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SITTING DAYS—2006

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- ADELAIDE 972 AM
- PERTH 585 AM
- HOBART 747 AM
- NORTHERN TASMANIA 92.5 FM
- DARWIN 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—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
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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
Prime Minister
Minister for Trade and Deputy Prime Minister
Treasurer
Minister for Transport and Regional Services
Minister for Defence
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the House
Attorney-General
Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House
Minister for Immigration and Multicultural Affairs
Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues
Minister for Families, Community Services and Indigenous Affairs
Minister Assisting the Prime Minister for Indigenous Affairs
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate
Minister for the Environment and Heritage

The Hon. John Winston Howard MP
The Hon. Mark Anthony James Vaile MP
The Hon. Peter Howard Costello MP
The Hon. Warren Errol Truss MP
The Hon. Dr Brendan John Nelson MP
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin
The Hon. Peter John McGauran MP
Senator the Hon. Amanda Eloise Vanstone
The Hon. Julie Isabel Bishop MP
The Hon. Malcolm Thomas Brough MP

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

Minister for Justice and Customs and Manager of Government Business in the Senate  Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation  Senator the Hon. Eric Abetz
Minister for the Arts and Sport  Senator the Hon. Charles Roderick Kemp
Minister for Human Services  The Hon. Joseph Benedict Hockey MP
Minister for Community Affairs  The Hon. John Kenneth Cobb MP
Minister for Revenue and Assistant Treasurer  The Hon. Peter Craig Dutton MP
Special Minister of State  The Hon. Gary Roy Nairn MP
Minister for Vocational and Technical Education and Minister Assisting the Prime Minister  The Hon. Gary Douglas Hardgrave MP
Minister for Ageing  Senator the Hon. Santo Santoro
Minister for Small Business and Tourism  The Hon. Frances Esther Bailey MP
Minister for Local Government, Territories and Roads  The Hon. James Eric Lloyd MP
Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence  The Hon. Bruce Frederick Billson MP
Minister for Workforce Participation  The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Finance and Administration  Senator the Hon. Richard Mansell Colbeck
Parliamentary Secretary to the Minister for Industry, Tourism and Resources  The Hon. Robert Charles Baldwin MP
Parliamentary Secretary to the Minister for Health and Ageing  The Hon. Christopher Maurice Pyne MP
Parliamentary Secretary to the Minister for Defence  Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Parliamentary Secretary (Trade)  The Hon. De-Anne Margaret Kelly MP
Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs  The Hon. Andrew John Robb MP
Parliamentary Secretary to the Prime Minister  The Hon. Malcolm Bligh Turnbull MP
Parliamentary Secretary to the Treasurer  The Hon. Christopher John Pearce MP
Parliamentary Secretary to the Minister for the Environment and Heritage  The Hon. Gregory Andrew Hunt MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry  The Hon. Sussan Penelope Ley MP
Parliamentary Secretary to the Minister for Education, Science and Training  The Hon. Patrick Francis Farmer MP
Parliamentary Secretary (Foreign Affairs)  The Hon. Teresa Gambaro MP
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<tr>
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<th>MP Name</th>
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</thead>
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<tr>
<td>Leader of the Opposition</td>
<td>The Hon. Kim Christian Beazley MP</td>
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<tr>
<td>Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research</td>
<td>Jennifer Louise Macklin MP</td>
</tr>
<tr>
<td>Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services</td>
<td>Senator Christopher Vaughan Evans</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology</td>
<td>Senator Stephen Michael Conroy</td>
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<tr>
<td>Shadow Minister for Health and Manager of Opposition Business in the House</td>
<td>Julia Eileen Gillard MP</td>
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<tr>
<td>Shadow Treasurer</td>
<td>Wayne Maxwell Swan MP</td>
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<tr>
<td>Shadow Attorney-General</td>
<td>Nicola Louise Roxon MP</td>
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<tr>
<td>Shadow Minister for Industry, Infrastructure and Industrial Relations</td>
<td>Stephen Francis Smith MP</td>
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<tr>
<td>Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security</td>
<td>Kevin Michael Rudd MP</td>
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<tr>
<td>Shadow Minister for Defence</td>
<td>Robert Bruce McClelland MP</td>
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<tr>
<td>Shadow Minister for Regional Development</td>
<td>The Hon. Simon Findlay Crean MP</td>
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<tr>
<td>Shadow Minister for Primary Industries, Resources, Forestry and Tourism</td>
<td>Martin John Ferguson MP</td>
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<td>Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House</td>
<td>Anthony Norman Albanese MP</td>
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<tr>
<td>Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories</td>
<td>Senator Kim John Carr</td>
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<tr>
<td>Shadow Minister for Public Accountability and Shadow Minister for Human Services</td>
<td>Kelvin John Thomson MP</td>
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<tr>
<td>Shadow Minister for Finance</td>
<td>Lindsay James Tanner MP</td>
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<tr>
<td>Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services</td>
<td>Senator the Hon. Nicholas John Sherry</td>
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<tr>
<td>Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women</td>
<td>Tanya Joan Plibersek MP</td>
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<tr>
<td>Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility</td>
<td>Senator Penelope Ying Yen Wong</td>
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(The above are shadow cabinet ministers)
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<td>Laurie Donald Thomas Ferguson MP</td>
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<td>Shadow Minister for Agriculture and Fisheries</td>
<td>Gavan Michael O’Connor MP</td>
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<tr>
<td>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition</td>
<td>Joel Andrew Fitzgibbon MP</td>
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<tr>
<td>Shadow Minister for Transport</td>
<td>Senator Kerry Williams Kelso O’Brien</td>
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<tr>
<td>Shadow Minister for Sport and Recreation</td>
<td>Senator Kate Alexandra Lundy</td>
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<tr>
<td>Shadow Minister for Homeland Security and Security</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
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<tr>
<td>Shadow Minister for Veterans’ Affairs and Special Minister of State</td>
<td>Alan Peter Griffin MP</td>
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<tr>
<td>Shadow Minister for Defence Industry, Procurement and Personnel</td>
<td>Senator Thomas Mark Bishop</td>
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<tr>
<td>Shadow Minister for Immigration</td>
<td>Anthony Stephen Burke MP</td>
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<tr>
<td>Shadow Minister for Aged Care, Disabilities and Carers</td>
<td>Senator Jan Elizabeth McLucas</td>
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<tr>
<td>Shadow Minister for Justice and Customs and Business</td>
<td>Senator Joseph William Ludwig</td>
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<tr>
<td>Shadow Minister for Overseas Aid and Pacific Island</td>
<td>Robert Charles Grant Sercombe MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Reconciliation and the Arts</td>
<td>Peter Robert Garrett MP</td>
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<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Paul Murphy MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Defence and Veterans’ Affairs</td>
<td>The Hon. Graham John Edwards MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Education</td>
<td>Kirsten Fiona Livermore MP</td>
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<td>Jennie George MP</td>
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<td>Shadow Parliamentary Secretary for Industry, Infrastructure and Industrial Relations</td>
<td>Bernard Fernando Ripoll MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Ann Kathleen Corcoran MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Treasury</td>
<td>Catherine Fiona King MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Science and Water</td>
<td>Senator Ursula Mary Stephens</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs</td>
<td>The Hon. Warren Edward Snowdon MP</td>
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**WEDNESDAY, 29 MARCH**

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Wednesday, 29 March 2006

The SPEAKER (Hon. David Hawker) took the chair at 9 am and read prayers.

PRIVATE MEMBERS’ BUSINESS: WORKPLACE RELATIONS

Mr STEPHEN SMITH (Perth) (9.01 am)—I seek leave to move private members’ business notice No. 3, standing in my name.

Leave not granted.

Mr STEPHEN SMITH—I move:

That so much of the standing and sessional orders be suspended as would prevent private Members’ business Notice No. 3 standing in the name of the Honourable Member for Perth being called on and debated forthwith so that Members of the House can:

(a) respond to the widespread community concern about the Government’s industrial relations changes by debating and voting to disallow regulations to the legislation;

(b) record the House’s contempt for the Government’s extreme changes, particularly the removal of unfair dismissal rights which sees Australian employees at risk of being sacked, sacked unfairly for no reason or any reason;

(c) record the House’s contempt for the Government’s attack on the wages, conditions and entitlements of Australian employees without benefit to Australia’s economic future; and

(d) show by tearing up the regulations the House’s intention to tear up the Government’s unfair, unAustralian legislation.

We will tear up this legislation and we will tear up these regulations. You will sack people unfairly for no reason or any reason.

