions by 60 per cent while, on the other hand, emissions will actually increase by 70 per cent to 80 per cent under the government’s policies. That is the most optimistic assessment, if all the proposals discussed at the Asia-Pacific climate pact are adopted.

Not only is the government divided on whether climate change is happening; it is also divided on policy. With respect to the Kyoto protocol, in 1997 the Prime Minister himself proclaimed that the protocol was, ‘A win for the environment and a win for jobs’. Since then, the Prime Minister has backflipped. Now the Howard government regards the Kyoto protocol with the same affection as The Nationals’ party room regards Senator McGauran. In December 2005 the environment minister said the Kyoto protocol was ‘almost buried’. Yet recently he said, ‘There has been no stronger supporter of Kyoto than the Howard government.’ Of course, Australia is one of only two industrialised countries that have not ratified Kyoto, and we are the highest per capita emitter of greenhouse gases in the world. While the Prime Minister recently acknowledged that climate change was not a myth, he said the debate over climate change was a choice between the economy and the environment. Unbelievably, given the threat that climate change poses, once again the Prime Minister has chosen to cast our response to this threat in ideological terms. Just like with the wheat for weapons scandal, this is a government that governs in its own political interest, not in the national interest.

Labor believes the debate over climate change is a debate about old ways or new paths. Pressured by vested interests, the Prime Minister has chosen the wrong path. The debate over climate change is really about what kind of society we want to live in. It is not about blame; it is about finding solutions. We need to act; delay is not an option. Just last week British Prime Minister Tony Blair indicated that if the world does not take strong action within seven years it may well be too late to avoid dangerous climate change.

The debate over climate change is also a debate about the Australian economy—whether we will be an economy of the future and whether we will prepare for the carbon constrained future, which will be a feature of all economies in coming decades. It is also about the future of rural Australia—how our rural communities will adapt to an even drier continent. It is about smarter and more efficient use of precious resources such as water. It is about getting the new design of our homes and our buildings right and about being smart regarding energy efficiency. It is about using the new agricultural technologies and having the new household appliances. It is about managing the new service industries that will arise from this. The threat of a changing climate must make us look at how we use and apply our skills and technologies in the future. Do we apply our resources in a way which ignores where we need to be in future years? Labor believes that a national emissions trading scheme is the best way to reduce CO₂...
emissions in the most efficient way possible. By using market based mechanisms as a legal compliance tool, we will achieve the outcome in the most efficient manner.

Putting a value on carbon encourages industry to use less carbon and to use cleaner energy and sends a signal about the value of carbon in the economy. I have just met with BHP Billiton representatives in my Parliament House office. One of these executives of BHP Billiton—one of our great corporations—talked about the options that are available to them and the need to have price signals when it comes to carbon if they are to make effective choices that protect their economic interests and look after the environment. Only yesterday at Senate estimates the environment minister said he supports emissions trading and price signals. Yet all through 2005 he was saying it was too expensive and would not work. On 31 July, 2005, the foreign minister said:

We know that emissions can’t continue at their current rate. That’s going to require research, collaborative research. It’s also going to mean we’ll have to investigate price signals coming from energy … By changing price signals, obviously that leads to changes in the investment patterns. You can get more investment into cleaner energy through changing pricing signals …

About three weeks ago, in a speech in Los Angeles, the Treasurer said:

A market based solution will give the right signal to producers and to consumers. It will make clear the opportunity cost of using energy resources, thereby encouraging more and better investment in additional sources of supply and improving the efficiency with which they are used …

He also said:

Price signals in an efficient open market will promote new and more efficient investment …

So the Treasurer, the foreign minister and the environment minister are all on the record talking about price signals. There are really only two forms of price signals: emissions trading—opening it up to the market through a cap and trade system—or having a carbon tax. The Howard government says that it opposes both. It is an extraordinarily contradictory position that is stifling the Australian economy, because investors need certainty, and if investment is going to be channelled into industry in a way which protects our long-term future then those price signals are needed—and they are needed now.

What does the government say? The environment minister says we need price signals but not just yet. It is absurd to argue that what will be the world’s biggest market, the carbon trading market, is a positive development and that Australia should engage in that market but not yet. So we should wait for the world to get a jump on us before we enter that market, giving everyone else a head start! It is an absurdly contradictory position, but of course it is not the only contradiction that is there, because the environment minister says that the climate pact strategy is complementary with the Kyoto protocol and with the UN Framework Convention on Climate Change. Yesterday in Senate estimates when officials from the department were asked who was working on the UN Framework Convention on Climate Change and who was working on the Asia-Pacific climate pact—where the obligations are the same except one has six countries and one has 189 countries involved including all of the six—an official advised the Senate committee that they were the same people by and large doing the same work, which is consistent with the UN Framework Convention on Climate Change. And yet the government refuses to ratify the Kyoto protocol.

It refuses to ratify the Kyoto protocol in spite of the fact that it argues that we are going to meet our target under Kyoto. So we are giving up the economic opportunities that are avail-
able through instruments such as the clean development mechanism where nations can gain carbon credits for investments in clean energy in developing countries. This is an instrument of which there are already 60 projects under way and more than 500 in the pipeline. It is a mechanism which Australia, due to our geographical location in the world, is particularly well placed to take advantage of. Yet the government refuses to ratify the Kyoto protocol because it says that voluntary approaches are enough by themselves.

Margaret Beckett, the UK Secretary of State for Environment, Food and Rural Affairs and head of the EU delegation to the recent UN climate change summit in Montreal, said:

The public debate has opened up wide differences between those who argue we should go forward with compulsory targets to cut emissions and those who argue new technology is the way ahead. I believe this is a false choice. The one is no use without the other.

But without mechanisms in the form of compulsory action, such as targets to cut emissions, existing and new technologies will never be rolled out on the scale we need.

To be absolutely clear: the UK believes voluntary measures can be helpful, but compulsory action is a surer way of delivering results. That is why the UK is a strong supporter of the Kyoto Protocol.

And that is why the Australian Labor Party is a strong supporter of the Kyoto protocol. The Howard government’s lack of action on climate change will hurt our economy.

The appalling approach to Australia’s solar energy industry is a stark example of where the government has it all wrong. The Howard government is being grossly irresponsible and short-sighted in slashing solar electricity rebates to community organisations and schools. It is simply bad policy to phase out the financial incentives for residential and commercial solar power installations. It is appalling that the Howard government has already halved the maximum rebate to community organisations and will gradually phase out the amount that can be claimed by private home owners. The reality is that this rebate has played a major role in encouraging Australian organisations and householders to take up photovoltaic systems which produce low-cost electricity and emit no greenhouse gas emissions. The future economy is evidenced by the fact that the global market for solar accelerated 65 per cent in 2004. What economic managers would not want to be a part of that action? Australia was well placed to be the Silicon Valley of solar energy 10 years ago. But, after nearly a decade of being starved of support, it is hard to see us returning to that position.

The government’s big deception is that greenhouse gas emissions are on track. The truth is that we will only meet the target because of the actions of the Queensland and New South Wales state Labor governments. The Parliamentary Secretary to the Minister for the Environment and Heritage, in the matter of public importance debate in the federal parliament yesterday, said that it did not matter whether we are going to meet the target, thereby hiding the fact that under the federal government’s policy, because the land use changes had not been taken into account yet, greenhouse gas emissions in Australia actually rose by 23 per cent between 1990 and 2003. Even taking into account land use changes, the projections from the Australian Greenhouse Office are that there will be a 23 per cent increase in greenhouse gas emissions by the year 2020.

This contrasts extraordinarily with what is going on in other parts of the world. China has just announced a 15 per cent mandatory renewable energy target. Most nations in Europe, and the European Union as a whole, have targets of around 20 per cent by the year 2020. Developing countries are engaged in these issues as well—countries such as Brazil and South Africa.
Yet here in Australia we have a two per cent mandatory renewable energy target, which has been reached, and support for the renewable energy industry is declining because of that.

The truth is that we do need new technology. It is a matter of how it is applied. If you do not have market based mechanisms then you will not have that application. Governments need to use a combination of technology push and market pull policies to drive innovation in clean and efficient energy use and production. The argument for waiting for emissions trading contradicts all experience. It is the triumph of hope over experience, because innovation comes in response to market demand. It does not come by itself. That is why that market demand needs to be created.

We need a multipronged strategy to join the global community in avoiding dangerous climate change. We should ratify the Kyoto protocol, introduce a national emissions trading scheme to encourage clean energy use, introduce a climate change trigger into the Environment Protection and Biodiversity Conservation Act and substantially increase the mandatory renewable energy target. This is the challenge which faces us. We have a responsibility to future generations to take up that challenge.

Mr GRIFFIN (Bruce) (5.57 pm)—I rise today in the debate on the Appropriation Bill (No. 3) 2005-2006 to discuss a range of issues relating to the Veterans’ Affairs portfolio. I wish to bring to the attention of the parliament some of the anniversaries and circumstances currently relating to that area. Firstly, I would like to talk briefly about national service and particularly the fact that yesterday was ‘Nasho Day’. There have been a range of celebrations and commemorations occurring across the nation over the last week for the work that was done by national servicemen in two schemes, particularly post the Second World War, between 1951 and 1959, and between 1965 and 1972, when some 300,000 Australians served.

The 1951 scheme was introduced by the Liberal government of the time. It was the third such scheme that had existed in Australia since Federation. Eighteen-year-old men were required to partake. There were different ways that they could do their service. They could do 176 days of military training in a lump or as a mixture of regular Army service and serving with the then Citizens Military Forces. That scheme went through to 1959. Some 227,000 young Australians served over that time.

The scheme that is probably more in the public mind is that which existed between 1965 and 1972, under which many people who served eventually went to Vietnam. People would remember that in those circumstances a birthday ballot was used for 20-year-olds. People had to register and then took their chance in what was effectively a form of lottery. If they were selected, they went on to serve. It was normally for two years full time in the regular Army, then three years part time in the reserves. From 1965 to 1972, 19,450 national servicemen served in the Vietnam War, with 202 killed and 1,279 wounded. National servicemen also served in Malaysia and Borneo during the Indonesian confrontation.

The scheme was abolished on 5 December 1972, when Labor was elected to government. During that period from January 1965 to December 1972 some 63,000 national servicemen gave between 18 months and two years of full-time service. Many famous Australians were servicemen under this scheme—people like Bill Hayden, former Deputy Prime Minister Tim Fischer, former Victorian Premier Jeff Kennett, Sir James Hardy, Dougie Walters and, of course, Normie Rowe.
For those who were involved, one thing the Australian government has done is to produce national service medals. Some 110,000 of those have been given out to a large number of national servicemen in recent times. In my own electorate, when ceremonies have been held to grant medals to a number of national servicemen, it has been interesting to talk to them about their experiences and what they actually did. I found that the experiences varied from activities done closer to home to what occurred overseas. It certainly gave one a real understanding—and I always hate to use the word ‘understanding’ when talking about veterans, because I know there is an awful lot that I do not understand about what many of them have been through. It certainly gave a sense of the very differing tasks that people undertook in the service of their country. We certainly owe them all a debt for that service, as well as our respect and thanks. It is always good to be able to acknowledge the work that they did on behalf of their country and the fact that they were prepared to serve when they were needed.

I also acknowledge that today, 15 February, marks the 64th anniversary of the fall of Singapore. The fall of Singapore represented the largest surrender of British-led military personnel in history. As we know, 15,000 Australians were there at the time. A total of 80,000 troops—Indian, Australian and British—became prisoners of war when Singapore fell. Singapore was often seen as being a fortress. In fact, it was also known as the Gibraltar of the Far East—impregnable and an underlying linchpin of the British defences in the region. But, as we now know, when you are expecting an attack from the sea and point your defences in that direction and the attack comes from the other way, things do not work so well. The nature of the Japanese advance down the Malay Peninsula certainly took the allies by surprise. It was a very speedy attack, and they were certainly very effective in prosecuting that attack.

I recently visited Singapore and looked at aspects of the defences there. I saw at first hand some of the historical monuments which relate to what occurred and also paid my respects at the cemetery. I think I gained some sense of what had occurred. It was certainly a major victory for the Japanese and a significant setback for the allies with respect to the conduct of the war. As we know, many thousands of Australians and other personnel were imprisoned. That led effectively to the establishment of the Changi prisoner of war camp.

Changi was quite an unusual prisoner of war camp because it was more of a series of camps located on the Changi peninsula. For visitors, there is a place to pay your respects in the form of a museum and a chapel. There have been a number of Changi chapels—there is one at Duntroon which I would urge members, if they get the chance, to go and look at. The chapel that is presently located at Changi has been moved on several occasions because Changi, for most of that period, has been an operating prison. It was effectively also a transit stop for many servicemen being taken across to Thailand for the building of the Thai-Burma railway—the death railway. Again, I urge members, if they ever have the chance to go there, to look at the museum there. It is funded by the Australian government and provides an excellent opportunity to gain some understanding of what our troops went through when constructing the railway. I found it an incredibly moving experience to go there and to view some of the works that were undertaken and to gain some sort of understanding of the enormous sacrifice made by many with respect to that construction.