Dr STONE (Murray—Minister for Workforce Participation) (9.03 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.07 am]

(The Speaker—Hon. David Hawker)

Ayes………... 77
Noes………... 56
Majority……… 21

AYES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Bailey, F.E.
Baird, B.G. Baldwin, R.C.
Barresi, P.A. Bartlett, K.J.
Bishop, B.K. Broadbent, R.
Cadman, A.G. Causley, I.R.
Ciobo, S.M. Cobb, J.K.
Costello, P.H. Downton, A.J.G.
Draper, P. Elson, G.
Farmer, P.F. Ewbank, D.
Ferguson, M.D. Forrest, J.A.
Gambor, T. Gash, J.
Georgiou, P. Haase, B.W.
Hardgrave, G.D. Hartseyker, L.
Henry, S. Hull, K.E.
Hunt, G.A. Jensen, D.
Jull, D.F. Keenan, M.
Kelly, D.M. Kelly, J.M.
Laming, A. Ley, S.P.
Lindsay, P.J. Lloyd, J.E.
Macfarlane, I.E. Markus, L.
McArthur, S. * McGauran, P.J.
Nairn, G.R. Nelson, B.J.
Neville, P.C. Panopoulos, S.
Pearce, C.J. Prosser, G.D.
Pyne, C. Randall, D.J.
Richardson, K. Robb, A.
Ruddock, P.M. Schultz, A.
Scott, B.C. Secker, P.D.
Sliper, P.N. Smith, A.D.H.
Somlyay, A.M. Southcott, A.J.
Stone, S.N. Thompson, C.P.
Ticehurst, K.V. Tolner, D.W.
Truss, W.E. Tuckey, C.W.
Turnbull, M. Vaile, M.A.J.
Vale, D.S. Vasta, R.
Wakelin, B.H. Washer, M.J.
Wood, J. Wood, J.

NOES

Adams, D.G.H. Albanese, A.N.
Beazley, K.C. Bevis, A.R.
Bird, S. Bowen, C.
Burke, A.E. Burke, A.S.
Byrne, A.M. Corcoran, A.K.
Ms GILLARD (Lalor—Manager of Opposition Business) (9.11 am)—I second the motion. The government does not want this debate because it wants to hide the truth. It does not want Australian workers to know how bad—

Dr STONE (Murray—Minister for Workforce Participation) (9.11 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.12 am]

(The Speaker—Hon. David Hawker)

<table>
<thead>
<tr>
<th>AYES</th>
<th>78</th>
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<tbody>
<tr>
<td>Noes</td>
<td>56</td>
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<tr>
<td>Majority</td>
<td>22</td>
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AYES

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

NOES

Adams, D.G.H.  Albanese, A.N.
Beazley, K.C.  Bevis, A.R.
Bird, S.  Bowen, C.
Burke, A.E.  Burke, A.S.
Byrne, A.M.  Corcoran, A.K.
Crean, S.F.  Danby, M. *
Edwards, G.J.  Elliot, J.
Ellis, A.L.  Ellis, K.
Emerson, C.A.  Ferguson, L.D.T.
Ferguson, M.J.  Fitzgerald, J.A.
Garrett, P.  Georginas, S.
George, J.  Gillard, J.E.
Grierson, S.J.  Griffin, A.P.
Hall, J.G. *  Hatton, M.J.
Hayes, C.P.  Irwin, J.
Jenkins, H.A.  Kerr, D.J.C.

* denotes teller

Question agreed to.
Question agreed to.

Original question put:

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

The House divided. [9.15 am]

(The Speaker—Hon. David Hawker)

Ayes…………… 56

Noes…………… 78

Majority……… 22

AYES

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

* denotes teller

NOES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Bailey, F.E.
Baird, B.G. Baldwin, R.C.
Barresi, P.A. Bartlett, K.J.
Bishop, B.K. Bishop, J.I.
Broadbent, R. Cadman, A.G.
Causley, I.R. Ciobo, S.M.
Cobb, J.K. Costello, P.H.
Downer, A.J.G. Draper, P.
Dutton, P.C. Elson, K.S.
Entsch, W.G. Farmer, P.F.
Fawcett, D. Ferguson, M.D.
Forrest, J.A. * Gambaro, T.
Gash, J. Georgiou, P.
Haase, B.W. Hardgrave, G.D.
Hartsuyker, L. Henry, S.
Hull, K.E. Hunt, G.A.
Jensen, D. Jul, D.F.
Keenan, M. Kelly, D.M.
Kelly, J.M. Laming, A.
Ley, S.P. Lindsay, P.J.
Lloyd, J.E. Macfarlane, I.E.
Markus, L. McArthur, S. *
McGauran, P.J. Nairn, G.R.
Nelson, B.J. Neville, P.C.
Panopoulos, S. Pearce, C.J.
Prosser, G.D. Pyne, C.
Randall, D.J. Richardson, K.
Robb, A. Ruddock, P.M.
Schultz, A. Scott, B.C.
Secker, P.D. Slipper, P.N.
Smith, A.D.H. Sonnyay, A.M.
Southcott, A.J. Stone, S.N.
Thompson, C.P. Tiechurst, K.V.
Tollner, D.W. Truss, W.E.
Tuckey, C.W. Turnbull, M.
Vaile, M.A.J. Vale, D.S.
Vasta, R. Wakelin, B.H.
Washer, M.J. Wood, J.

Question negatived.
AGE DISCRIMINATION AMENDMENT BILL 2006

First Reading

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

Second Reading

Mr RUDDOCK (Berowra—Attorney-General) (9.18 am)—I move:

That this bill be now read a second time.

The Age Discrimination Act 2004 implemented the government’s 2001 election commitment to develop legislation to prohibit age discrimination which would eliminate, as far as possible, age discrimination in key areas of public life.

The act is working well.

The government believes that the act is playing an important role in addressing negative stereotypes, particularly assumptions about older workers.

All antidiscrimination laws must strike the right balance between prohibiting unfair discrimination and allowing legitimate differential treatment.

When the Age Discrimination Act commenced, it included various exemptions for Commonwealth laws.

One of these was a general exemption for all Commonwealth acts and regulations for a period of two years.

The purpose of this general exemption was to present an opportunity for further legitimate exemptions to be identified.

The general exemption will expire on 23 June 2006.

The general exemption for all Commonwealth laws will be replaced by a much more limited number of exemptions that will continue to protect justifiable age related provisions in acts and regulations.

The bill is the result of a comprehensive assessment of Commonwealth laws and programs that examined their consistency with the Age Discrimination Act.

As well as acts and regulations, this assessment identified other instruments, schemes and programs that use age based criteria for sound policy reasons.

It also identified areas where the scope of the existing exemptions is uncertain or needs to be adjusted.

The bill addresses these additional issues.

The scope of the new exemptions has been limited by exempting only part of a law if that is sufficient to protect the age related provisions.

A new schedule will list acts, regulations and other instruments and specify which provisions are exempted.

The government will continue to review the appropriate scope of exemptions so that the act applies to as wide a field of public activity as possible.

Many of the amendments will provide certainty for measures that are targeted for the benefit of particular age groups.

For example, the bill will ensure that senior citizens can choose to apply for a less expensive passport, and can receive a higher rebate for private health insurance.

It will also help maintain the classification scheme which protects our children from objectionable content in films, computer games and literature.

Other provisions in the bill address Australia’s international obligations in aviation and shipping.

One of the most important objectives of the Age Discrimination Act is to reduce discrimination in employment and remove barriers to workforce participation.
The bill inserts an exemption for some Commonwealth employment programs, to ensure that programs can continue to be designed in the most appropriate way to meet the needs and circumstances of different groups, including different age groups.

To be exempted, an employment program will need to meet certain conditions.

Providing these conditions are met, an employment program will be able to be designed so that effort is targeted to where it will do the most good.

This bill is a carefully considered package of measures that will further the goal of eliminating age discrimination while allowing genuine age related needs to be met. I table an explanatory memorandum.

Debate (on motion by Ms Roxon) adjourned.

ASIO LEGISLATION AMENDMENT BILL 2006
First Reading

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

Second Reading

Mr RUDDOCK (Berowra—Attorney-General) (9.22 am)—I move:

That this bill be now read a second time.

This bill amends division 3 of part III of the Australian Security Intelligence Organisation Act 1979, which deals with ASIO’s terrorism related questioning and detention powers.

These powers were introduced into parliament in 2002 as part of the government’s broad legislative package to counter the threat posed by terrorism.

After extensive parliamentary debate, the powers commenced in July 2003.

The regime permits ASIO to seek a warrant to question, and in limited circumstances detain, a person where there are reasonable grounds for believing that doing so will substantially assist the collection of intelligence in relation to a terrorism offence.

The powers are only used where other methods of gaining that intelligence would be ineffective.

Experience with the questioning regime has shown that it is yielding valuable information in an environment of stringent safeguards and accountability mechanisms, and is proving to be a useful tool in the fight against terrorism.

Parliament enacted ASIO’s questioning and detention powers subject to a review by January 2006 by what is now the Parliamentary Joint Committee on Intelligence and Security (PJC), and a sunset clause by which the powers would cease to operate after 22 July 2006.

During 2005, the PJC conducted a comprehensive review of the operation, effectiveness and implications of the powers.

I thank the committee for its detailed examination of the issues and welcome its report, which was tabled in November 2005.

I note that the PJC concluded that for the foreseeable future there are threats of possible terrorist attacks in Australia and that some people in Australia might be inclined or induced to participate in such activity.

I am pleased that the PJC recognised that the questioning regime has been useful in dealing with this situation, and that the powers have been used within the bounds of the law and that they have been administered in a professional way.

On this basis, the PJC recommended that the powers should continue beyond the sunset period, and made 19 recommendations aimed at improving the operation of the regime.

The government has given careful consideration to all the PJC’s recommendations, and is responding in a way that addresses the committee’s concerns as far as possible.
The government has agreed to clarify the regime and enhance rights and safeguards where doing so would not undermine the fundamental nature and purpose of the regime, nor impact unduly upon its operation.

I am pleased to now present a document which sets out the government’s response to each of the committee’s recommendations.

Ms Roxon—May we have a copy?

Mr Ruddock—Not immediately, but I will arrange a copy. Perhaps one of the attendants could collect it from my advisers.

The government has responded positively to the bulk of the recommendations.

In addition, we have sought to address concerns in alternative ways where the PJC’s recommendation is unable to be implemented in the terms proposed.

This bill implements the government’s response to the committee’s report.

A key feature of the bill is to amend the current sunset clause provision, which would otherwise cause the questioning and detention powers to cease on 22 July 2006.

The government accepts the PJC’s arguments about the need for ongoing review and a further sunset period, but considers that the 5½-year period recommended by the PJC is insufficient in the current environment.

We consider a period of 10 years to be more appropriate.

Recent experience with statutory reviews has demonstrated that they are resource intensive and do have an impact on operational priorities.

The 10-year period is consistent with state and territory government views about the time needed to properly make an assessment of the recently enacted antiterrorism package of legislation.

The longer period will also ensure that the legislation can be used over a period the government assesses there is likely to be a need for these powers.

Accordingly, the bill extends the sunset clause and the PJC review period by 10 years so that the PJC will be required to review the legislation by 22 January 2016 and the legislation will cease to have effect on 22 July 2016.

Of course the government will also continue to assess the operation of the legislation in light of practical experience and will review its effectiveness on an ongoing basis.

In responding to the PJC recommendations, the bill also seeks to improve the clarity and operation of the two types of warrant regime—warrants for questioning, and warrants for questioning and detention.

Schedule 1 of the bill renumbers the provisions, and more clearly sets out provisions dealing with only questioning from those that deal with questioning and detention.

The items in schedule 1 do not affect the substantive operation of the regime.

Schedule 2 of the bill contains amendments that will strengthen and clarify rights under the regime.

One of the key amendments involves making explicit rights of contact for the subject of a warrant.

The bill will insert a positive right of a subject to contact a lawyer under both types of warrant, whereas at present there is only an explicit right to do so under a warrant authorising detention.

This does not mean that the subject of a questioning-only warrant is not currently entitled to contact a lawyer—in fact they are able to do so; it is just that the right is not explicit in the legislation.

Consistent with the existing policy rationale and the PJC’s recommendation, ASIO will be able to challenge a lawyer being present during questioning on security grounds...
where the subject is detained in connection with a questioning-only warrant.

The bill will also insert a provision to make it clear that communications between a subject and their lawyer are not required to be made in a way that can be monitored in the case of questioning-only warrants (unless there is detention in connection with that warrant).

In addition, the ability of the subject’s lawyer to address the prescribed authority during breaks in questioning will be made clear in the legislation.

This enables a subject to raise any matter with the prescribed authority through their lawyer.

The bill will also clarify and better facilitate the ability of subjects of both kinds of warrants to make complaints, particularly in the questioning-only context, and to a wider range of complaints bodies.

As part of this package of amendments, the secrecy provisions will be amended to cater for disclosures to state and territory complaints bodies.

The secrecy provisions will also be amended to require the prescribed authority, the director-general, and the Attorney-General to take into account certain issues in deciding whether to permit disclosures.

These issues are the person’s family and employment interests, the public interest and the risk to security if the disclosure were made.

The bill will make other changes to enhance the rights of the subject.

These include requiring the prescribed authority to more clearly explain his or her role, so that the subject is aware of the independent supervisory role of the prescribed authority in the proceedings.

The bill will also provide for a person to have a statutory right to apply for financial assistance for reasonable legal and related costs arising from the questioning proceedings.

These measures, combined with some other changes in response to the PJC and other minor corrective changes, will clarify and strengthen the effectiveness of ASIO’s questioning and detention regime.

At the same time, the measures contained in the bill maintain an appropriate balance with civil liberties by enhancing safeguards and conferring more explicit rights on persons questioned or detained under the regime.

The questioning and detention regime needs to operate effectively if ASIO is to continue to have the best suite of tools at its disposal for working together with other agencies to prevent a terrorism attack in Australia.

For these reasons, I commend the bill to the House and I table the explanatory memorandum.

Debate (on motion by Ms Roxon) adjourned.

FEDERAL MAGISTRATES AMENDMENT (DISABILITY AND DEATH BENEFITS) BILL 2006

First Reading

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

Second Reading

Mr RUDDOCK (Berowra—Attorney-General) (9.30 am)—I move:

That this bill be now read a second time.

The Federal Magistrates Amendment (Disability and Death Benefits) Bill 2006 amends the Federal Magistrates Act 1999 to provide disability cover and death benefits for federal magistrates, as current arrangements for federal magistrates provide no specific entitle-
ments in the event of retirement on the grounds of disability or death.

When the Federal Magistrates Court was established in 2000 it was the government’s intention to create a low-cost court. In keeping with this intention, federal magistrates were not covered by the Judges’ Pensions Act 1968.

Instead, federal magistrates are entitled, by a determination made by the Governor-General under the Federal Magistrates Act, to a superannuation contribution by the Commonwealth. This contribution is currently an amount equal to 13.1 per cent of salary and is paid to the magistrate’s choice of either a complying superannuation fund or a retirement savings account.

The current arrangements for federal magistrates are potentially problematic, particularly with regard to the lack of insurance against disability. Federal magistrates hold office until the age of 70 unless they resign or are removed by the parliament on the ground of proven misbehaviour or incapacity. In the absence of adequate protection in the event of serious disability, a federal magistrate whose performance is significantly impaired for medical reasons may nonetheless be unwilling to resign.

The bill amends the Federal Magistrates Act to provide that, where the Attorney-General certifies that the resignation of a federal magistrate is due to permanent disability or infirmity, a pension of 60 per cent of salary would be payable to the federal magistrate until he or she attains the age of 65 or dies, whichever occurs first.

The Commonwealth would continue to contribute to the federal magistrate’s superannuation while the invalidity pension was being paid. This would ensure that Commonwealth provided superannuation support for an incapacitated magistrate would be the same as if the magistrate had continued to work to age 65, or if the former magistrate dies before the age of 65, until the time of the former magistrate’s death.

The bill also amends the Federal Magistrates Act to provide death benefits for federal magistrates. Where a federal magistrate dies in office, or a former federal magistrate in receipt of an invalidity pension dies before reaching the age of 65, a lump sum covering the period between the date of death and age 65 is payable to the magistrate’s spouse and dependent children.

The lump sum would be equal to the superannuation contributions the Commonwealth would have made, if the federal magistrate or former federal magistrate had not died, during the period between the federal magistrate’s death and the magistrate’s 65th birthday. The lump sum would be based on the salary payable to the magistrate at the time of their death. Where a former magistrate was in receipt of an invalidity pension prior to death, the lump sum would be based on the salary of a serving magistrate at the time of the former magistrate’s death.

The bill provides federal magistrates, their spouses and dependants with income protection and death benefits that have until now been lacking. The government acknowledges the significant contribution that magistrates make to the efficient federal civil justice system and is committed to ensuring that they are provided with fair and adequate remuneration and conditions.

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

Debate (on motion by Ms Roxon) adjourned.

LAW ENFORCEMENT INTEGRITY COMMISSIONER BILL 2006

First Reading

Bill presented by Mr Ruddock, and read a first time.
Mr RUDDOCK (Berowra—Attorney-General) (9.34 am)—I move:

That this bill be now read a second time.