I also had the opportunity to go to Taiwan. While I was there, I saw an exhibition on the prisoners of war who had been interned in Taiwan. I had not been aware, until just before I got there, that Australian officers above the rank of colonel had been moved to what was then
known as Formosa from Changi as part of a relocation by the Japanese. It was interesting realising that there was an Australian connection to a place that many of us had not realised there had been in the context of World War II. But the Burma-Thailand railway is quite an amazing construction job and an amazing tale of human courage in adversity and savagery. If you link that back, as I have, to the fall of Singapore, it is a day which relates to that time.

The other anniversary that is coming up is this Sunday, 19 February, which marks the 64th anniversary of the first bombing raids on Darwin in World War II. Members would be aware that something like 243 lives were lost in Darwin and between 300 and 400 were wounded. On 19 February, 188 planes were launched against Darwin, a harbour that was at that stage full of ships. The first of two waves of aerial attacks began just before 10 am, and the city was devastated in the space of 40 minutes. Eight ships were sunk, two were beached and later refloated and many of the other 35 ships in the harbour were damaged by bombs or machine-gun fire. Darwin town and the RAAF aerodrome were also heavily damaged by the raid. A second raid of 54 bombers was launched two hours later on the same day.

The raids on 19 February were the first two of 64 raids against the Darwin area and its nearby airfields, which bore the brunt of Japanese attacks on mainland Australia. Of course, Darwin was not the only area that was attacked by air by the Japanese. Townsville, Katherine, Wyndham, Derby, Broome and Port Hedland were also bombed at various times. The final raid on Darwin took place on 12 November 1943 but, as I said, that was after some 64 raids over that period of time. When you go to Darwin, there are some areas you can look at that relate to that and give you an idea of what they went through in that area.

The other thing I wanted to mention today is a recent decision taken by the government which I was very pleased to see, and that was that the service of the Australian peacekeeping contingent in Rwanda be recognised by the government, beyond being hazardous, as being warlike. I spoke in the parliament on Monday to a motion regarding this matter and was very pleased to hear—in fact, while we were conducting the debate—that the government had made a decision to accept that particular suggestion that we had made. It has been a matter of debate for some time, and it has been a matter of real concern in the veterans’ community that what the peacekeepers went through with respect to the horrors of what occurred in Rwanda was deserving of recognition. I am very pleased to see that the government picked up on that.

It is a good start for the new minister, in the circumstances, to redress what was a wrong. I am on the record as saying it was a failure of policy from the Labor government when we were in government, but I also want to stress that we are talking about events in 1994 and 1995, and the full horror of what occurred at that time was not really understood until sometime since. It has certainly been understood, though, for a lot of years now. Although it is true to say that we made a mistake in the first place, I still believe it was a mistake that was understandable at the time, given what was known. I do not think that there is any excuse for the fact that action has not been taken over the years since that time, but I am very glad to see that the government has now moved on that particular issue.

I want to assure the minister that Labor will be bringing forward other initiatives that I hope he would also be prepared to look at in the months and year or so to come. We will be coming up with a number of suggestions for him about how we can better look after the interests of our diggers and ensure that they get a fair deal. I will have a few things to say about
that over the months to come and I look forward to him being prepared to again, hopefully, pick up on some of the initiatives that we will be bringing forward.

In respect of that there is one issue that I would particularly like to talk about today and that relates to the issue of mental health problems in relation to the veterans’ community. We have to remember that, when we talk about those sorts of issues, it is not just the veterans who are affected; it is also the veterans’ families—their kids, their partners, their families. Their families are in a situation where, although they may not have served themselves, they have to deal with the consequences of service and the circumstances that that produces in relation to their lives. There is no doubt that when there have been examinations done of the circumstances of veterans’ families there are issues that need to be dealt with and dealt with properly.

When you are looking at mental health issues, you will find that some very disturbing statistics have come to light in recent years, particularly about the circumstances of veterans and their children. For example, in regard to the children of Vietnam veterans, it is established that they are three times more likely to commit suicide, 1.2 times more likely to die from illness and 1.8 times more likely to die by accident. They are frightening statistics about what is happening to a component of our population who are clearly suffering in a way that many of us have not had to deal with.

This country in many ways has grappled with the legacy of Vietnam in terms of how you actually deal with it and understand it. I have learnt a lot about that while being a member of parliament and I have learnt a lot about it in the last few months, but I do not pretend to understand all of it. However, I do understand that there is a requirement from government and political parties to grapple with what needs to be done to try and address some of those issues. At the moment, the current minister has on his desk, I believe, a report regarding the question of a full-blown feasibility health study of the children of Vietnam veterans. I urge the minister to consider that matter incredibly seriously. It is a matter which is in need of serious action. I am confident that the minister understands that because I believe he does have some understanding of the issues that we are talking about here today. I want to assure him that Labor is prepared to get behind such a study. Labor sees the need for it and wants to ensure that it actually occurs.

I will not go through some of the disturbing stories I have heard about the circumstances of veterans’ kids and their families, other than to say that there is absolutely no doubt that a study is needed. The detail needs to be worked out carefully and it has to be done. I hope this minister will see it as a priority in his time administering the portfolio. It will not be a quick study, because there are no quick solutions to the sorts of problems that veterans’ families have gone through. But it is something that needs to be done and it is something that needs to be taken care of by this government. We stand ready to support the government in terms of taking real and effective action to deal with these particular issues.

Looking at the question of the health of veterans themselves, again the statistics are appalling. We know that 30 per cent of Vietnam veterans report experiencing panic attacks, 31 per cent report suffering post-traumatic stress disorder, 41 per cent report anxiety disorders, 45 per cent report depression, about 30 per cent report a problem with alcohol and 30 per cent report their partners suffer from stress, anxiety or depression. Again, there are issues there that need to be addressed. There have been health studies in relation to the issues with veterans and there are more to come. There will be more issues that need to be dealt with.
With some of the recent debate with respect to mental health issues, it is clear that there is now a greater understanding in the community in a more general sense that mental health issues need to be taken seriously; that there are issues for government and for the community to deal with. I urge the parliament not to forget that a substantial component of what we are dealing with in relation to those mental health issues relates to the veterans’ community. These are not new problems. Over the years, veterans from wars have had these problems, and I guess there is a better understanding now than there was. In previous generations there were issues such as shell shock in terms of the First World War, and there was always that sense, ‘Uncle Bill, he was at the war. He’s a bit funny now.’ Now there is a better understanding of those sorts of problems and the sorts of implications that they have. It is something that the government has to look at. With respect to veterans’ families, the study that the minister has on his desk for consideration and for action needs to be embraced, and I would certainly urge him to do so.

Mr EDWARDS (Cowan) (6.15 pm)—There are a range of issues that I want to try to get through in the time available to me today, but first of all I want to deal with the issue once again of medals for members of the Australian Defence Force. There are two different categories of medals I want to pursue today, and I want to ask the minister—when the minister gets around to responding in detail—to tell the people of Australia and particularly the veteran community what has happened to these medals. These are medals which were promised a couple of years ago. The first medal I want to ask the minister to tell us about is the medal which was announced on Saturday, 26 June 2004 by the Hon. Mal Brough, the then Minister Assisting the Minister for Defence. On that day the minister announced—and I will quote from his press release, headed ‘Medal to recognise service in defence of Australia’:

The Howard Government has today announced the intention to establish a new medal that recognises volunteer service in the Australian Defence Force.

All relevant approvals are now being sought to allow the award of this medal.

The Minister Assisting the Minister for Defence, Mal Brough, said those who had served for a total of six years in the Australian Defence Force, regular or reserve, would be eligible and the medal would be backdated to recognise past service.

The minister went on to say, in the body of his press release:

It is anticipated that once a design has been finalised and the medals have been struck, the issuing of medals could begin around middle of 2005.

In another press release which the same minister put out, dated 11 July 2004, the minister said this:

The Australian Government has received notification of ‘in principle’ approval by the Queen for the establishment of the Australian Defence Medal for members of the ADF who have provided six years service in the Nation’s defence.

The minister went on to say:

... the Government was on track to call for applications by eligible serving and ex-service men and women by the end of the year.

That was at the end of 2004. This medal seems to have fallen into a big black hole since then, and no-one from the government side is able to tell me or those people who have been promised this medal where it is at, what the criteria are or when the medal will be ready for issue. At the time that the minister made this announcement, it was of course in the lead-up to the
last election. I think it is one thing for a minister to make a promise to the defence community prior to an election. Having done that, this government has a responsibility to now make that medal available. I want the minister to tell me when this medal will be ready for issue and when the government will be calling for applications, because I understand that they are telling people who might be eligible not to put their applications in at this stage.

The other thing I would like the minister to tell me and the veteran community is what the criteria will be for this medal. The minister has announced that people who will be eligible for the medal are those who have served for a total of six years in the Australian Defence Force, regular or reserve. I want to know what provision the government is making for those people who, through no fault of their own, have had to leave the defence forces because of injury—for instance, a veteran who was hurt during his tasking within the ADF and, as a result of those injuries or wounds, was forced to retire and who, therefore, would not meet the six-year criterion. Will that person be eligible for this ADF medal? I certainly hope that a person in those circumstances would be eligible.

I also want to know what provision the minister is making to ensure that women who, in previous years, had a requirement to seek discharge when they were married or became pregnant are recognised. These women were serving the nation and may have met their four-year engagement period. Why aren’t they being recognised? Is the minister going to recognise those women who may have been forced out because of pregnancy or marriage?

These are questions which the defence community—members of the ADF, past and present—are very keen to get answers to. I think the government run the risk of being accused of playing politics with the defence community. They made this announcement, as I said, in the lead-up to the last election. They said that these medals would be available in a very short period of time. They have not been made available.

The other matter I want to turn to also relates to campaign medals, this time for ADF personnel who served in Iraq and, before that, in Afghanistan. The government made an announcement, again quite some time ago, about these medals. It is five years since our troops first went into Afghanistan, and these campaign medals have not seen the light of day. Last year, on 3 August, the then Minister Assisting the Minister for Defence, De-Anne Kelly, in a press release headed ‘Campaign medals for ADF personnel’, said:

Campaign medals for Australian Defence Force personnel who served in Afghanistan and Iraq are set to be issued by year’s end ...

That was at the end of 2005. Likewise, these medals have not seen the light of day. The minister, in the body of her press release, said:

A contract for the manufacture of these campaign medals was signed on April 26 this year.

That was the day after Anzac Day last year. Anzac Day 2006 is looming. It is only a couple of months away. It seems to me that, yet again, the campaign medal will not be ready for another Anzac Day for those veterans who, as long as five years ago, served our nation in Afghanistan and are currently serving in Iraq.

This is an absolute disgrace. It is a national disgrace. In my view, someone should be made accountable for these problems. Someone in the government should be telling these veterans some truth about where their medals are and when they will be available. We do not want any more press releases with false promises. We want to know where these medals are.
I have had the opportunity to discuss the matter of these medals with members of the government. Indeed, we went as a delegation to visit our troops in Bagram a few years ago as members of the Joint Standing Committee on Foreign Affairs, Defence and Trade, and when we came back we raised the issue with the then Minister for Defence, Minister Hill, and asked him to ensure that these troops received their own campaign medal. The minister wrote back and said that it was not the intention of government to issue a campaign medal for the Afghanistan campaign despite the fact that the Brits had decided to do it and that the Americans had decided to do it.

The government subsequently had a change of heart. I think that it was in 2004 that they announced that there would be a campaign medal. I know that members opposite are highly embarrassed about the fact that these promises have been made to our veterans but they have not yet been made good. I know that there is an amount of anger from those members opposite and, like me and other members on this side, they feel that our veterans have been let down over this issue.

I took this matter up with the then Minister Assisting the Minister for Defence, the Hon. De-Anne Kelly, and she said that it did not matter; they had been recognised because they had received the Australian Active Service Medal. That is fine. So they should have received the Australian Active Service Medal. But the Australian Active Service Medal does not identify the particular campaign that these members of the ADF have served in. The AASM does not do that. I call on the minister, newly appointed—and I am not criticising him for this—to come into the committee and during the discussion later on to tell the veteran community of Australia where the medals are, when the government will be calling for applications and when the medals will be issued. I think that our veteran community is entitled to some honesty and some truth in these matters, not just false promises made hastily before an election and which have not yet been made good by this government post election despite many opportunities for the government to do so.

The other issue that I want to touch on is the Australian government’s Investing in Our Schools program. I know that a lot of schools around Australia have benefited from this program. I know that a lot of members on both sides of the House have done a lot of work to try to ensure that their schools all benefit from this program. But I ask the Minister for Education, Science and Training to tell me why it is that education support centres in schools in Western Australia—schools within their own right—do not appear to be eligible for this funding. I have a copy of a letter here—and I will not name the school—which says:

Dear Principal,
I wish to advise that unfortunately your application for a grant ... for the Playground Upgrade under the Australian Government Investing in Our Schools Programme ... has not been successful on this occasion. Unfortunately your school’s application has not been deemed suitable for assessment because it does not comply to the administrative Guidelines for the IOSP ... When assessed it was found that your school’s proposed project, despite assistance from this Department, including requests for additional information, has not met mandatory requirements set out in the Administrative Guidelines.