The Law Enforcement Integrity Commissioner Bill 2006 implements the decision, announced by the government in June 2004, to establish an independent body, with the powers of a royal commission, to detect and investigate corruption in the Australian Federal Police and the Australian Crime Commission, should it arise. Fortunately, we have been free of allegations of that sort, but the bill will facilitate the detection, prosecution and prevention of corruption in Australian government law enforcement agencies. The bill will establish the Australian Commission for Law Enforcement Integrity, ACLEI, headed by a statutory officer, the Integrity Commissioner.

The jurisdiction of the Integrity Commissioner and ACLEI will initially cover the AFP and the ACC. Other Australian government agencies with law enforcement functions may later be brought within the jurisdiction by regulations.

The focus on the AFP and the ACC does not reflect a perception that these bodies currently have a significant problem with corruption. Indeed, there is no evidence of systemic corruption within either body. However, these agencies play a key role in Australian government law enforcement. Putting in place a regime of rigorous external examination now will ensure that the public can have continuing confidence in their integrity.

The Integrity Commissioner will conduct investigations of corruption issues in response to complaints from the public or another agency, references from the minister, mandatory notifications or on the Integrity Commissioner’s own motion. The heads of the AFP and the ACC will be required to notify all instances of suspected corrupt conduct to the Integrity Commissioner, who will decide whether to investigate directly or to allow the agency concerned to investigate the matter. The Integrity Commissioner will focus on serious and systemic corruption but will be able to oversee an agency investigation.

Where corruption issues concern secondees from other agencies, such as state police, the bill provides for the Integrity Commissioner to deal with the secondees’ home agencies and state integrity agencies to ensure that, if jurisdictions overlap, investigations are not unnecessarily duplicated.

If corruption allegations are made against ACLEI itself, the minister will have the option to appoint a special investigator, with the same powers as the Integrity Commissioner, to investigate the allegations and report to the minister.

A joint parliamentary committee will oversee the work of the Integrity Commissioner and ACLEI, with particular reference to use of coercive powers.

The Ombudsman will have a continuing role in relation to the AFP and the ACC, except in dealing with corruption issues. This will enable two complementary approaches to investigation to be brought to bear on different types of issues. Together, the Integrity Commissioner and the Ombudsman will provide the Australian public with the guarantee that the conduct of key Australian government law enforcement agencies is subject such as investigation, intelligence analysis and administration.
to comprehensive external review. I commend the bill to the House and I table the explanatory memorandum.

Debate (on motion by Ms Roxon) adjourned.

**LAW ENFORCEMENT INTEGRITY COMMISSIONER (CONSEQUENTIAL AMENDMENTS) BILL 2006**

**First Reading**

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

**Second Reading**

Mr RUDDOCK (Berowra—Attorney-General) (9.38 am)—I move:

That this bill be now read a second time.

This bill makes amendments to a range of acts as a consequence of the establishment of the Integrity Commissioner and the Australian Commission for Law Enforcement Integrity by the Law Enforcement Integrity Commissioner Bill 2006.

The bill provides for ACLEI investigators to have access to the full range of police special investigative powers, including the capacity to use telecommunications interception, surveillance devices, controlled delivery and assumed identities. It also provides the Integrity Commissioner and the ACLEI with access to a range of otherwise confidential information that is accessible to investigators from other key Australian law enforcement agencies. Lastly, the bill modifies the Ombudsman Act 1976 to clarify the relationship between the functions of the Ombudsman and the Integrity Commissioner.

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

Debate (on motion by Ms Roxon) adjourned.
addressed by educational and other non-punitive remedial measures. More serious complaints, including some corruption issues, will be investigated by the AFP’s professional standards unit and may result in criminal charges or a recommendation for termination of employment. Corruption issues will also be notified to the Integrity Commissioner under the Law Enforcement Integrity Commissioner Bill. Within this graduated approach, there will be scope for matters initially classified at a particular level to be transferred to another agency as investigation proceeds.

The primary responsibility for the resolution of AFP complaint and professional conduct issues will rest with the AFP. The bill places an obligation on the AFP Commissioner to ensure that appropriate action is taken to deal with all AFP conduct and practices issues.

The bill revises the role of the Ombudsman. The Ombudsman will retain the capacity to intervene in serious cases and will have a review role in relation to the AFP’s administration of the new act. The Ombudsman will no longer be required to be directly involved in the investigation of all complaints. This will enable the Ombudsman to focus resources on more serious matters. The bill provides for review by the Ombudsman of the AFP’s handling of conduct and practices issues, both annually and on an ad hoc basis.

Overall, these changes will produce a system that is far less adversarial, faster and significantly more efficient. This system will prove more satisfactory not only for the AFP and the Ombudsman but also for people who raise complaints about actions taken by the AFP.

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

Debate (on motion by Ms Roxon) adjourned.
certain seized vessels, live animals and perishable goods.

This bill also enables Customs officers to issue a direction to security identification cardholders not to enter or to be in a restricted access area.

Amendments in this bill will allow authorized officers of Customs to obtain from an issuing authority updates of required identity information in relation to the security identification cards issued by that issuing authority, including expiration and revocation of cards.

This bill makes minor technical amendments to provisions relating to the determination of whether goods imported into Australia are US-originating goods and thereby eligible for preferential rates of duty.

This bill also makes amendments to the accredited client program which allows for highly compliant importers to take delivery of goods after providing Customs with minimal information in a request for cargo release on condition that they provide full details on all the goods they import in each month on a periodic declaration.

The program will be amended to require these importers to pay a monthly duty estimate based on anticipated imports for each month under the program. This estimate is then reconciled with the customs duty payable on the goods actually imported in the relevant months.

Finally, this bill provides protection from criminal responsibility to Customs officers who possess, convey or facilitate the conveyance of prohibited imports, prohibited exports or smuggled goods in the course of their duties. Similar protections currently exist but do not apply to narcotic goods. This bill ensures that the new protections apply in relation to narcotic goods.

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

Debate (on motion by Ms Roxon) adjourned.

EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT (WELFARE TO WORK AND OTHER MEASURES) (CONSEQUENTIAL AMENDMENTS) BILL 2006

First Reading

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

Second Reading

Dr STONE (Murray—Minister for Workforce Participation) (9.47 am)—I move:

That this bill be now read a second time.

Parliament recently passed the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005. To ensure that the policy intention of the Welfare to Work changes contained in the act are fully realised and consistently applied, a number of additional amendments to the social security law are required.

Terminology and provisions in the social security law need to be replaced, amended or repealed to clarify the policy intention in relation to certain Welfare to Work measures.

This bill will allow parenting payment partnered recipients who have a temporary incapacity exemption to have access to the pharmaceutical allowance.

It will also allow single principal carer parents who are bereaving the death of a child and are receiving Newstart allowance or youth allowance to continue to receive the same rate they were receiving before their child died for another 14 weeks after the death of the child.
This bill extends the employment entry payment. Income support recipients who are subject to a non-payment period due to compliance are now able to continue to have access to an employment entry payment. This payment is provided to income support recipients to assist in offsetting the costs associated in commencing employment or increasing the number of hours of employment.

These measures, and others in the bill, build on announced Welfare to Work policy and ensure consistency across working age payments.

The measures in this bill will cost $4.8 million over four years.

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

Debate (on motion by Mr Crean) adjourned.

AVIATION TRANSPORT SECURITY AMENDMENT BILL 2006

First Reading

Bill presented by Mr Truss, for Mr Lloyd, and read a first time.

Second Reading

Mr TRUSS (Wide Bay—Minister for Transport and Regional Services) (9.50 am)—I move:

That this bill be now read a second time.

Aviation security is a high priority for this government and is under constant review to ensure that the regulatory framework is responsive to changing threats to the Australian aviation industry.

The bill is a first step in the review of aviation security legislation that was recommended in the 2005 Wheeler review. The bill was designed in consultation with industry to deal with two pressing operational concerns:

- improving the regulatory arrangements that would apply when a security controlled airport conducts activities that are not part of its usual business; and
- better allowing for the management of cargo examination and handling.

The amendments have been designed to ensure that the legal regulatory framework is better aligned with the actual business and operational practices of aviation industry participants. In both instances, much of the detail will be prescribed in regulations to be developed in consultation with industry. Regulations allow for a more flexible and timely regulatory response in an environment where new risks can emerge without warning.

Managing events

The first set of amendments focuses on managing events and specialised activities at security controlled airports. There are many occasions where airport operators manage events or specialised activities that are outside their usual business. Examples include receiving and farewelling dignitaries at international airports, managing a large commercial venture such as an air show, and hosting a community event at a regional airport.

The existing scheme of airport security zones is well adapted to routine activities, but industry indicated that there is a need for a more flexible structure to manage events. The bill provides for a system of event zones that will make it far easier to appropriately vary or suspend some of the usual security arrangements for the duration of an event. For example, some events are so strictly managed that it is not necessary to require everyone present to wear an aviation security identity card.

The security rules that will apply within an event zone will be tailored to suit the type of event and the perceived level of risk.
A related amendment contained in the bill will make it easier for an aviation industry participant to make simple changes to its transport security program. The existing requirement to formally revise a program when a simple change is needed is unnecessarily cumbersome and tends to discourage the sorts of simple routine alterations that ensure plans fully reflect current operational practice. The new process will be particularly useful to quickly alter a plan so that it is appropriately adapted to managing a forthcoming event.

**Cargo handling**

The second set of amendments in the bill will further refine the security process for handling domestic and international cargo before it is taken onto an aircraft. The existing Regulated Agent scheme applies to those persons in the business of handling or making arrangements for the transport of cargo to be carried on an aircraft only if they have applied to be a regulated air cargo agent.

The proposed amendments aim to maintain the broad scope of the cargo scheme and introduce a framework for a layered approach to security within that scheme. Subject to operational detail that will be worked out in consultation with industry and specified in the regulations, the scheme will apply to the whole air cargo supply chain from the point of consignment until upload on an aircraft. In this way, more effective and reliable security procedures can be applied before cargo is consolidated for shipment. The amendments allow for security responsibility to be apportioned to reflect the increasing significance of a threat to aviation as cargo moves along the supply chain towards the aircraft.

By introducing the new concept of an accredited air cargo agent, the bill will allow for different but complementary security measures to be prescribed for different parts of the supply chain. These differing requirements will be based on criteria such as the size, scope and security risk posed by a participant’s operations.

The changes are expected to reduce the number of air cargo industry participants who are required to maintain a transport security program, but is likely to increase the number of air cargo industry participants who are regulated under the aviation transport security legislation. This is expected to deliver a more effective security outcome while reducing the overall regulatory burden on the industry.

Overall this bill makes two significant improvements to the aviation security regulatory regime. It is designed to improve security outcomes and to allow for better alignment of regulations with actual operations.

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

Debate (on motion by Mr Crean) adjourned.

**MARITIME TRANSPORT AND OFFSHORE FACILITIES SECURITY AMENDMENT (SECURITY PLANS AND OTHER MEASURES) BILL 2006**

*First Reading*

Bill presented by Mr Truss, for Mr Lloyd, and read a first time.

*Second Reading*

Mr Truss (Wide Bay—Minister for Transport and Regional Services) (9.56 am)—I move:

That this bill be now read a second time.


The act implements a preventative security regime to enhance security at ports, terr-

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The act establishes a scheme which safeguards against unlawful interference with maritime transport or offshore facilities by setting up a regulatory framework centred on the development of security plans for ships, ports, port facilities and offshore facilities which are vital strategic assets providing maritime transport for imports and exports and our domestic energy supply.

Objective of the bill

Maritime, ship and offshore security plans play an integral role in the maritime transport and offshore facility security regime. The bill introduces measures in relation to the submission and approval of maritime, ship and offshore security plans aimed at alleviating administrative burdens faced by the maritime industry. The measures of this bill are an example of the continued and successful cooperation between the Department of Transport and Regional Services and Australia’s key maritime industry representatives. It is a relationship based on consultation and cooperation.

The measures of the bill

The bill will streamline the plan approval process and make it easier for participants to submit changes to security plans.

Schedule 1 of the bill amends the act to simplify the plan approval process and procedures for the establishment of security zones, shorten the time for plan approvals, facilitate changes of contact details for security officers and clarify when the plan approval period commences.

Security plans are submitted to the secretary for approval.

A maritime industry participant may also request the secretary to establish port or offshore security zones within or around a port or an offshore facility.

At present a participant cannot change a plan without submitting a revised plan. The bill will enable participants to submit a variation to a plan. The test for approving the variation will be the same as for a revised plan.

Presently, the act anticipates that security zones will already be established independently of the submission of a maritime security plan or an offshore security plan. However, the secretary generally establishes security zones following proposals made to the secretary in a maritime security plan or an offshore security plan. Those provisions in the act are being amended to reflect circumstances where port and offshore security zones have not yet been established by the secretary.

Currently, security zones are established when the secretary has given the operator written notice establishing the zones. This written notice is separate to the written notice which the secretary gives an operator for approval of security plans. An amendment to simplify this administrative process is being introduced. When the secretary gives a notice to the participant approving the maritime or offshore security plan, the secretary is then taken to have given the port or offshore facility operator a notice establishing the maritime or offshore security zones as proposed in the plans.

It is difficult for the department to know when a plan approval period commences under the act, because it is not always possible to know when a participant has given a plan to the secretary. The bill provides that
The approval period will commence when the plan is received by the secretary. The bill will reduce the time allowed for the approval of plans from 90 days to 60 days to align with the Aviation Transport Security Act 2004, which is also administered by my portfolio. The 60-day plan approval time can be extended for a maximum of 45 days to allow the secretary to seek further information from the participant.

At present, maritime, ship and offshore security plans must include contact details for the participant’s security officer so that any change to contact details requires amendment to the security plan. The bill removes the requirement for contact details in the act, requiring instead the participant to designate by name, or reference to a position, all security officers responsible for implementing or maintaining the security plan, thus removing the need to amend a security plan when security officers’ contact details change.

Schedule 2 of the bill contains technical amendments to acts administered by my portfolio relating to legislative instruments as a consequence of the enactment of the Legislative Instruments Act 2003. These amendments are included in this bill to reduce the size of the Legislative Instruments (Technical Amendments) Bill 2005.

Schedule 3 of the bill contains an amendment to the Customs Act 1901 to reflect a change of name from the Maritime Transport Security Act 2003 to the Maritime Transport and Offshore Facilities Security Act 2003. The Customs Act 1901 was not updated when the short title of the act changed in 2005.

Conclusion

The Maritime Transport and Offshore Facilities Security Amendment (Security Plans and Other Measures) Bill 2006 will streamline the process of maritime, ship and offshore security plans and the establishment of port and offshore security zones. I am confident that the measures introduced in this bill will enable maritime industry participants to focus on implementing and maintaining the security measures outlined in their security plans, contributing to the strengthening of Australia’s maritime security arrangements. I present the explanatory memorandum.

Debate (on motion by Mr Crean) adjourned.

PROTECTION OF THE SEA (POWERS OF INTERVENTION) AMENDMENT BILL 2006

First Reading

Bill presented by Mr Truss, for Mr Lloyd, and read a first time.

Second Reading

Mr TRUSS (Wide Bay—Minister for Transport and Regional Services) (10.03 am)—I move:

That this bill be now read a second time.

The Protection of the Sea (Powers of Intervention) Amendment Bill 2006 amends the Protection of the Sea (Powers of Intervention) Act 1981—the intervention act. This is the Australian legislation giving effect to the provisions of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969. The intervention act enables the Australian government to intervene in the event of any threat of pollution from a ship in Australian waters or on the high seas.

The proposed amendments demonstrate the government’s proactive approach to ensuring that we have policies and frameworks to support safe shipping practices which are sensitive to our pristine environment. The overall standard of shipping in Australian waters is steadily improving and, thankfully, significant incidents are rare and becoming
less frequent. Australia to date has avoided a major pollution problem.

Nevertheless, we need to be mindful that there is always the risk of an event occurring. The overseas examples show that even a single incident can have major harmful consequences. While international compensation regimes for damages are generally highly effective, on occasions the cost of responding to a major incident can exceed the available liability and compensation limits. Governments and affected citizens may have to bear the costs of a major incident, which may be hundreds of millions of dollars.

It is clear that governments need proper powers of intervention to prevent, mitigate or eliminate the dangers of a major pollution incident. Without these powers we may not be able to take effective actions to counter such a threat, especially when a coordinated response involving many different players is required.

While the intervention act currently provides the Australian Maritime Safety Authority (AMSA) with wide general powers, the Australian Transport Council (ATC), involving ministers from the Australian, state and Northern Territory governments, agreed in November 2005 to a national approach to maritime emergency response that recognised the need to strengthen the intervention act to enable an effective and coordinated response in a maritime situation involving a serious threat of pollution.

The amendments proposed in this bill will clarify the scope of the government’s powers, updating and clarifying the provisions of the intervention act to address matters that have arisen since its enactment some 25 years ago.

The most important clarification is in relation to AMSA’s powers of intervention in our exclusive economic zone (EEZ) in coastal seas and on the ‘high seas’. The contemporary concepts in relation to maritime zones were introduced by the United Nations Convention on the Law of the Sea (1982), after the act was enacted in 1981.

This bill will update the act to the current international approach, separately identifying the EEZ and enabling earlier intervention within it to prevent a casualty from becoming a major pollution threat.