The letter goes on to say that the school will have a number of opportunities to access this funding. It urges the school to review their application and encourages them to apply again.

I think it would be handy for this school community, before they sit down and do all the work that is necessary, if they could be advised whether or not education support centres are
actually going to be eligible for this funding. Education support centres in Western Australia have been encouraged over the years, by both federal and state authorities, to become part of the main school community. They have been encouraged to work with just one P&C or one parent body. They have been encouraged to integrate within the broader and bigger schools. I think there is a lot of value in that. But it comes as a real shock to them to be told that, despite this advice over the years, they are not going to be counted or considered when it comes to this sort of funding.

I suspect that schools in Western Australia may be at a disadvantage to similar types of schools in the eastern states. I am sure that no government or minister would set out to do this deliberately, and it may be that there has just been a hiccup in the policy in a way which has excluded education support centres. I would ask the minister to have a look at this policy situation. I am sure that this school, and other schools, will be able to go back and review their funding. But before they sit down and do all the work that is necessary, and before they put the required time, energy and effort into their applications to make sure that they are done properly, professionally and fully, perhaps the minister might be able to give us some guidelines.

The difficulty is that the education support centres are separate schools within bigger schools. In other areas they have been encouraged to amalgamate to work with one P&C body and to become part of the school community. Where they have done that, and done it successfully, they should not be penalised with a refusal of funding in these circumstances. I look forward to the minister responding in due course to the points that I have raised.

Mr MELHAM (Banks) (6.33 pm)—The appropriation bills which are before the Main Committee today should be straightforward—dealing with annual operating costs of government. Yet when we consider just how the money is being divided up—with the government continuing to waste money on advertising itself when there are people who are struggling to survive—one must question exactly where and how money is appropriated.

Appropriation Bill (No. 3) 2005-2006 deals with funding for departments and agencies, such as $167.1 million for the Department of Employment and Workplace Relations. This is going toward industrial relations laws and Job Network—and what an awful job the government has done in these two areas. Appropriation Bill (No. 4) 2005-2006 deals with the tied grants to the states, in addition to storing antivirals, the Afghanistan task force, airport security and more industrial relations. While I hold some reservations about the efficacy of one or two of these allocations, there is a need for action, although belated, in the others.

What I wish to focus on today is where the money is not going and how the government is short-changing Australians for the future. Specifically, I refer to the second reading amendment, in the name of the member for Melbourne, which seeks that the government reverse the reduction in public education and training investment and notes that the government’s extreme industrial relations laws will lower wages and conditions for many workers and do nothing to enhance productivity or economic growth.

This government has lost the plot when it comes to skills investment in people in this country. At a time when unemployment has increased and employers are desperate for skilled workers this government refuses to act sensibly on the skills crisis. What the government has done is increase the numbers of professional and skilled immigrants by approximately the same number as the shortfall in successful applications to TAFE. While in some quarters this
may be viewed as a solution simply because it brings the required skills into Australia, it is a quick fix. For every skilled worker brought into Australia, the government has turned one away from TAFE. Do not get me wrong—I understand and accept the need for skilled immigrants but this short-term solution ignores the real problem. Australia’s skills crisis has been caused by 10 long years of government incompetence and inadequate funding of education and training.

The mining industry has recorded a 35 per cent increase in job vacancies over the past year while for the construction industry there has been a 36 per cent increase. In the electricity, gas and water supply industries there has been a massive 150 per cent increase. What does this government do? It brings those people in from overseas while many Australians who would like to work full time, rather than work in two or three part-time jobs, are unable to gain entry into TAFE. The Productivity Commission’s Report on government services 2006 found that government recurrent expenditure on vocational education and training totalled $3.9 billion in 2004—a real decrease of 3.1 per cent from 2003. The same report found that real government recurrent spending in the VET sector, per person aged 15 to 64 years, in 2004 dollars was $284.90. In 2000, this figure was $292.20.

The investment in VET focuses on ensuring that industry has a highly skilled workforce to support strong performance in the global economy. It also should strengthen communities and regions economically and socially through learning and employment. Yet this government persists in underfunding the skilling of our population. Surely it takes no imagination to understand that the failure to invest in skills is hurting job seekers and hurting business. There can be no argument that there are insufficient people to fill job vacancies. On the other hand there are over 1.7 million Australians who are either officially unemployed or not reflected in the unemployment figures. There are another 600,000 who are in part-time work but want more work than they can get. The government refuses to invest in improving the skills of these people yet tens of thousands of people are turned away from TAFE each year.

In the Productivity Commission report I referred to earlier, education preface table B.5 shows that 2.6 million people aged 15 to 64 applied to enrol in an educational institution in 2004 and, of those, 91.8 per cent were actually studying in 2004, 5.4 per cent deferred study and 2.8 per cent were unable to gain placement. On my calculations that is in excess of 70,000 people who were unable to gain a place at TAFE or another higher educational institution. These are unacceptable figures—totally unacceptable. The problem is exacerbated by the crisis in the noncompletion of apprenticeships. Between 25 and 30 per cent of all people who start apprenticeships do not complete them. Those are wasted skills that this nation is missing out on.

Labor has announced its policy of providing completion bonuses to students undertaking those courses to encourage them to stay on and complete their studies. This is a genuine incentive so that those people who start out on this opportunity to create a career in a trade, and complete it, will get a financial reward from the government when they do. Last year, the government introduced the Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Bill 2005. This represented the government’s inadequate attempt to address the major skills shortages faced by our community today. It is about time the government understood that investment in Australia in a number of key sectors is currently being held back be-
cause of the major skills shortages that exist in the Australian economy. What is the government’s solution? The government’s solution was that bill.

I am of the view that the Commonwealth should cooperate with the state and territory governments on the all-important issue of apprenticeship training. Instead of that, the government is duplicating existing skilling structures. The government has effectively decided to avoid cooperation and coordination. It is putting taxpayers’ money into bricks and mortar rather than the training of young Australians. Perhaps it is about time some members of the government got out and talked to some of the companies about their immediate demands to overcome the skills shortages which are currently holding back investment in Australia, undermining job creation, reducing exports and reducing the size of a potential economic cake that all Australians should benefit from.

I want to remind the chamber of Labor’s commitments at the last election. The commitments were immediate. They were about creating some 36,000 new vocational education and training places each year and trying to assist young people to stay at school to commence apprenticeships. To address the skills shortage, Labor offered to pay TAFE fees for secondary students who wanted to get a vocational qualification—that is, those who would commence an apprenticeship at school and partly complete it. When they finished school they would be not only job ready but also attractive to employers, because part of their apprenticeship—the initial year—would have been completed at school. They would also have completed, appropriately, years 11 and 12.

Public investment in our universities and TAFEs has fallen eight per cent since 1995. The OECD average is a 38 per cent increase. Australia was the only developed country to reduce its investment. The OECD released its *Education at a glance: OECD indicators 2005* report early in 2006. One of the performance indicators measured by the report is the amount of tertiary education funding coming from private sources. In Australia this has increased to more than 50 per cent. The report notes on page 4 of the executive summary that this increase can be indicative of a decline in the spending on public education as a percentage of GDP. The report also notes that in some countries tertiary institutions are now relying more heavily on private sources of funding, such as fees, than they did in the 1990s. With Mexico, Portugal, the Slovak Republic, Turkey and the United Kingdom, private contribution in Australia rose by more than five percentage points from 1995 to 2002.

There is a case for some private funding within the tertiary sector, but Australia is increasingly dependent on this form of education. The premise is unacceptable, both in terms of public policy and in terms of equity. Governments have a responsibility to ensure that citizens are able to access publicly funded education if they want to go beyond secondary study, yet this government has actually decreased its recurrent expenditure on training and education. Even if the equity argument falls on the deaf ears of the government, then surely an economic argument must make sense. Australia’s productivity and economic performance can surely only improve with skilled workers in trades and industry. This government, through its extreme industrial relations changes, will depress wages and conditions and will do nothing to increase productivity and participation.

The government’s approach is to make small changes at the margins and not to confront the real barriers to training in Australia. The truth is that industry wants these tradespeople now. All the government can say is, ‘We have the solution: we are going to increase skilled migra-
tion.’ That is unacceptable. We have to have trained Australians now to fill these skill vacancies. We have to focus on real skills development and get incentives in place to get people into meaningful, secure jobs. If we are to increase productivity in Australia and skill the Australian workforce, we need to invest in our own nation and our own people. We need to create opportunities. From creating opportunities from our citizens, we get growth, we get productivity increases and we lay a solid foundation for the future.

This government is about to celebrate 10 years in office. In my opinion, there is not a lot to celebrate. There are a lot of superficial arguments about the successes that have been achieved by this government but, when one goes to the substance and the detail, one sees that there are few successes, particularly in this area. You cannot turn around after 10 years and keep saying, ‘Blame the Hawke or the Keating Labor governments.’ After 10 years in office, we need to see the substance from this government. We are not getting substance; we are getting rhetoric. We are getting rhetoric that is ideologically driven but outcomes that are questionable. I think history, when it passes judgment on this government, will be very savage, because the truth is that they promise big but achieve little. That is the history in this area.

Ms GRIERSON (Newcastle) (6.46 pm)—I rise today to speak on Appropriation Bill (No. 3) 2005-2006 and Appropriation Bill (No. 4) 2005-2006 and to support the amendments moved by my colleague the shadow minister for finance. I support the amendments because, while the government likes to talk up its economic management credentials, its lack of real investment in our community is beginning to show. Just this week the Reserve Bank said:

Australia’s export performance over recent years has been disappointing, despite the generally favourable international conditions. Export prices are booming due to high commodity prices; however, export volumes are stagnant. The government’s neglect of infrastructure over the past 10 years has meant we cannot fully take advantage of the international commodities boom. Of course, part of that infrastructure is knowledge and skills. Our trade deficit in December 2005 was $1.7 billion, the 45th deficit in a row. The current account deficit remains one of the highest in the OECD, at around six per cent of GDP. No other large commodity-exporting country runs a deficit as large as Australia’s.

An examination of these appropriation bills can tell us a lot about our economy and the effect it is having on the services to our communities. Obviously, there will be many people out there who demonstrate to us every day in our jobs that our services are not as strong as they should be. When savings measures are deducted, these bills combined allow the government to spend an additional $3.5 billion. A lot of that spending, though, is for fixes that the Howard government has had to conjure up to offset the neglect and complacency—or just incompetency—that has built up after 10 long years in power.

For example, in these bills there is an extra $110.7 million for industrial relations programs. But why the need for this additional money? I do not remember that from the election. What happened between May, when the budget was delivered, and now? Just a couple of weeks after the budget, the Howard government released its six-page plan for a modern workplace. This document proposed a whole range of fine-sounding measures to simplify and modernise our industrial relations system. They were fine sounding until the Australian people in the subsequent weeks and months actually worked out that behind all the cheery headings was the most extreme, unfair and regressive workplace legislation ever proposed in this country.
We found that the new Fair Pay Commission had no legislated need to consider fairness when setting the minimum wage and no legislated need to raise the minimum wage each year. We found that there would now be only five guaranteed minimum conditions. We found that the no disadvantage test was being abolished, meaning that collective and individual agreements no longer had to be at least as good as the relevant award. We found that the Australian Industrial Relations Commission was being gutted of pretty much all of its functions. And we found that unfair dismissal protection was being abolished for four million Australians. Forever mean and tricky! I do not remember any of that in the election campaign.

The Australian people did not think any of this sounded quite so good to them once they had had a look at it. So the government, apparently shocked that the Australian people did not share their vision for dismantling workplace rights, went into damage control—always a very costly process. This is where we come to the extra $110 million. They called in the spin doctors, the PR gurus and the advertisers. They thought up a great new name: Work Choices. That must have cost a bit. They printed pamphlets and pulped them when they forgot to put the word ‘fairness’ on the front. They set up call centres where the operators read back to callers the information printed in the pamphlets. It was a classic, and inept, propaganda blitz. It was classic damage control, and it cost the taxpayer $55 million. Almost half of the extra money the Howard government sought for their industrial relations programs was actually spent on covering the cost of advertising those programs.

Meanwhile, these bills also seek $52.4 million for the Job Network, to assist highly disadvantaged job seekers. Again, the government has failed to get its policies right in the first place. Instead of focusing on the existing shortcomings of the Job Network, the Howard government decided to embark upon its so-called Welfare to Work reforms last year. In my electorate of Newcastle last year, 10½ thousand people were receiving either disability or single parent payments. We are a regional capital. That is 11.6 per cent of the population. Thankfully, though, this group have been spared the worst excesses of this government because they are already receiving these benefits. But the government should not be cutting anyone’s disability or parenting payments. It should instead be providing the right incentives and support for all people to move into meaningful work. For women, particularly, child care is always an issue.

The Job Network is a terribly complex system for both the people out of work and the providers within the system who are supposed to be helping them to locate jobs. In a recent example, a constituent came to my office and reported how he was trying to access vocational training through his Job Network provider. He was a mature aged job seeker, over 45, and his Job Network provider apparently did not know he was entitled to access a training account to allow him to pay for books, equipment and course fees. Instead, he was advised that he would need to go out and do six months worth of Work for the Dole to earn training credits first. It is absolutely ridiculous that a Job Network provider, let alone the job seeker himself, had not been informed or did not know that he could access these training accounts.