The bill implements the Australian Transport Council agreement on emergency response arrangements for AMSA to be the single national decision maker with responsibility for intervention in incidents involving threats of significant pollution, covering all ship types in all waters. It also clarifies AMSA’s powers of direction to persons whose cooperation would be vital to preventing and mitigating pollution.

The bill proposes legal immunity for all persons acting under the direction of AMSA, while ensuring consistency with the international conventions. The bill also provides for compensation on just terms for any requisition of property by the authority and sets new penalty levels to deter a person from breaching a direction issued in the national interest.

The measures in the bill have no budgetary implications. I present the explanatory memorandum.

Debate (on motion by Mr Murphy) adjourned.

FUEL TAX BILL 2006

First Reading

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

Second Reading

Mr DUTTON (Dickson—Minister for Revenue and Assistant Treasurer) (10.08 am)—I move:

That this bill be now read a second time.
The bill gives effect to the government’s announcement in its energy white paper *Securing Australia’s energy future* of 15 June 2004 that the current complex system of fuel tax concessions will be replaced by a single fuel tax credit system from 1 July 2006.

The introduction of the fuel tax credit system will lower compliance costs, reduce tax on business and remove the burden of fuel tax from thousands of individual businesses and households.

When the fuel tax credit system is fully implemented, fuel tax will only be effectively applied to:

- fuel used in private vehicles and for certain other private purposes; and
- fuel used on-road in light vehicles for business purposes.

This bill sets out the principles concerning a taxpayer’s entitlement to a fuel tax credit and the mechanisms for claiming a credit.

Businesses will generally be entitled to a fuel tax credit for fuel they acquire, manufacture or import for use in carrying on their enterprise. For the use of fuel on-road in heavy vehicles the credit will be equal to the effective fuel tax less a road user charge.

Businesses will also be entitled to a fuel tax credit for taxable supplies they make of kerosene or heating oil for domestic heating and taxable supplies they make of packaged fuel such as kerosene, mineral turpentine and white spirit for use other than in an internal combustion engine.

Non-business taxpayers will be able to claim a fuel tax credit for fuel used by them in generating electricity for domestic use.

The use of fuel on-road in diesel motor vehicles will generally not be entitled to a fuel tax credit unless the vehicle meets one of four emission performance criteria.

Claimants will be responsible for self-assessing their entitlements and will claim a fuel tax credit through their business activity statement in the same way as they claim their goods and services tax input tax credits. A separate claiming mechanism will apply for non-business taxpayers claiming a credit for fuel used in electricity generation for domestic use.

The bill contains a requirement that large fuel users, those receiving more than $3 million per year in fuel tax credits, join the Greenhouse Challenge Plus Program in order to receive payment of credit entitlements.

The companion bill, the Fuel Tax (Consequential and Transitional Provisions) Bill 2006, relates to the transition from the existing arrangements to the fuel tax credit system, the phasing in of extended entitlements and the administration of the new system.

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


Debate (on motion by Mr Murphy) adjourned.
its) Scheme, Fuel Sales Grant Scheme and the states-administered Petroleum Products Freight Subsidy Scheme. Changes to implement the fuel tax credit system will be phased in from 1 July 2006, with final changes taking effect from 1 July 2012.

Entitlements under the Fuel Sales Grant Scheme and the states-administered Petroleum Products Freight Subsidy Scheme will cease to exist for fuel sales or deliveries made after 30 June 2006.

The purpose of the transitional provisions is to ensure that claimants receiving a grant continue to benefit from fuel tax concessions and to phase in the extension of eligibility for off-road business use of fuel over time. Currently ineligible off-road activities will become eligible for a 50 per cent fuel tax credit from 1 July 2008 and a full credit from 1 July 2012.

The bill also makes consequential amendments to other legislation. The consequential provisions primarily amend the Taxation Administration Act 1953 to bring the administration of the fuel tax credit system within the administrative framework of other indirect taxes under that act. Amendments to the Taxation Administration Act 1953 are also part of a rewrite of the provisions affecting indirect taxes in a drafting style adopted by the tax laws improvement project aimed at making tax legislation more comprehensible.

The legislation also clarifies the extent of eligibility for off-road credits provided for ‘mining operations’ under the Energy Grants (Credits) Scheme. ‘Mining operations’ is intended to only cover the extraction of naturally occurring minerals. The legislative changes clarify that the:

• synthetic production of minerals, and
• extraction of limestone or other materials for use in the manufacture of products to be used for the purposes such as construction, road making or landscaping do not constitute mining operations. These changes take effect from today.

The bill will fully implement the fuel tax credit system by 1 July 2012 and the existing Energy Grants (Credits) Scheme will be abolished by that date.

Full details of the measures in the bill are contained in the explanatory memorandum already presented.

Debate (on motion by Mr Murphy) adjourned.

TAX LAWS AMENDMENT (2006 MEASURES NO. 2) BILL 2006

First Reading

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

Second Reading

Mr DUTTON (Dickson—Minister for Revenue and Assistant Treasurer) (10.15 am)—I move:

That this bill be now read a second time.

This bill amends various taxation laws to implement a range of changes and improvements to Australia’s taxation system.

Schedule 1 exempts from income tax ex gratia lump sum payments made to certain F111 aircraft maintenance personnel by the Department of Veterans’ Affairs. This will ensure that those who receive this ex gratia payment will receive the full benefit of the payment.

The government is making the one-off ex gratia lump sum payments from the 2005-06 income year to certain personnel who experienced a unique working environment in the maintenance of F111 aircraft fuel tanks.

The payments are made in recognition of the difficulties eligible personnel suffered in the environment in which they worked, re-
Regardless of whether there is evidence of any adverse health impacts from that work environment. The amendments apply from the 2005-06 year.

Schedule 2 amends the lists of deductible gift recipients in the Income Tax Assessment Act 1997. Deductible gift recipient status will assist the listed organisations to attract public support for their activities.

Schedule 3 amends the Income Tax Assessment Act 1997 to correct unintended consequences from the rewrite of the capital gains tax provisions completed as part of the Tax Law Improvement Project. This measure broadly reinstates the position in the Income Tax Assessment Act 1936 in relation to options exercised on or after 27 May 2005, this being the date of announcement of these amendments.

Schedule 4 extends the scope of what is considered to be a compulsory acquisition for capital gains tax and uniform capital allowance purposes. It will extend the existing compulsory acquisition provisions to cases where a private acquirer compulsorily acquires an asset through recourse to a statutory power.

Schedule 5 of this bill amends the Income Tax Assessment Act 1997 to limit the circumstances in which the franking deficit tax offset is reduced. These amendments will apply from 1 July 2002, this being the commencement of the simplified imputation system.

Schedule 6 amends the Superannuation Guarantee (Administration) Act 1992 to allow more employees to choose the fund to which their employer makes compulsory superannuation contributions on their behalf.

The government will override state laws which require employers that are constitutional corporations to make contributions to a superannuation fund specified in that law. This will particularly benefit coalminers in Queensland, Western Australia and New South Wales as employers will be able to contribute to a superannuation fund of an employee’s choosing from 1 July 2006.

Schedule 7 makes various technical corrections and amendments to the taxation laws and also some general improvements to the law of a minor nature. These corrections and amendments include fixing duplicated definitions, missing asterisks from defined terms, incorrect numbering and referencing, and outdated guide material.

While not implementing any new policy, the technical corrections and amendments in this bill are an important part of the government’s commitment to improving the taxation laws.

Full details of the measures in the bill are contained in the explanatory memorandum, which I present to the House.

Debate (on motion by Mr Murphy) adjourned.

ENERGY EFFICIENCY OPPORTUNITIES BILL 2005

Consideration of Senate Message

Consideration resumed from 28 February.

Senate’s amendments—

(1) Clause 8, page 4 (lines 19 to 23), omit subclauses (1) and (2), substitute:

(1) A controlling corporation’s group consists of the following entities:

(a) the controlling corporation;
(b) the controlling corporation’s subsidiaries covered by subsections (3) and (4) (if any);
(c) the joint ventures covered by subsection (5) (if any);
(d) the partnerships covered by subsection (6) (if any).

(2) The members of the group are the entities mentioned in subsection (1).

(2) Clause 8, page 5 (after line 10), at the end of the clause, add:
(5) A joint venture is covered by this subsection if a member of the group (other than a joint venture or partnership) is a participant in the joint venture and the participants in the joint venture have either:

(a) nominated that member as the responsible entity for the joint venture in accordance with regulations made for the purposes of subsection (7); or

(b) not nominated an entity as the responsible entity for the joint venture in accordance with those regulations.

(6) A partnership is covered by this subsection if a member of the group (other than a joint venture or partnership) is a partner in the partnership and the partners in the partnership have either:

(a) nominated that member as the responsible entity for the partnership in accordance with regulations made for the purposes of subsection (7); or

(b) not nominated an entity as the responsible entity for the partnership in accordance with those regulations.

(7) The regulations may establish rules under which:

(a) participants in a joint venture may make, and revoke, nominations for the purposes of subsection (5); and

(b) partners in a partnership may make, and revoke, nominations for the purposes of subsection (6).

(3) Clause 9, page 6 (line 8), omit “Note”, substitute “Note 1”.

(4) Clause 9, page 6 (after line 9), at the end of subclause (1), add:

Note 2: Section 70 of the Crimes Act 1914 creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

(5) Clause 9, pages 6 (lines 19 to 22), omit subclause (5), substitute:

(5) The application must:

(a) identify the controlling corporation; and

(b) contain any other information required by the regulations; and

(c) be in the form (if any) specified in the regulations.

(5A) Regulations made for the purposes of paragraph (5)(b) may only require the following information:

(a) information that is reasonably necessary for assessing applications made under this section;

(b) information that would be required by subsection 12(4) to be entered on the Register if the controlling corporation were registered under Part 4.

(6) Clause 10, page 6 (line 26) to page 7 (line 15), omit subclauses (1) and (2), substitute:

(1) A controlling corporation’s group meets the energy use threshold for a financial year if in that year the total energy used by the entities that are members of the group is more than 0.5 petajoules.

(7) Clause 10, page 7 (lines 30 to 34), omit subclause (6).

(8) Clause 11, page 8 (after line 11), at the end of subclause (2), add:

Note: Section 70 of the Crimes Act 1914 creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

(9) Clause 11, page 8 (lines 14 to 17), omit subclause (4), substitute:

(4) The application must:

(a) contain information required by the regulations; and
(b) be in the form (if any) specified in the regulations.

(4A) Regulations made for the purposes of paragraph (4)(a) may only require information that is reasonably necessary for assessing applications made under this section.

(10) Clause 12, page 9 (before line 5), before subclause (1), insert:

(1A) The object of this section is to encourage compliance with this Act by providing for a register containing information about corporations registered under this Part and their compliance with this Act.

(11) Clause 12, page 9 (line 9), after “contents of”, insert “part or all of”.

(12) Clause 12, page 9 (after line 15), after subclause (4), insert:

(4A) Regulations made for the purposes of paragraph (4)(b) may only require information that is reasonably necessary to further the object of this section.

(13) Clause 14, page 9 (after line 26), at the end of subclause (1), add:

Note: Section 70 of the Crimes Act 1914 creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

(14) Clause 14, page 9 (line 27) to page 10 (line 2), omit subclause (2), substitute:

(2) The application must:

(a) contain information required by the regulations; and

(b) be in the form (if any) specified in the regulations.

(2A) Regulations made for the purposes of paragraph (2)(a) may only require information that is reasonably necessary for assessing applications made under this section.

(15) Clause 15, page 11 (lines 8 and 9), omit the note, substitute:

Note: Section 70 of the Crimes Act 1914 creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

(16) Clause 18, page 13 (lines 28 and 29), omit subclause (7), substitute:

(7) The assessment plan must set out the manner in which the controlling corporation intends to comply with subsection 22(1).

(7A) Without limiting the scope of subsection (7), the assessment plan must set out:

(a) whether the controlling corporation intends to rely on section 22A in order to comply with its obligations under subsection 22(1); and

(b) if the controlling corporation intends to rely on section 22A in that way—the other members of the group that are intended to prepare a report in accordance with section 22A; and

(c) whether the controlling corporation intends to rely on section 22B in order to comply with its obligations under subsection 22(1); and

(d) if the controlling corporation intends to rely on section 22B in that way—the corporation that is intended to prepare a report in accordance with section 22B.

(17) Clause 18, page 13 (line 30) to page 14 (line 7), omit subclause (8), substitute:

(8) The regulations may:

(a) set out requirements for a proposal in relation to the following:

(i) the types of actions mentioned in subsection (4); and

(ii) the deadlines for doing those actions;
(iii) matters that must be set out for
the purposes of subsections (7)
and (7A); and
(b) require particular information to be
set out in the assessment plan.
(9) Regulations made for the purposes of
paragraph (8)(b) may only require in-
formation that:
(a) is reasonably necessary to assess the
extent to which this Act achieves its
objects; or
(b) is reasonably necessary for the ad-
ministration of this Act.

(18) Clause 19, page 14 (after line 11), at the end
of subclause (1), add:
Note: Section 70 of the
Crimes Act 1914
creates an offence where
Commonwealth officers (in-
cluding persons performing
services for or on behalf of the
Commonwealth) disclose in-
formation in breach of a duty of
confidentiality.

(19) Clause 20, page 15 (before line 7), before
subclause (1), insert:

1A The object of this section is to require
registered corporations to undertake as-
sessments of a kind mentioned in para-
graph 3(2)(a).

(20) Clause 20, page 15 (lines 7 to 11), omit sub-
clauses (1) and (2), substitute:

1 A registered corporation must ensure
the carrying out of the proposal in its
approved assessment plan for assessing
the opportunities for improving the en-
ergy efficiency of its group.

2 A registered corporation must ensure
the carrying out of that proposal in ac-
cordance with requirements (if any) set
out in the regulations.

(21) Clause 20, page 15 (lines 19 and 20), omit par-
agraph (3)(d), substitute:

d) any other matter reasonably neces-
sary to further the object of this sec-
tion.

22) Clause 22, page 16 (before line 12), before
subclause (1), insert:

1A The object of this section is to create
public reporting requirements of a kind
mentioned in paragraph 3(2)(b).

(23) Clause 22, page 16 (after line 27), after sub-
clause (3), insert:

3A Regulations made for the purposes of
paragraph (3)(d) may only require in-
formation that is reasonably necessary
to further the object of this section.

(24) Clause 22, page 16 (lines 30 and 31), omit par-
agraph (4)(b), substitute:

b) be signed by a person who is the
chair of the board of directors, the
chief executive officer, the manag-
ing director, or an equivalent officer,
of the registered corporation; and
c) include a statement by that person
that the board of directors of the reg-
istered corporation has reviewed and
noted the report.

(25) Clause 22, page 17 (after line 3), at the end
of the clause, add:

6 Despite subsection (5), the report need
not be made available to the public at a
time if, within the period of 12 months
ending at that time, the registered cor-
poration had made another report under
this section available to the public.

(26) Page 17 (after line 3), after clause 22, insert:

22A Public reporting—decentralised re-
porting

1 The registered corporation is taken to
comply with subsection 22(1) in relation
to a period mentioned in subsection 22(2) if:

a) the registered corporation’s ap-
proved assessment plan sets out, in
accordance with paragraph 18(7A)(a), its intention to rely on
this section in order to comply with its obligations under subsection 22(1); and
b) the registered corporation prepares a
report that describes the way in
which only part of the proposal mentioned in paragraph 22(3)(a) was carried out during the period; and

c) one or more other members of the group prepared a report or reports describing the way in which the remaining part or parts of the proposal were carried out during the period; and

d) each report mentioned in paragraphs (b) and (c):

(i) meets the requirements in subsection 22(3) for the part or parts of the proposal to which the report relates; and

(ii) meets the requirements in subsection 22(4); and

(iii) has been made available to the public in accordance with subsection 22(5).

(2) For the purposes of applying subsection (1) in relation to a report prepared by a member of the group other than the registered corporation:

(a) treat references in subsections 22(3) and (4) to the corporation, or the registered corporation, as references to the member of the group that prepared the report; and

(b) treat references in subsection 22(3) to the proposal in the approved assessment plan of the registered corporation as references to the part or parts of that proposal to which the report relates.

(27) Page 17 (after line 3), after clause 22, insert:

22B Public reporting—reporting by manager of joint venture

(1) Subsection (2) applies if:

(a) a joint venture is a member of the registered corporation’s group; and

(b) the participants in the joint venture have nominated a member of the group (the responsible entity) as the responsible entity for the joint venture for the purposes of subsection 8(5); and

(c) a corporation (the operator) operates or manages the joint venture; and

(d) the registered corporation’s approved assessment plan sets out, in accordance with paragraph 18(7A)(c), its intention to rely on this section in order to comply with its obligations under subsection 22(1); and

(e) the operator prepares a report that describes the way in which the part of the proposal mentioned in paragraph 22(3)(a) relating to the joint venture was carried out during the period; and

(f) the report is signed by the chief executive officer of the operator; and

(g) the report includes a statement by the chief executive officer of the operator that the board of directors of the responsible entity has reviewed and noted the report.