Another complex area is the Personal Support Program within the Job Network system, which is for people with multiple and extreme barriers to employment, such as drug dependency, mental illness or extreme disadvantage. The aim of the PSP is not to get these people a job in the short term. Rather, it runs over 24 months and is designed to address the barriers to employment that they face. However, a constituent on the PSP recently came to my office,
threw that he had finally obtained a job offer and requesting assistance to buy the boots and blues required on the work site the following day. Under the PSP, his provider could not access the money to buy him the equipment that he needed to take up his job. Any person on the Newstart allowance would be able to access that money, but this person could not because he was on PSP.

That is just ridiculous. That is the sort of incompetence we see every day in our office—that sort of anomaly. I hope the additional funding for disadvantaged job seekers helps to ensure that situations like this do not continue to arise. The Job Network has always been overly complex and overly expensive. It has been bailed out over and over and it has never delivered optimal outcomes for job seekers. Again, the Howard government is seeking money to fix up bad policy.

Another big ticket item covered by these bills is the extra money for the Department of Immigration and Multicultural Affairs, now aptly titled DIMA. There is an additional $41.2 million for DIMA, of which almost half, $16.2 million, is to implement its response to the Palmer and Comrie reports into the wrongful incarceration of Cornelia Rau and the wrongful deportation of Vivian Alvarez. So, again, we have half the extra expenditure for a program being taken up to fix the mistakes that this government could have avoided by having a half-decent program in place in the first place.

I do not begrudge the spending of this money if it really does improve detention arrangements and is not just wasted on DIMA’s new corporate culture change—their coffee mugs, their screen savers and their brand new mission statement on everything. But it is money that needs to be spent correctly to improve the situation. It is a serious, systemic, institutional problem that the Howard government has bred into the department. Do not spend any more on spin.

I note that Minister Vanstone has now admitted that DIMA is looking at another case of wrongful detention of a person with mental illness—one of about 200 cases of wrongful detention currently being examined by the Ombudsman. I sincerely hope we are not here again this time next year passing additional appropriations to fund the government’s poor response to these cases born of their own incompetence. The government should be able to get it right in the first place.

I would also look at airport security, for which around $132.7 million is being appropriated. Again, I welcome additional funding to keep our travelling public safe. But again, you have to question how the Howard government keeps letting these issues slide until finally public outrage forces it to act. As Deputy Chair of the Joint Committee of Public Accounts and Audit, which is inquiring into airport security for the second time in three years, I have seen the inside of a great number of airports—as has the member for Dobell opposite. It did not take me long to realise that something needed to be done about airport security. It is worrying that it took the Howard government until it was finally publicly embarrassed by the baggage handler wearing that infamous camel outfit at Sydney airport to call in an outside expert, Sir John Wheeler, to investigate. It is also worrying that, in the rush to cover up its lack of cohesive policy, even the fixes it is forced into are rarely comprehensive.

On the issue of airport security, I am pleased that it has committed $18.2 million to provide a first response counter-terrorism capability at relevant airports. But I would rather have continuous on-the-ground programs that actually build a security culture. These relevant airports
unfortunately and inexplicably exclude the fastest growing regional airport in the country—Newcastle airport. Indeed, I am surprised that the member for Paterson, in whose electorate it is actually located and who was until very recently the Chair of the JCPAA investigating airport security, has apparently never publicly raised this issue. I suppose, along with the neglect of the Williamtown Boeing workers who have been locked out for 260 days without a pay cheque, it is just another example of that local member, Mr Baldwin, failing to go in to bat for the people in the electorate of Paterson. There were 757,450 passengers who passed through Newcastle airport last year, an increase of 65 per cent on the previous year. It is a vitally important piece of infrastructure for our region and for our state. Yet the Howard government has not seen fit to provide it with the same amount of protection afforded to other regional airports.

There are other areas in these appropriation bills where, with a little prodding of his good friend the Prime Minister, the member for Paterson could have secured much better outcomes for the region that he is part of and that I am part of. Newcastle’s port is the largest coal-exporting port in the world. It is the final link in the chain that sees our minerals shipped out to markets around the world. There are some in the community who are concerned about the contribution of greenhouse gases to global warming, and in July last year the Greenpeace ship, Rainbow Warrior, blocked access to the port of Newcastle and to the coal loaders.

This situation was resolved quickly and peacefully, to the credit of the Newcastle Port Corporation and the state government. And this in itself tells a tale about the Howard government’s commitment to port security. This is an issue of national importance, but the federal government has consistently failed to implement a comprehensive protection regime. The government legislated for a national port security regime in 2003, but this legislation still sits before the parliament as we speak. Currently, around eight different federal agencies have some responsibility for port security, but there remains significant concern that no-one is really in charge. We need Labor’s department of homeland security, with its own dedicated minister, to better coordinate these agencies and work closely with the states and port operators.

Each year around 1,300 overseas ships arrive in Newcastle port, and for more than 75 per cent of these Newcastle is the first port of call. Some of these do carry dangerous cargoes such as ammonium nitrate. We need proper security checks on foreign flagged vessels arriving at our ports to ensure they identify their crew and cargo accurately 48 hours before arrival so the required checks can be carried out. We also need a sensible approach from the government on the issuing of maritime security cards for people working in our ports. Unfortunately, the Howard government has not seen fit to prioritise this aspect of transport security in either its 2005-06 budget or in these appropriations bills before us today.

Another piece of infrastructure for the people of Newcastle and the people of the Hunter region long neglected by the Howard government is the upgrade to our Energy Australia Stadium. The New South Wales Labor government put in $30 million towards the stadium upgrade. At the 2004 election, federal Labor promised to put in $20 million. The Howard government has never offered a cent. The tourism and leisure industries are growing in our region and bringing employment and investment opportunities with them. Our stadium is a big part of that economic opportunity. People from all over our region support the sporting teams which play out of Energy Australia Stadium. All Labor members in the Hunter have commit-
ted to funding for its upgrade. Has the member for Paterson prevailed upon his Prime Minister to do the same? It does not seem so. As he is now the Parliamentary Secretary to the Minister for Industry, Tourism and Resources it is time he pulled his finger out for the Hunter!

Similarly, why hasn’t he forced the government to provide Medicare funding for the positron emission tomography, PET, scanner at the Mater Hospital? We do have one—it is funded through a special fund set up by doctors themselves. This PET scanner is vital in the diagnosis and staging of many cancers. There is mounting scientific evidence that PET scans save lives and spare very ill people from unnecessary surgery and other radical treatment. The PET scanner at the Mater serves an area from Newcastle to the Queensland border. It would cost $11 million a year to fund. Without funding, people needing a Medicare funded scan have to travel to Sydney. I have asked the Minister for Health and Ageing repeatedly to provide this funding. The two bills before us add $3.5 billion to the budget. There is a surplus of $13 billion. Why can’t the Howard government find $11 million to provide this life-saving technology to the people of the Hunter and northern New South Wales? The member for Paterson says he has lobbied the health minister for a Medicare licence. That is good. I just wish he would hurry up and get an answer for those people who are ill and who need this technology. The minister’s standard response has been that PET scans are ‘under review’. I have heard that before! The last deadline for the completion of that review passed in July last year. It is long overdue and it is time for action.

It is also time for action on long-term funding for the Hunter’s General Practice Access After Hours scheme. This program provides vital access to general practice services to our community outside of normal surgery hours. It is acknowledged around the country as the leading model for providing these kinds of GP services. However, since its inception, the Howard government has consistently declined to provide it with the secure, long-term funding it needs and deserves. Each year it seems the member for Paterson makes a big show of stepping in to ‘save’ the service by securing another year or so of funding. In August 2004, following Labor’s announcement that it would provide ongoing funding to the service, assuring it of continuous funding, the member for Paterson announced that the Howard government would provide two years trial funding. I suppose this got good headlines—‘Lease of life for doctors scheme’ was one of them—but one year later, late last year, the member for Paterson was able to announce that he has stepped in to once again save the service. Again, good headlines: ‘Abbott saves five GP clinics’. The problem is it is only another two years funding, not the certainty of a five-year agreement that doctors groups, Labor and the community have been asking for. I may sound cynical, but it seems the member for Paterson is more interested in a yearly good-news media announcement than long-term funding for an essential service.

Similarly, respite care in our region does not receive the secure ongoing funding it deserves. Respite care is funded quarterly, leaving people who are caring for sick or elderly loved ones unsure as to whether they will have access to respite services in the future. One of my constituents, Tom Potter, was so fed up with these arrangements that late last year he made his concerns public via the media, and his distress was obvious. He also put his concerns to me on numerous occasions. Tom was the carer for his wife, Beryl. Tragically, just over a week after Tom had talked to the media, I was attending his funeral. He is a great loss to our community, to his family and particularly to his wife. The care he gave was a great ex-
ample to us all—absolute devotion. There are carers like Tom Potter in all our communities around Australia and they need more support. There is none in the bills we are debating.

Also in my electorate, Newcastle University still faces a challenging future. A good start could be to match Labor’s promise to create an additional 80 medical places at the university. This would assist both the university and the community through the training of doctors who will be more likely to stay and work in their own community. My region, like many around Australia, is also suffering a chronic shortage of child-care places, particularly for people doing shiftwork or those doing extra hours. With more shiftwork and longer hours set to be the norm under the government’s industrial relations changes, we need to start sorting this out now. The Bureau of Statistics says families are paying 62 per cent more for child care than they were four years ago. This skyrocketing cost only adds to the problems people are having in accessing this essential family service.

So what is happening with these appropriations bills is quite stark. We have the Howard government looking for more money to patch up its mistakes in areas like industrial relations, the Job Network, immigration and airport security. Meanwhile, without a coherent policy approach to things like child care, education and health care, these areas continue to be neglected. This neglect is not acceptable for the people of Newcastle; it is not acceptable for the people of this country. Similarly, with our economy showing such imbalance at the moment in a time of great prosperity and opportunity it also reflects very badly on this government that it has not invested in knowledge and research and development. It has not invested in supply chains and infrastructure and it certainly has not invested in its people in terms of skills and training. That neglect is showing very clearly with no change in those economic imbalances. That is unbelievable for Australians. We know we are capable of much more. The Howard government stands condemned. These bills just expose more neglect, more incompetence and certainly more disregard for the basic needs of Australian people and their communities.

Mr DANBY (Melbourne Ports) (7.06 pm)—Tonight I want to return to a topic which has quite rightly dominated parliament this past month. That topic is the scandal of Australia’s complicity in the corruption of the oil for food program in Iraq. Day after day, last week and this week, we have seen the Deputy Prime Minister floundering around during question time. This week the Deputy Prime Minister has repeatedly refused to answer elementary questions about which documents were supplied to the Volcker inquiry. In question time he and the government object to giving yes or no answers. But this is a minister who does not know whether it is yes or no. He does not seem to know anything. He has not seen any of the 14 reports that warned Australia about these corrupt payments. Either he is lamentably ignorant about his own government’s actions or he has something to hide. He has refused to tell us why the government failed to acknowledge the numerous warnings it had about the behaviour of the AWB executives in Baghdad, most recently in the 2003 report by the US Department of Defense, hardly a secret report. One wonders what all of the military attaches we employ both in Baghdad and Washington thought when they saw this report and then, as is their duty, reported it to the government. It was a case of blind eye to the telescope, deaf ear to their ear trumpets: Minister Vaile and his happy band of National Party ‘hear no evil, see no evil’ people paid no attention. The minister has refused to fulfil his basic duty as a minister, which is to give a proper account of his and his government’s actions to the House.
This week we have also seen yet another display of this government’s arrogance. The government told officials appearing before the Senate Finance and Public Administration Legislation Committee not to answer questions relating to the AWB scandal. How can we judge the appropriations that are made in this House if elementary things like bureaucrats appearing before the Senate estimates committee are changed so that they are no longer to be asked difficult questions? Senator Minchin refused to answer questions relating to the source and timing of this directive. Labor’s Senate leader, Chris Evans, quite rightly pointed to this decision as a ‘cover-up aimed at avoiding accountability’. In 30 years no government has dared appear before a Senate estimates committee with such a brazen refusal to account for its actions or to allow public servants to answer questions. Last year Labor warned this would happen when the government took over control of the Senate. Now we are seeing Labor’s predictions being fulfilled. This is an arrogant government out of touch and increasingly out of control. This government is doing everything in its power to avoid accountability in relation to the AWB scandal or, as the member for Griffith correctly called it this week, the ‘wheat for weapons’ scandal.

It is not surprising that the AWB scandal is doing increasing damage to Australia’s reputation abroad and to our trade prospects and our wheat farmers. It is not the opposition, as the government weakly protests, that are the cause of this; it is, above all, the Deputy Prime Minister. The very seasoned political correspondent Dennis Shanahan today described the minister as ‘over-cautious’ and ‘uncertain’, with an ‘insufficient grasp of detail’, and an absolutely unacceptable person to be in this ministry. That was on the front page of today’s Australian. Dennis Shanahan, the chief political correspondent of the Australian, is not always the strongest critic of the government so, coming from him, that is surely a devastating indictment of the Deputy Prime Minister.

It now appears that we are going to lose $800 million in wheat sales to Iraq. The new democratically elected government in Iraq is understandably not amused to learn that the AWB has been bribing Saddam Hussein—the dictator who exiled, imprisoned and tortured them—to the tune of $300 million. It is all very well for the Prime Minister to write on behalf of individual wheat farmers and emote about them losing these big contracts, but, if his ministers were doing their job at the time, the wheat farmers would not be in the position that they are now. Why would any public official in Iraq, who was under threat of his very life at any time from the insurgents there, care less about people who provided $300 million to fund the very people who were trying to shoot them in the streets? There are plenty of other places where Iraq can buy its wheat.

Ultimately, the AWB and its National Party mates will have defeated their own purpose. By seeking to bribe their way into the Iraqi wheat market, they have bribed their way out of it. I certainly hope that the permanent loss of wheat and other trade is not the case, but we all know where the responsibility will lie. The Australian government may claim the AWB was a private company, but that is a fiction. The Iraqis know it is a monopoly acting on behalf of Australia. No wonder the Prime Minister has signalled that the AWB may lose its monopoly—and so it should, and I will return to that subject.

It is astonishing to me, to many taxpayers and to many members of this parliament that a person who could orchestrate all of this—Mr Lindberg, who resigned—could be earning a salary four times that of the Prime Minister of Australia. How such people end up in charge of
major corporations like this—dolts who ruin Australia’s trade with this part of the world for short-term interest—surpasses all understanding.

Frankly, I think there are more serious aspects to the damage this scandal has done to Australia—even more serious than the potential loss of a valuable wheat market—including the odium we will incur as it becomes more widely known that the money paid by the Wheat Board as kickbacks to Iraq was used to subsidise suicide bombers. It will become known all over the world: Australian antiterrorist rhetoric on the one hand, but give dough to the bad guys in reality.

In November 2004 Republican congressman Henry Hyde’s House Committee on Foreign Affairs heard that Saddam used some $10 billion he raked in from corruption of the oil for food program to subsidise suicide bombers and to reward the families of so-called ‘martyrs’ after their attacks. Funds were transferred to an account in the Rafidain Bank in Jordan and then withdrawn by Iraq’s Ambassador to Jordan and handed over to the Arab Liberation Front. The ALF is an Iraqi funded group within the PLO which then made payments to ‘martyr’ families. Rahib al-Maleh, an ALF operative, paid out $20 million in cheques from the same bank that our AWB money was paid into—that is, the Rafidain Bank. He told ABC’s Jerusalem correspondent, Mark Willacy, on 8 February that he would not rule out that some of that money came from the Australian Wheat Board.

We now know that the largest component of the corrupt kickbacks paid to Iraq came from Australia, from our monopoly Australian Wheat Board—and the government cannot prove that the Australian Wheat Board money did not finish up in the hands of these homicide bombers. The government protests that there is no evidence that AWB money was spent in this way. That is not true. We know from the excellent report compiled by the Iraq Survey Group, known as the Duelfer report, that the great majority of money Saddam milked from the oil for food program was spent on illegal arms purchases. All of that money came from the illegal oil sales to Turkey, Jordan and Syria. Duelfer tells us that the money gained from the kickbacks on food imports was not spent on arms purchases—so it must have been spent on something else. Once again, we know from Duelfer that it was spent on two other objectives of Saddam’s rorting of the oil for food program: bribing foreign politicians, like the execrable Galloway, and UN officials like Benon Sevan, who ran the program for the United Nations. The second purpose was gaining favour with radical Islamists by making payments to the families of homicide bombers.

This money trail is not a difficult thing to figure out. We know that the kickback money was paid into the Rafidain Bank in Amman. We know that the money to pay the ‘martyr’ families was withdrawn from the same branch of the same bank during the same period of time that the AWB payments were going in. It is not hard to join up this particular set of dots. Unless Mark Vaile himself marked the bills, he cannot prove that these fungible, discretionary funds that Australia effectively provided to the Baath regime in Iraq were not used for these nefarious purposes.

These revelations are particularly shocking for many people all around Australia, including people in my electorate who have been personally touched by the homicide bombing campaign against Israeli citizens which has killed more than 1,000 people since 2000. This is no joke, Mr Downer, foreign minister. This should be shocking to those Australians who have taken at face value the government’s rhetoric about the war against terrorism. The war against
terrorism, if it is to succeed, requires constant vigilance against the ceaseless efforts of terrorist groups to get their hands on funds. The companies which rorted oil for food and which paid kickbacks to the Saddam regime are all guilty of indirectly abetting terrorism. And the government is guilty of lacking the necessary vigilance to prevent this happening. The Deputy Prime Minister is particularly guilty. He has been completely negligent in his responsibility to see that any of the 14 reports that appeared before Volcker led to action by the Australian government to prevent this huge amount of money being rorted, some of which was used to subsidise homicide bombers.

How did this scandalous state of affairs come about? For years Australia has effectively had two foreign policies. One is the Howard-Downer policy, rhetorically pro-American and pro-Israeli, which now holds that Saddam Hussein’s regime was so evil that we had to intervene in Iraq and overthrow him, though it did not advance that as the primary reason before the intervention in Iraq. As former parliamentary whip Fred Daly once said, ‘The Country Party has two policies: one for people and one for sheep.’ That is as true today as it was then. The National Party has its own foreign policy, particularly in the Middle East, where it saw Saddam as a valued customer who needed to be flattered and pandered to so he would buy our wheat—if necessary, with $300 million in illegal bribes.

This is the same two-track, doublespeak policy which sees the foreign minister condemning Syrian sponsorship of terrorism in Iraq and the Syrian regime’s occupation of Lebanon while, at the same time, it sees Australia welcoming 12 dubious Syrian diplomats for purposes which have still not been made clear but are probably linked to some murky trade deal cooked up by some mate in the National Party. By contrast, Ukraine, which has a population three times the size of Syria’s, has been begging for Australian diplomatic representation—but of course they, with 50 million people, do not ‘deserve’ diplomatic representation.

These kinds of people are terrorising the Lebanese community in Australia, and these 12 Syrian diplomats are here for purposes that go completely against the rhetoric of this Howard government. Mr Howard and Mr Downer will be very embarrassed if these issues became more the focus of public attention, particularly the role of these Syrian diplomats and this double-track foreign policy where they subcontract all of the Middle East to the National Party so they can continue their rorts in that part of the world.

Few Australians noticed this two-faced foreign policy until Paul Volcker found that the Australian Wheat Board was the biggest single source of kickbacks to Iraq under the corrupt oil for food program. Volcker revealed that the AWB paid trucking charges of $290 million to a company called Alia—a bogus trucking company owned by a wealthy Iraqi family with strong connections to Saddam. This trucking company had no trucks. It is a company that did not move one tonne of wheat off the docks at Umm Qasr yet pocketed $300 million for its services. The AWB insist that its payments to Alia were approved by the Department of Foreign Affairs and Trade. If this is true, it seems hard to believe that ministers were not informed and equally hard to believe that they accepted without question that $300 million should be forked out for trucking fees to a dubious trucking company.

We are yet to learn the full truth of this. It has not been proven at the Cole royal commission that ministers knew what the AWB was up to in Iraq. But even if they did not know they are far from off the hook. It was the government’s job to know what its monopoly wheat seller was doing. Moreover, the government was warned many times that these bribes were being

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paid to the Saddam regime. This week the opposition has documented no less than 15 occasions on which the government was warned what the AWB was up to. The UN first raised concerns about the irregular payments to the Iraqi regime in January 2000—six whole years ago. The Australian mission at the UN passed the warning to DFAT in Canberra. The UN asked again in March 2000: ‘What was going on with the Australian payments?’ In October 2000, AWB wrote to DFAT seeking DFAT’s approval for its arrangement with Alia. In March 2001 the New York Times carried this issue on its front page. We have diplomats in New York and Washington who presumably read the New York Times. It outlined in accurate detail Saddam’s misuse of oil for food, including the use of ‘bogus additional charges linked to inland transportation’ or commodity contracts, including wheat. In August 2002 the then agriculture minister, Mr Truss, was warned by a prominent Victorian grain merchant that the AWB was paying bribes to the Saddam Hussein regime.

Minister Truss did not believe him and told this public-minded citizen to stop spreading such stories. It reminds me of the great Jewish comedian in New York who says of people like the minister: they never met anyone; they never knew anyone; someone else was responsible, not them—it was a little fellow working in the basement. They never read these reports. They are paid to read these reports but they did not read them. It is a farce.

In 2003 an Australian representative on the Coalition Provisional Authority in Iraq, Michael Long, received a memorandum of instruction from the CPA asking him to identify which contracts under the oil for food program have a kickback or a surcharge, often of 10 per cent. The memorandum said:

We need to know what percentage kickback or “after-sales service fee” was involved in the Extra Fees category. Your Ministry is likely aware of this charge so please work with them to identify and indicate on the matrix.

I repeat those words: ‘Your ministry’—the Australian ministry—‘is likely to be aware of this charge.’ This was sent to an Australian official who would have read those words, and I am sure they were passed back to Canberra. Mr Long forwarded this memorandum of instruction to DFAT. Apparently no-one thought to tell the minister—blind eye to the telescope again.

In September 2003 the US Department of Defense published a report on the misuse of the oil for food program. It found the AWB contracts were ‘potentially overpriced’ to the tune of $US14.8 million. Soon after, Treasury officials working on secondment in the Iraqi Ministry of Finance, as part of the CPA, forwarded to Canberra a report that found that the Saddam regime required 10 per cent of the face value of the contracts to be paid directly to the regime. Finally, in September 2004 the Duelfer report, compiled with all the resources of the CIA and based on the best intelligence available, found that Saddam used illicit funds and kickbacks through the oil for food program ‘to procure sanction military goods and equipment’. It is beyond belief that no-one in DFAT, Trade, Agriculture or Prime Minister and Cabinet read or understood this report, or that it never occurred to any of these officials to warn their ministers about its content.

If that is what happened, a lot of people should lose their jobs—not just the executives of the AWB. As the member for Wills quite rightly argued, if we were to apply the criteria of the legislation that we recently passed against the financing of terrorism, these people should be in jail and for a very long time for effectively being the biggest funders of terrorists in the Western world. We have been the biggest funders of terrorists in the Western world—
Australia, a country which rhetorically and practically through the excellent work of all of its security agencies, has worked very effectively and openly against terrorism—because one part of our government has not been watching what our wheat monopoly has been doing, despite 14 or 15 warnings over six years.

It seems to me that the Deputy Prime Minister is in particularly hot water. It is the National Party which insists that the AWB retain its monopoly over Australian wheat sales, even though it is now a private company—a situation almost guaranteed to breed corruption. The AWB chairman at the time of the payments in Iraq, Trevor Flugge, is a former National Party parliamentary candidate. The shadow foreign minister, the honourable member for Griffith, has rightly described the AWB as the ‘National Party abroad’. It is often said that while the Liberals are born to rule the Nationals are born to rort. This time they may have gone a rort too far. It is not for the first time that Liberal Party ministers have been put in the position of having to cover-up for the National Party’s trail of rorts.

Reports today suggest that the Minister for Foreign Affairs may have aided the AWB in watering down the Volcker inquiry’s findings into the AWB kickbacks to the Saddam Hussein regime. It seems that last October the minister met with the disgraced AWB CEO, Lindberg—who was paid four times as much as the Prime Minister—in Canberra. It is claimed that the minister asked our then Ambassador to the UN, John Dauth, to set up a meeting between AWB executives and Mr Volcker in New York. That meeting, we are told, led to a watering down of the allegations that the Volcker report eventually made against the AWB. That is another absolute disgrace, if that is true. The Minister for Foreign Affairs must answer these allegations: did the minister, his office or his department meet with Mr Lindberg or any AWB officials to discuss the watering down of the Volcker inquiry? Did the Australian officials at the UN have any role in trying to soften Volcker’s conclusions on AWB?

Finally, I will turn to another casualty of the AWB scandal—the so-called single desk system of selling Australian wheat. This policy has been in existence for many years. I acknowledge that it has had its supporters on both sides of politics. In the past it may have served Australian wheat growers, but it appears that some of the benefits that the single desk has brought to wheat growers may have resulted in the longstanding practice of paying kickbacks, bribes and commissions to corrupt regimes so that they will take our wheat. It is not acceptable, either ethically or practically, for people to say that this is what needs to be done to operate in this part of the world.

What the Australian Wheat Board, the National Party and this incompetent Deputy Prime Minister have done is to effectively shoot Australia in the foot. By paying these bribes we have alienated the new democratic Iraq, just like the ‘Big Australian’, BHP, has alienated Iraq forever and prevented Australia from getting any access to develop the Halfayah oilfields. Why would they give access to Australia when BHP on the one hand tried to give a soft loan to Saddam of $100 million in 1997 or made the so-called charitable donation through its front organisation, Tigris Petroleum, of one million tonnes of wheat—$5 million worth—in 1995? It is absolutely unacceptable.
In a free market economy, state monopolies should not be acceptable either. The days of the single desk are numbered. Australian wheat growers need to face that fact. In fact, I am sure that they will do much better with a whole series of companies representing them honestly abroad. *(Time expired)*

Debate (on motion by Ms Burke) adjourned.

*Main Committee adjourned at 7.27 pm*
QUESTIONS IN WRITING

Media and Communications Officers
(Question No. 1426)

Mr Bowen asked the Minister representing the Minister for Finance and Administration, in writing, on 24 May 2005:

(1) How many media and communications officers are employed in the Minister’s department?
(2) How many media and communications officers were employed in the Minister’s department in 1996?
(3) What sum was allocated to the media and communications unit in (a) 1996-1997, (b) 2004-2005, and (c) 2005-2006.

Mr Costello—The Minister for Finance and Administration has supplied the following answer to the honourable member’s question:

(1) The Department has two staff that are media and communications officers.
(2) Nil.
(3) (a) Zero (b) $571,000 in 2004-2005 (c) $758,350 in 2005-2006.

Religious Organisations: Funding
(Question Nos 1892 and 1895)

Dr Lawrence asked the Minister for Foreign Affairs and the Minister for Trade, in writing, on 9 August 2005:

(1) Is the Minister’s department providing any funds to organisations which require their employees to meet certain religious requirements (eg membership of a particular church or religious group) as a condition of their employment; if so, will the Minister identify the organisations.
(2) Does the Minister’s department provide funds to any organisations for programs which include religious instructions, or faith-based counselling; if so, will the Minister identify the organisations.
(3) Does the Minister’s department place any requirements on church and charitable organisations which receive funds from the department that the funds not be used for religious or evangelical purposes; if so, what are the guidelines or requirements.
(4) How does the Minister’s department ensure that services and programs funded by the Government and delivered by church and charitable organisations are not used for religious or evangelical purposes.

Mr Downer—On behalf of the Minister for Trade and myself, the answer to the honourable member’s question is as follows:

(1) Under Australian Government procurement and discretionary grant guidelines, organisations in receipt of departmental funding are not required to identify whether their employees are subject to such requirements. My department therefore does not currently hold such information, nor would it have grounds to collect such information.
(2) No.
(3) Yes. The terms and conditions of departmental discretionary grants clearly define the purpose of the grant, and also require recipients to acquit all their spending against that purpose. The department does not provide grants for evangelical or religious purposes.
(4) Refer (3).
Mr Wilkie asked the Minister for Transport and Regional Services, in writing, on 10 October 2005:

(1) In respect of clause 26.2 of the standard lease between the Commonwealth Government and airport lessee companies which states “the Lessee must promptly pay to the relevant Governmental Authority such amount as may be notified to the Lessee by such Governmental Authority as being equivalent to the amount which would payable for rates as if such rates were leviable or payable in respect of those parts of the airport site which are sub-leased to tenants or on which trading or financial operations are undertaken”, on what basis did his department advise airport lessee companies (a) “where it can be shown that the services normally funded through rates are not provided at the local airport, we would expect a reasonable approach to make an appropriate adjustment to rate assessments”, and (b) “the airport lease envisages for local governments to effectively discount some portion of rates to take account of the fact that some services may not be provided to the airport”.

(2) Can he say which Commonwealth and state laws apply to the payment of rates to local governments by airport lessee companies.

(3) Has he or his department received legal advice to support the statements made by his department in relation to the payment of rates to local governments by airport lessee companies; if so, what are the details.

(4) Is it Government policy that airports do not have to pay the same level of local government rates as other large commercial sites; if so, can he explain why airports should enjoy a competitive advantage over other commercial ratepayers.

(5) Is he aware that an airport lessee company has withheld large sums of money from local government rates levied on it and that other airport lessee companies are threatening to do the same based on the advice they have received from his department.

(6) Can he confirm that his department’s advice in respect of clause 26.2 of the standard lease is accurate; if not, will he direct his department to write to (a) the various airport lessee companies and withdraw its advice in respect of discounts on rates in recognition of local government services not being provided and advise them that they are required to pay full rates as notified by the relevant local government authority, and (b) the affected local governments to advise them that airport lessee companies are liable for full rates.

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

(1) In respect of the matters raised under the honourable member’s questions 1(a) and (b), my Department has advised that these quotations represent excerpts from the Department’s letters sent to a number of Airport Lessee Companies (ALCs) over recent years to clarify for them how the Australian Government envisions the lease provision relating to council rates would operate. The following is a full extract of the relevant paragraphs of the letters sent to the ALCs, as provided to me by my Department, to ensure this matter can be reviewed in its proper context:

“Clause [number of clause] of the Airport Lease reflects current Commonwealth policy that an ex gratia payment in lieu of council rates should be payable on all areas in which trading or financial activities take place. The Commonwealth expects [name of Airport Lessee Company] to enter into arrangements with the relevant councils for the payment of rates. It is generally anticipated that in making these payments, [name of Airport Lessee Company] could expect the councils to provide services normally funded from rates on a similar basis to those provided to off-airport ratepayers. Where it can be shown that the services normally funded through
rates are not provided at [name of Airport Lessee Company], we would expect a reasonable approach by councils would be to make an appropriate adjustment to rate assessments.

However, we do not see a direct relationship between the amount of rates due and the services provided and resist strongly from the notion that [name of Airport Lessee Company] should only be obligated to pay local councils for the cost of services actually provided by them. Notwithstanding this, we believe there is scope in coming to an arrangement with councils for them to effectively discount some portion of rates to take account of the fact that some services may not be utilised by the airport.

Under the terms of the Airport Lease we expect that [name of Airport Lessee Company] and the relevant councils examine matters in good faith in order to establish a mutually acceptable outcome.”

The Australian Government’s policy of competitive neutrality is the key principle behind each airport lease incorporating a clause (26.2) requiring ALCs to pay a rates equivalent amount (i.e. putting a federal leased airport and its tenants on a similar footing with other commercial landowners and tenants off-airport). These are referred to as ex gratia rates payments.

The Department’s advice was based on the belief that there is scope for the two parties, (ALC and council) to negotiate a commercial arrangement regarding the amount of ex gratia rates payable. This has been the practice for some years and the majority of airports around the country have reached acceptable agreed outcomes.

The lease clause requires the ALC to undertake reasonable endeavours to negotiate a fair outcome on payment of these rates – one that is acceptable to all parties. The Department expects both parties to negotiate this agreement in good faith. If a resolution cannot be reached there is the option to explore independent dispute resolution mechanisms to reach an agreement.

In the interests of clarity a full extract of the relevant clause that is contained in airport leases is as follows:

“26 RATES AND TAXES

26.1 Payment of Rates and Taxes

The Lessee may pay, on or before the due date, all Rates, Land Tax and Taxes without contribution from the Lessor.

26.2 Ex Gratia Payments in lieu of Rates and Taxes

(a) Where rates are not payable under sub-clause 26.1 because the Airport Site is owned by the Commonwealth, the Lessee must promptly pay to the relevant Governmental Authority such amount as may be notified to the Lessee by such Governmental Authority as being equivalent to the amount which would be payable for rates as if such rates were leviable or payable in respect of those parts of the Airport Site:

(i) which are sub-leased to tenants; or

(ii) on which trading or financial operations are undertaken including but not limited to retail outlets and concessions, car parks and valet car parks, golf courses and turf farms, but excluding runways, taxiways, aprons, roads, vacant land, buffer zones and grass verges, and land identified in the airport Master Plan for these purposes, unless these areas are occupied by the Commonwealth or an authority constituted under Commonwealth law which is excluded from paying rates by Commonwealth policy or law. The Lessee must use all reasonable endeavours to enter into an agreement with the relevant Governmental Authority, body or person to make such payments.”

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(2) The requirement for airports to make ex gratia payments in lieu of rates is a contractual obligation and is detailed in the Airport Leases. The Constitution provides that the Government is generally not subject to State/Territory taxes and hence has no liability in respect of council rates.

(3) I understand that my Department has sought a range of legal advice in regard to leasing Federal airport land and the payment of either rates or a rate equivalent amount. The legal advices have been sought to ensure that the Government’s policy of competitive neutrality is implemented through the leasing arrangements. My Department’s advice to ALCs was to clarify the policy intent in relation to Clause 26 of the Federal Airport leases.

(4) All Federal airport leases contain similar clauses to reflect the Government’s policy of ensuring competitive neutrality in relation to the payment of local council rates. In implementing this principle, the Government expects the airport operator to enter into a good faith mutually acceptable arrangement with the local council for the payment of rate equivalent amounts.

Under the airport leases ALCs are expected to pay ex gratia payments to councils to facilitate the competitive neutrality policy. This approach was adopted with a view to giving effect to the Government’s policy and commitment to competitive neutrality between business ‘on-airport’ and their equivalent ‘off-airport’ competitors. This means that unfair advantage or disadvantage should not accrue to ‘on-airport’ tenants by virtue of their location on Commonwealth land.

(5) I am aware that some airports are involved in commercial negotiations with local councils regarding the appropriate level of ex gratia payments in lieu of rates. The basis on which these decisions are taken is a matter between individual airports and relevant councils.

(6) My Department’s advice to ALCs clarifies the policy intent in Clause 26 of the Federal Airport leases.

Workplace Relations
(Question No. 2491)

Mr Murphy asked the Prime Minister, in writing, on 13 October 2005:

(1) Does he recall saying during an interview with Mr Kerry O’Brien on the ABC TV 7:30 Report on Monday, 10 October 2005, “We’ve had an ongoing debate in this country about a skills shortage. Why don’t a lot of young people go into apprenticeships? The reason is that they can get highly paid unskilled jobs as soon as they leave school”.

(2) Can he say what are the ‘highly paid unskilled jobs’.

(3) Is it the case that unskilled workers who are being highly paid will ultimately receive lower wages under the new industrial relations legislation; if so, what are the details; if not, can he explain why not.

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

(1) Yes.

(2) Initial wages for apprentices can be low by direct comparison with those of other junior workers.

In terms of actual evidence of this issue, the minimum weekly wage for a first year apprentice under selected federal awards is as follows:

- Metal, Engineering and Associated Industries Award 1998 – Part 1 - Metal, Engineering and Associated Industries Employees $242.84
- The Hospitality Industry – Accommodation, Hotels, Resorts and Gaming Award 1998 $318.00, or $289.10 for apprentices in Tasmania
- Furnishing Industry National Award 2003 $242.84

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The Vehicle Industry - Repair, Services and Retail - Award 2002 $242.85

In comparison, under the Transport Workers Award 1998, where a junior employee aged 18 or more is required to drive a motor vehicle and is in sole charge of the vehicle, the employee is paid the appropriate adult rate. The adult rate depends on the size and type of vehicle driven, but starts at $533.50 per week.

As a second comparison, under the National Building & Construction Industry Award 2000 junior rates are not available in most States, and the basic weekly rate (without allowances) for a trades labourer is $546.20.

(3) No. The Australian Fair Pay Commission will set and adjust minimum and award classification wages. The award classification wage rates applying after the 2005 Safety Net Review will be locked in as the guaranteed minimum. In addition to this guarantee, greater flexibility to negotiate in the workplace will mean that employees will be able to share the gains from productivity improvements in the workplace. Further, employees are likely to benefit from the continued demand for labour underpinned by a sound economy and emerging demographic pressures.

Commonwealth Funded Programs

(Question No. 2497)

Ms Hoare asked the Minister for Transport and Regional Services, in writing, on 13 October 2005:

(1) Does the Minister’s department administer any Commonwealth funded programs to which community organisations, businesses or individuals in the electoral division of Charlton can apply for funding; if so, what are the programs.

(2) Does the Minister’s department advertise these funding opportunities; if so, (a) what print or other media outlets have been used for the advertising of each of these programs, and (b) were these paid advertisements, if so, what were the costs of each advertisement.

(3) In respect of each of the Commonwealth funded programs referred to in part (1), (a) what is its purpose and (b) who is responsible for allocating funds.

(4) In respect of each of the Commonwealth funded programs referred to in part (1), how many (a) community organisations, (b) businesses, and (c) individuals in the electoral division of Charlton received funding in (i) 2003, and (ii) 2004 and what was the name and address of each recipient.

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

(1) and (3) Yes. Details of programs administered by the Department of Transport and Regional Services are available in the Department’s Portfolio Budget Statements, its Annual Reports and their website http://www.dotars.gov.au.

(2) Yes. Programs are promoted via the Department’s website http://www.dotars.gov.au, and Grantslink http://www.grantslink.gov.au. Programs available to regional Australia are also promoted via the Australian Government Regional Information Service (AGRIS). The AGRIS provides a call centre service and information directories that provide Australians living in regional, rural and remote areas of Australia with information on over 650 Australian government programs, services and initiatives. Details of the services AGRIS provides can be found on the AGRIS website http://www.regionalaustralia.gov.au.

The Regional Partnerships Program is also promoted through the Area Consultative Committee (ACC) network. ACCs promote the Regional Partnerships program and their own activities in a variety of forms through their local media, some of which are paid advertisements. Information on ACCs is available on the ACC website http://www.acc.gov.au.

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The Australian Transport Safety Bureau (ATSB) Aviation Research Grant program is advertised in selected major newspapers, industry and campus magazines and on the ATSB website http://www.atsb.gov.au. All external advertisements are paid advertisements.

The ATSB Road Safety Research Grant program is advertised in selected major newspapers and on the ATSB website. All external advertisements are paid advertisements.

Identification of specific cost of each external advertisement would require a significant diversion of resources which I am not prepared to authorise.

(4) There was no funding approved for community organisations, businesses or individuals in the electorate of Charlton during 2003 and 2004.

**Workplace Relations**

(Question No. 2610)

Mr Murphy asked the Treasurer, in writing, on 9 November 2005:

(1) Has he read the article titled ‘PM big on WorkChoices hype, but economists have doubts about the reality’ in the *Sydney Morning Herald* on 15 October 2005 which reported that economists cannot see where all the employment and productivity improvements are supposed to come from and that most economists would be hoping the big employment gains come from lowering the minimum wage.

(2) What economic modelling has been undertaken by his department to determine the effect of the changes contained in the Work Choices Bill 2005 on (a) employment levels and (b) wage levels in Australia.

(3) Can he confirm that the only economic gains from the Work Choices Bill 2005 will come from lowering the minimum wage; if not, why not.

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

(1), (2) and (3) I refer the honourable member to Treasury Press Releases No. 8 and No. 11, of 5 November 2005 and 19 December 2005 respectively.

**Australia-Indonesia Partnership for Reconstruction and Development**

(Question No. 2710)

Mr McClelland asked the Minister for Foreign Affairs, in writing, on 29 November 2005:

(1) In respect of the $1 billion for the Australia-Indonesia Partnership for Reconstruction and Development (AIPRD), what sum (a) had been allocated to specific projects at 28 November 2005 and (b) will have been allocated to specific projects by 30 June 2006.

(2) What sum had been spent (a) in total and (b) on each funded project at 28 November 2005.

(3) What sum is expected to have been spent by 30 June 2006.

(4) Can he confirm that AusAID had spent only $7.8 million by 30 June 2005; if so, is the AIPRD program still expected to distribute the $1 billion over a 5 year period.

(5) What sum is being allocated from the AIPRD to projects that AusAID was considering before the Boxing Day 2005 tsunami.

(6) What was the total sum allocated for aid to Indonesia in 2003-2004 and what proportion of this was counted towards the AIPRD after the tsunami.

(7) Can he confirm that there was an increase of 32% in aid to Indonesia over the two years before the tsunami.

(8) What was the last pre-tsunami forecast for aid to Indonesia over the forward estimates period and are these sums still in the forward estimates in addition to the AIPRD funding; if not, why not.
**Mr Downer**—The answer to the honourable member’s question is as follows:

(1) (a) As at 7 December 2005, up to $945 million has been allocated for specific activities under the Australia-Indonesia Partnership for Reconstruction and Development (AIPRD). (b) The allocation of the balance of the $1 billion is dependent on the agreement of the AIPRD Joint Commission.

(2) (a) Expenses against the $1 billion AIPRD commitment to 30 November 2005 total $28.3 million. (b) Expenses against the $1 billion AIPRD commitment to 30 November 2005 by major contract category were:

<table>
<thead>
<tr>
<th>Contract Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aceh Health Program</td>
<td>$5,472,059</td>
</tr>
<tr>
<td>Aceh Governance Program</td>
<td>$3,333,065</td>
</tr>
<tr>
<td>Aceh Education Program</td>
<td>$2,975,744</td>
</tr>
<tr>
<td>Aceh Procurement</td>
<td>$6,743,627</td>
</tr>
<tr>
<td>Aceh Mapping Assistance Project preparation</td>
<td>$45,644</td>
</tr>
<tr>
<td>Aceh Construction Program</td>
<td>$4,208,220</td>
</tr>
<tr>
<td>Aceh Rural Livelihoods (Water Resources/Aquaculture)</td>
<td>$50,000</td>
</tr>
<tr>
<td>Aceh Tertiary Education and Training Program</td>
<td>$20,701</td>
</tr>
<tr>
<td>Small Holder Agribusiness</td>
<td>$253,916</td>
</tr>
<tr>
<td>Disaster Management and Response</td>
<td>$2,074,907</td>
</tr>
<tr>
<td>Government Partnerships Fund</td>
<td>$546,080</td>
</tr>
<tr>
<td>Australian Partnership Scholarships</td>
<td>$2,058,971</td>
</tr>
<tr>
<td>Education and Training activity preparation</td>
<td>$268,222</td>
</tr>
<tr>
<td>Loans planning and preparation</td>
<td>$232,022</td>
</tr>
</tbody>
</table>

(3) Expenses against the $1 billion AIPRD commitment were estimated in the 2005-06 budget to total $132.1 million.

(4) A total of $7.8 million was expensed under the $1 billion AIPRD commitment up to 30 June 2005. The full $1 billion commitment is planned to be disbursed over a 5 year period.

(5) No activities are being funded under the AIPRD Program that were under consideration for funding before the 26 December 2004 tsunami.

(6) Total Australian ODA flows to Indonesia in 2003-04 were $158.5 million. None of this expenditure has been counted towards the AIPRD commitment.

(7) Total Australian ODA flows to Indonesia were:

- $131.9 million in 2002-03
- $158.5 million in 2003-04
- $160.8 million in 2004-05 (budget estimate)
- $270.3 million in 2004-05 (revised estimate in AusAID’s 2004-05 Annual Report after taking into account additional tsunami-related expenditure).

(8) Forward estimates for Australia’s ODA are not broken down to country or program level, except for new measures detailed in portfolio budget estimates. Individual country allocations are determined annually through the budget process. Australia’s ODA to Indonesia has been increasing steadily in recent years. The $1 billion commitment under the AIPRD is new funding, is separately identified in the annual aid budget statement (“Australia’s Overseas Aid Program, 2005-06”) and is in addition to Australia’s ongoing program of development cooperation with Indonesia.
Death Penalty
(Question Nos 2786 and 2787)

Mr Murphy asked the Minister for Foreign Affairs, in writing, on 5 December 2005:

(1) In light of the case of Mr Nguyen Tuong Van and the strength of public opinion that has surfaced against capital punishment, will he vigorously and relentlessly campaign internationally to abolish the death penalty; if so, what are the details; if not, why not.

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

(1) Australia is already very active in advocating abolition of the death penalty. Australia is one of only 56 parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which requires States Parties to abolish the death penalty within their jurisdictions. Australia is strongly committed to the principles espoused by the Second Optional Protocol and encourages its universal ratification.

The Government supports international action to abolish the death penalty, or as an interim measure establish a moratorium on execution. Australia has traditionally co-sponsored the annual resolution to this effect at the United Nations Commission on Human Rights. Australia has also co-sponsored related resolutions in the Third Committee of the General Assembly. In 2005, we raised the death penalty in bilateral human rights dialogues with China and Vietnam. We also raised the use or possible use of the death penalty in bilateral contacts with a range of other states.

Asia Pacific Economic Cooperation 2007
(Question No. 2835)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

Will he provide a breakdown of the $4.1 million for “the new measure Asia Pacific Economic Cooperation 2007”.

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

The breakdown of funding for APEC in 2005-06 is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Additional staff and related costs for APEC 2007 program development</td>
<td>$1.3 million</td>
</tr>
<tr>
<td>(ii) Costs associated with hosting APEC meetings in the lead up to 2007</td>
<td>$0.8 million</td>
</tr>
<tr>
<td>(iii) Media and public outreach programs</td>
<td>$0.9 million</td>
</tr>
<tr>
<td>(iv) Senior Officials Meeting and APEC Planning Unit office fitout and establishment, running and travel costs</td>
<td>$0.6 million</td>
</tr>
<tr>
<td>(v) Funds to assist the APEC Business Advisory Council, the APEC Studies Centre and the Australia Council of the Pacific Economic Cooperation Council (AUS-PECC) prepare for leadership roles in 2006 and 2007</td>
<td>$0.5 million</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4.1 million</strong></td>
</tr>
</tbody>
</table>

International Convention on Civil and Political Rights
(Question No. 2841)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) Which countries have not signed the Second Optional Protocol to the International Convention on Civil and Political Rights which requires the abolition of capital punishment.

(2) Has the Government made representations to any of those countries in 2005 urging them to sign the Convention.
Mr Downer—The answer to the honourable member’s question is as follows:

1. A total of 135 countries are not party to the Second Optional Protocol to the International Covenant on Civil and Political Rights. A full list of the 56 States Parties can be found at http://www.ohchr.org/english/countries/ratification/12.htm.

2. Australia’s long-standing opposition to the death penalty is well-known. Australia has traditionally co-sponsored annual resolutions at the Commission on Human Rights that call upon states that have not yet done so to abolish the death penalty and, in the meantime, to establish a moratorium on executions. Australia has also co-sponsored related resolutions in the Third Committee of the General Assembly. In 2005, we raised the death penalty in bilateral human rights dialogues with China and Vietnam. We also raised the use or possible use of the death penalty in bilateral contacts with a range of other states.

Senate Estimates Hearings: Attendance by the Secretary
(Question No. 2844)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

1. For (a) 1996, (b) 1997, (c) 1998, (d) 1999, (e) 2000, (f) 2001, (g) 2002, (h) 2003, (i) 2004, and (j) 2005, which Senate Estimates hearings did the Secretary of his department attend.

2. In respect of the hearings that the Secretary did not attend, will he explain why the Secretary did not attend.

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

1. None.

2. It has been the department’s long-standing practice to be represented at Senate Estimates hearings by a Deputy Secretary and other senior officials. In my view this representation has been, and continues to be, appropriate.

Iraq
(Question No. 2861)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

1. Will he provide details of all visits to Iraq by employees of his department for the period 1999-2003, including the (a) dates, (b) the positions of the officials, (c) cities visited in Iraq, and (d) the details of meetings held with Iraqi Government officials.

2. Will he provide the details of the reporting by cable or email of the visits.

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

1. DFAT officials made a number of visits to Iraq for the period 1999-2003 to discuss a range of issues.

2. No. In keeping with longstanding general practice of successive governments, it is not appropriate to make public classified diplomatic reporting.

Australian Wheat Board
(Question No. 2862)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

Will he provide details of all reporting by the Australian Embassy in Jordan or any other Australian diplomatic mission whether by cable, email or fax which refers to the activities of the Australian Wheat Board in Iraq including visits to Iraq by the Australian Wheat Board during the period 1999-2003.
Mr Downer—The answer to the honourable member’s question is as follows:
No. In keeping with longstanding general practice of successive governments, it is not appropriate to make public classified diplomatic reporting.

Australian Wheat Board
(Question No. 2863)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:
(1) Will he provide details of the representations made by officials of the United Nations to the Australian Permanent Mission to the United Nations in New York in relation to allegations raised by the Canadian Wheat Board about the Australian Wheat Board’s commercial dealings in Iraq in January 2000.
(2) When did he first become aware of the representations.
(3) What action did he, his office or his department take in response to such representations.
(4) Will he provide details of all contact between himself, his office or officials of his department and the Australian Wheat Board in relation to the representations.

Mr Downer—The answer to the honourable member’s question is as follows:
These issues were raised and answered in the Senate Foreign Affairs, Defence and Trade Legislation Committee’s Supplementary Budget Estimates hearings in November 2005.

Australian Wheat Board
(Question No. 2864)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:
(1) Will he provide details of all representations made by representatives of foreign governments about the Australian Wheat Board’s commercial dealings in Iraq during the period 1999–2003.
(2) Will he provide details of the response by the Australian Government to these representations.

Mr Downer—The answer to the honourable member’s question is as follows:
These issues were raised and answered in the Senate Foreign Affairs, Defence and Trade Legislation Committee’s Supplementary Budget Estimates hearings in November 2005.

Oil for Food Program
(Question No. 2865)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:
Will he provide details of any reporting, including by cable, email or facsimile, of concerns about the Iraqi Government’s possible misuse of the UN Oil for Food Program.

Mr Downer—The answer to the honourable member’s question is as follows:
No. In keeping with longstanding general practice of successive governments, it is not appropriate to make public classified diplomatic reporting.

Oil for Food Program
(Question No. 2866)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:
(1) When did his department first become aware of the report of the US General Accounting Office dated May 2002 entitled ‘Weapons of Mass Destruction: UN confronts significant challenges in implementing sanctions against Iraq’.
(2) Did the Australian Embassy in Washington or the Australian Permanent Mission to the United Nations in New York provide any reporting including by cable, email or facsimile on this report.

Mr Downer—The answer to the honourable member’s question (1-2) is as follows:

The Department has no file record of having received the report during the Oil for Food program.

**Australian Wheat Board**

**Question No. 2867**

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) Will he provide details of all contact between his department and the Australian Wheat Board (AWB) about the matters referred to in the AWB’s letter to his department dated 30 November 2000.

(2) When did his department first become aware of the concerns expressed by the AWB in that letter about the problems it was experiencing managing its Iraq business effectively.

(3) Did the AWB write separately about its concerns about “United Nations procedural issues” as fore-shadowed in its letter of 30 October; if so, will he provide details of the AWB’s concerns about “United Nations procedural issues”.

(4) Will he provide details of the action taken by his department in response to the AWB’s concerns.

(5) Will he provide details of all contact between his department and the AWB in relation to the AWB’s concerns about “United Nations procedural issues”.

Mr Downer—The answer to the honourable member’s question (1-5) is as follows:

The Department of Foreign Affairs and Trade and AWB had a number of contacts on UN procedural issues throughout the life of the Oil for Food program.

**Australian Wheat Board**

**Question No. 2868**

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) When did the Australian Wheat Board (AWB) first provide his department with copies of a contract between the AWB and the Iraq Grains Board which included the contractual term “CIF Free on Truck to Silo at All Governates via Umm Qasr Port”.

(2) In respect of each of the contracts the AWB provided to his department which contained the term “CIF Free on Truck to Silo All Governates via Umm Qasr Port”, what was (a) the date of the contract, (b) the date the contract was received by his department, (c) the date the contract was forwarded to the UN Office of the Iraq Program, (d) the date approved by the UN, (e) the date of any export permit issued, (f) the contract price per metric tonne, and (g) the total contract price.

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

(1) AWB contacts which first included the term “CIF F.O.T to Silo at All Governerate of Iraq via Umm Qasr Port” were dated July 1999.

(2) In accordance with longstanding general practice of successive governments, it is not appropriate to make public Commercial-in-Confidence information.

**Oil for Food Program**

**Question No. 2869**

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) Will he provide details of its cooperation with the Volcker Inquiry into the Oil for Food Program including (a) when the first contact occurred between the Volcker Inquiry and the Australian Gov-
government, (b) a list of the documents that the Volcker Inquiry copied or removed from his department’s files, and (c) a list of every official that the Volcker Inquiry interviewed and their job title or position.

(2) Did any official of his department decline to be interviewed by the Volcker Inquiry.

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

(1) The Government cooperated fully with the Volcker Inquiry and provided access to relevant documents and officials.

(2) No.

Oil for Food Program
(Question No. 2872)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) Did he, his office or his department receive any reports from Australian officials seconded to assist the Special Adviser to the Director of Central Intelligence on Iraq’s Weapons of Mass Destruction (the Duelfer report).

(2) Did he, his office or his department receive any reports from Australian officials seconded to the Duelfer investigation before that investigation delivered its findings on 30 September 2004.

(3) Did he, his office or his department receive any reports from Australian officials seconded to the Duelfer investigation prior to the release of its findings in regard to arrangements developed by Saddam Hussein’s regime to procure financial kick backs in contravention of the US sanctions regime.

(4) Did he, his office or his department receive any indications from Australian officials seconded to the Duelfer investigation prior to the release of its findings suggesting that Saddam’s regime had developed arrangements to procure financial kick backs in contravention of the US sanctions regime.

Mr Downer—The answer to the honourable member’s question (1) to (4) is as follows:

Reporting received from Australians working for the Iraq Survey Group focused on WMD issues.

Oil for Food Program
(Question No. 2873)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) Prior to the release of the Duelfer report on 30 September 2004, did he, his office or his department become aware at any stage of any indications that Iraq was earning financial kick backs or surcharges associated with the UN’s oil for food program.

(2) Prior to the release of the Duelfer report on 30 September 2004, did he, his office or his department at any stage become aware of any indications that some firms were engaged in illegal activities without their government’s consent or knowledge in contravention of UN resolutions applying to the Iraqi Oil For Food program.

(3) Prior to the release of the Duelfer report on 30 September 2004, did he, his office or his department become aware at any stage of any indications that Saddam Hussein was generating hard currency through illicit means from 1990 to 2003.

(4) Prior to the release of the Duelfer report on 30 September 2004, did he, his office or his department become aware at any stage of any indications that Saddam Hussein was able to subvert the UN OFF program to generate an estimated $1.7 billion in revenue outside of UN control from 1997 to 2003.
(5) Prior to the release of the Dufeler report on 30 September 2004, did he, his office or his department become aware at any stage of any indications that trade fostered under the UN OFF program opened the door for Iraq to develop numerous kickback and illicit money earning schemes.

(6) Prior to the release of the Dufeler report on 30 September 2004, did he, his office or his department become aware at any stage of any indications that during UN sanctions on Iraq, from August 1990 until March 2003, Saddam Hussein’s regime earned an estimated $10.9 billion utilising four primary illicit sources of hard currency income including ten percent kick-backs from imports authorised under the UN OFF program.

Mr Downer—The answer to the honourable member’s question (1) to (6) is as follows:

The Government, including my Department, was aware from a range of sources, including public information, about reports that the Saddam Hussein regime had sought to undermine the UN Sanctions Regime.

Oil for Food Program
(Question No. 2874)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) When did he, his office or his department become aware of concerns that Iraq was earning financial kick-backs or surcharges associated with the UN’s oil for food program and what steps did he, his office and his department take to seek to verify those concerns.

(2) When did he, his office or his department become aware of concerns that some firms were engaged in illegal activities without their government’s consent or knowledge in contravention of UN resolutions applying to the Iraqi Oil For Food program and what steps did he, his office and his department take to seek to verify those concerns.

(3) When did he, his office or his department become aware of concerns that Saddam Hussein was generating hard currency through illicit means from 1990 to 2003 and what steps did he, his office and department take to verify those concerns.

(4) When did he, his office or his department become aware of concerns that Saddam was subverting the UN OFF program to generate an estimated $1.7 billion in revenue outside of UN control from 1997 to 2003 and what steps did he, his office and his department take to verify those concerns.

(5) When did he, his office or his department become aware of concerns that trade fostered under the UN OFF program opened the door for Iraq to develop numerous kickback and illicit money earning schemes and what steps did he, his office and his department take to verify these concerns.

(6) When did he, his office or his department become aware of concerns that during UN sanctions on Iraq, from August 1990 until March 2003, Saddam Hussein’s regime earned an estimated $10.9 billion utilising four primary illicit sources of hard currency income, including ten percent kick-backs from imports authorised under the UN OFF program and what steps did he, his office and his department take to verify those concerns.

Mr Downer—The answer to the honourable member’s question (1) to (6) is as follows:

The Government, including my Department, was aware from a range of sources, including public information, about reports that the Saddam Hussein regime had sought to undermine the UN Sanctions Regime.
Oil for Food Program
(Question No. 2875)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) Following the release of the Deulfer report on 30 September 2004 which outlined an extensive list of findings in regard to financial arrangements put in place by Saddam Hussein’s regime to procure financial kick backs under the OFF program did he, his office or his department receive any reports from Australian Missions in Washington or New York on these matters; if so, when.

(2) Did he, his office or his Department receive any reports from Australian missions in Washington or New York in relation to Duelfer’s findings that (a) Iraq was earning financial kick backs or surcharges associated with the UN’s oil for food program, (b) some firms were engaged in illegal activities without their government’s consent of knowledge in contravention of UN resolutions applying to the Iraqi Oil For Food program, (c) Saddam Hussein was generating hard currency through illicit means from 1990 to 2003, (d) Saddam Hussein was able to subvert the UN OFF program to generate an estimated $1.7 billion in revenue outside of UN control from 1997 to 2003, (e) trade fostered under the UN OFF program opened the door for Iraq to develop numerous kick back and illicit money earning schemes, and (f) during UN sanctions on Iraq, from August 1990 until March 2003, Saddam’s Regime earned an estimated $10.9 billion utilising four primary illicit sources of hard currency income including ten percent kick backs from imports authorised under the UN OFF program; if so, when.

(3) What course of action was taken to ascertain whether Duelfer’s findings had any implications for Australia’s legal obligations arising from UNSCR 661.

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

(1) Yes.

(2) Yes.

(3) The report contained no mention of Australian companies illegally channelling funds to Saddam Hussein’s regime.

Oil for Food Program
(Question No. 2876)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) Following the release of the Duelfer report on 30 September 2004, did officers of his department read that report and make an assessment of the Duelfer Report’s findings for Australia’s obligations under UNSCR 661; if so, (a) in making that assessment, did his department consult with any other Commonwealth departments and, if it did, which departments and when, (b) was the assessment passed to the Department’s Senior Executive for consideration, (c) was the assessment provided to any other department, including Prime Minister and Cabinet or the Attorney-General’s Department, for consideration and/or response, and (d) what action was taken on the assessment

(2) Did his department make any assessment of whether the arrangements entered into by Australian companies under the OFF program fully complied with Australia’s obligations under UNSCR 661; if so, (a) what was the conclusion of the assessment in respect of (i) Australia’s obligations under UNSCR 661 and (ii) arrangements entered into by Australian companies trading with Iraq under the OFF program and (b) was the assessment prepared in consultation with any other departments.

(3) Did his department make an assessment of its own role in facilitating trade between Australia and Iraq under the OFF program to ensure that those trading arrangements fully complied with UNSCR 661; if so, (a) what was the conclusion of that assessment, (b) was the assessment, including its conclusions, developed in consultation with any other departments, (c) was the assessment and its
conclusion forwarded to the department’s Senior Executive and the Minister and (d) did he or his department take any action to ensure that Australia was fully meeting its obligations in regard to UNSCR 661.

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

(1) DFAT officers read the report. There was no mention of Australian companies illegally channelling funds to Saddam Hussein’s regime.

(2) and (3) DFAT sought to ensure that Australian companies complied with the Sanctions Regime.

Oil for Food Program
(Question No. 2877)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

(1) Following the release of the Deulfer report on 30 September 2004, did his department discuss with the Australian Wheat Board (AWB) the nature of the commercial arrangements it had entered under the Iraq OFF program to make sure those arrangements fully complied with Australia’s obligations arising from UNSCR 661; if so, did the department draw to the AWB’s attentions the findings of the Deulfer report, in particular, (a) Iraq was earning financial kick backs or surcharges associated with the UN’s oil for food program, (b) some firms were engaged in illegal activities without their government’s consent or knowledge in contravention of UN resolutions applying to the Iraqi Oil For Food program, (c) Saddam Hussein was generating hard currency through illicit means from 1990 to 2003, (d) Saddam Hussein was able to subvert the UN OFF program to generate an estimated $1.7 billion in revenue outside of UN control from 1997 to 2003, (e) trade fostered under the UN OFF program opened the door for Iraq to develop numerous kickback and illicit money earning schemes, and (f) during UN sanctions on Iraq, from August 1990 until March 2003, Saddam Hussein regime earned an estimated $10.9 billion utilising four primary illicit sources of hard currency income including ten percent kick-backs from imports authorised under the UN OFF program.

(2) Did the AWB provide an assurance to the department that the financial arrangements it had entered into under the Iraq OFF program could in no way be associated with the type of arrangements outlined in part (1).

(3) Was his department completely assured and confident, following its assessment of that report, that no Australian company was in any way involved in the kick back arrangements of the type outlined in the Deulfer report.

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

By the time of the Duelfer report publication, the United Nations Independent Inquiry Committee was conducting investigations into the Oil for Food program. The Australian Government cooperated fully with the Independent Inquiry Committee and encouraged AWB to do so.

Oil for Food Program
(Question No. 2891)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:

Did he or his department receive reports about Saddam Hussein’s alleged weapons of mass destruction programs which raised concerns that Saddam Hussein was using hard currency illegally obtained through the Oil for Food Program to purchase weapons and other goods prohibited under the sanctions; if so, what are the details.
Mr Downer—The answer to the honourable member’s question is as follows:
The Government, including my Department, was aware from a range of sources, including public information, about reports that the Saddam Hussein regime had sought to undermine the UN Sanctions Regime.

Australian Wheat Board
(Question No. 2901)

Mr Rudd asked the Minister for Foreign Affairs, in writing, on 8 December 2005:
Will the Minister provide details of all contact between himself, his office or the Minister’s department and the Australian Wheat Board in relation to the Iraqi Minister for Trade’s threat to cancel the AWB’s contracts for the supply of wheat to Iraq in August 2002

Mr Downer—The answer to the honourable member’s question is as follows:
There were a number of contacts with AWB on this issue.

Child Support Agency
(Question No. 2931)

Mr Kelvin Thomson asked the Minister for Human Services, in writing, on 8 December 2005:
(1) How many staff employed by the Child Support Agency (CSA) are also current clients of the CSA and what proportion of total staff do they represent.
(2) Are staff cases treated differently to other cases; if so, how.
(3) Are all staff able to access files relating to other staff members; if not, how is access to files on staff managed.
(4) Do staff receive training and/or counselling on how to deal with staff cases; if so, what are the details; if not, why not.

Mr Hockey—The answer to the honourable member’s question is as follows:
(1) Approximately 500 employees of the CSA have declared that they are also clients of CSA. This equates to approximately 15% of employees.
(2) All child support cases are managed in accordance with CSA’s established policies and procedures.
(3) To protect the privacy of clients who are also staff and other parents involved in these cases, access to staff cases is restricted through CSA’s classification system (RACS). Only officers with the appropriate RACS access are able to work on these cases. Procedures on how to manage RACS information is outlined in the RACS Corporate Guideline stored on the CSA IT system.
The RACS Corporate Guideline provides employees with all procedures and guidelines in relation to managing RACS staff clients. All CSA employees receive information and training in the ‘need to know’ principles and RACS in the CSA entry level training program.