(2) If this subsection applies:

(a) subsection 22A(1) applies in relation to the report prepared by the operator as if the operator were a member of the group; and

(b) for the purposes of applying subsection 22A(1) in relation to the report prepared by the operator:

(i) treat the reference in subsection 22(3) to the corporation as a reference to the operator; and

(ii) treat references in subsection 22(3) to the proposal in the approved assessment plan of the registered corporation as references to the part or parts of that proposal to which the report relates; and

(iii) disregard paragraphs 22(4)(b) and (c).

(28) Clause 23, page 17 (lines 12 and 13), omit note 2, substitute:
Note 2: Section 70 of the Crimes Act 1914 creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

(29) Clause 23, page 17 (after line 18), after subclause (3), insert:

(3A) Regulations made for the purposes of paragraph (3)(b) may only require information that is reasonably necessary to:

(a) administer this Act; or
(b) assess the extent to which this Act achieves its objects; or
(c) assess the benefits and costs of complying with this Act.

(30) Clause 23, page 17 (after line 22), at the end of the clause, add:

(6) Despite subsection (5), the report need not be given to the Secretary at a time if, within the period of 12 months ending at that time, the registered corporation had given the Secretary another report under this section.

(31) Clause 25, page 19 (after line 11), at the end of subclause (2), add:

Note: Section 70 of the Crimes Act 1914 creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

(32) Clause 29, page 22 (line 32), omit the penalty, substitute:

Penalty: 10 penalty units.

Mr BALDWIN (Paterson—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (10.19 am)—I move:

That the amendments be agreed to.

The amendments made by the Senate to the Energy Efficiency Opportunities Bill 2005 respond to the majority recommendations of the Senate Economics Legislation Committee and improve related areas of the bill. (Quorum formed) The Energy Efficiency Opportunities measure is aimed at improved business energy efficiency, which will reduce the growth in demand for energy, reduce the growth in greenhouse emissions and delay the need to build new energy generation capacity while improving the competitiveness and productivity of business. From July 2006, around 250 corporations that use more than half a petajoule of energy per year will be required to undertake rigorous energy efficiency opportunity assessments every five years and report publicly on the outcomes, including their business response.

Businesses have stated strong support for the Energy Efficiency Opportunities program but asked for some changes to the details in the bill. The government considers the amendments will make the bill more practical, more workable and less burdensome for business. The amendments introduce significantly enhanced flexibility in public reporting under the bill to allow a wider and more practical range of company officers to sign public reports while still requiring board level consideration. Subsidiary bodies including joint ventures within the corporate group can also report on their own operations rather than through the parent body. These arrangements will ensure that energy use is given consideration as a strategic issue by firms but address industry concerns about the practicality of having the board as a single point of sign-off for reports. (Extension of time granted)

The amendments also emphasise that reporting will not be any more frequent than annually. The actual frequency will be defined in regulations and based on consultation with industry stakeholders. The amend-
ments clarify the scope of obligations and regulation-making powers in a number of sections of the bill to make sure that their intent is clear and not open-ended. The government is holding open and intensive consultations on the development of the regulations and guidelines for the program—there were over 400 participants in workshops held over October and November 2005. The draft regulations and guidelines will be available for public comment and submissions in April 2006, before the new regulations are made and tabled for parliamentary review.

The amendments have emphasised the offences provided by section 70 of the Crimes Act 1914 for misuse of information supplied to government. These offences will cover unauthorised release of confidential information and will apply to consultants and contractors as well as Commonwealth employees. The jail penalty for refusing to cooperate with an authorised officer under a warrant has been replaced with a fine, more in keeping with a regulatory bill. There are also a number of minor technical amendments. The amendments have no additional financial impact on the Commonwealth.

Question agreed to.

HEALTH LEGISLATION AMENDMENT (PHARMACY LOCATION ARRANGEMENTS) BILL 2006
Second Reading

Debate resumed from 27 March, on motion by Mr Abbott:

That this bill be now read a second time,

upon which Ms Gillard 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 condemns the Government for:

(1) failure to investigate the impact of PBS co-payment increases on patients’ access to needed medicines;

(2) recent changes to the PBS safety net which mean patients must pay more out-of-pocket; and

(3) the confusion and difficulties presented to patients, doctors and pharmacists by the new 20-day rule on repeat prescriptions.”

Mr BRUCE SCOTT (Maranoa) (10.27 am)—I am delighted today to rise to speak about the Health Legislation Amendment (Pharmacy Location Arrangements) Bill 2006. I want to first point out that it is through this coalition government that living in rural and remote parts of Australia has vastly improved since this government was elected a little over 10 years ago. Communications, infrastructure and technology have been enhanced, education and health facilities are more accessible and road, rail and air links have been improved. This bill is just another way the Australian government is assisting people who live in rural and remote communities and recognising the unique environment in which they live.

Pharmacies deliver one of the essential services in rural communities, as they are not just dispensaries. They offer communities the opportunity for first-aid items. Pharmacies sell cosmetics and gifts, and some have photographic services. But, more and more, pharmacies are involved in a variety of other health care services such as testing and screening, medication reviews, post-hospital care, wound management and public health programs such as quitting smoking. Clearly, pharmacies located in rural areas provide a unique point of difference to pharmacies in urban areas, and the importance of such businesses in rural communities is extremely high. Further, pharmacists themselves get
personal satisfaction from providing a valuable service to the communities and assisting customers with their health needs.

However, many people living in rural and remote communities have limited access to pharmacies because of the tyranny of distance and the frequent unpredictability and nature of our weather. The introduction of this bill will mean people living in regional and rural areas will have greater access to pharmacies. While this bill seeks to make some headway in improving access to pharmacies, it makes the assumption that pharmacies will relocate to rural and remote areas of need. In practice, this may not happen quickly, or at all, and people will still find it difficult to easily gain access to pharmacies because of the size of some of the towns.

For the benefit of the House, I would like to outline the unique situation that people in many parts of my electorate are in when accessing pharmacies. For instance, the little town of Thargomindah, which is located some 200 kilometres west of Cunnamulla and more than 1,000 kilometres west of Brisbane, has a population of 250 people. It is the largest town in the Bulloo shire; it is the main town in the Bulloo shire—a town of 250 people. That shire and that town do not have a pharmacy. Thargomindah does have an outpatient centre and the Royal Flying Doctor Service visits once a week. Obviously, it is not financially viable for a pharmacist to open a pharmacy in a small western Queensland community like Thargomindah.

This scenario is not uncommon. Many communities across my electorate of Maranoa would be in a similar position to the one I have just described at Thargomindah in the Bulloo shire. People living on remote properties and in small towns where there is no pharmacy have to plan trips to their closest major town, often taking time off work. These trips are often infrequent and, as such, people plan their trip and have several jobs to take care of when they visit their nearest major town. For instance, they might visit their doctor, go to the local library, pay their bills and do their banking. Of course, having visited their doctor they may need to get a prescription filled, necessitating a visit to their local pharmacy.

I mentioned earlier that it is not uncommon for people in my electorate to have to drive two hours or more in some cases just to physically access a pharmacy. This can mean a trip of 200 or 300 kilometres just one way so they are able to get prescriptions filled and receive the medication prescribed to them. This is a great commitment for these people in terms of time and costs. Obviously there are car costs, such as fuel and maintenance. In addition, when people do go to town they may find that the roads are closed because of rain—we hope this will happen more often in some parts of my electorate. They can be closed for several weeks at a time. Currently most of my electorate is in the grip of the worst drought that I have known and the record is extended every day that the drought does not break in western Queensland. In contrast to that, when we do get rain we get flooding rains that often mean the roads are cut for weeks on end. Of course, these rains come without any great warning to the community, as we saw with the cyclone in North Queensland recently.

Mr Deputy Speaker Hatton, I am sure you would agree that such a situation would be foreign to many people living in our large regional centres or, in fact, our capital cities, like the one that you live in. We acknowledge that the people who live in these rural communities live there by choice and they understand the circumstances which they confront. It is not a complaint; it is just confronting the reality of where they live. That is why the federal government will be assist-
ing people who live in rural and remote parts of Australia to have access to medication.

In the past few months I have received several concerns from not only pharmacists who service these regional towns and smaller communities but also consumers who have to access medication on a regular basis. These concerns have come from various parts of my electorate, including my home town of Roma; Barcaldine, where I will be next Thursday; Blackall, south of Barcaldine; Charleville; and Dalby. Constituents and pharmacists have been getting in touch with my office.

The main issue for people is not being able to have repeat prescriptions filled inside the 20-day rule and have the cost count towards the PBS safety net, even though they have made a special trip into town to have them filled. If the trip is made inside the 20 days and the person knows they will run out of medication before their next trip into town, they must purchase the medication, but they are disadvantaged by the cost not contributing to the safety net. Many people in my electorate have been caught trying to fill a repeat inside the 20-day rule.

I understand the fourth community pharmacy agreement makes allowance for people living in rural and remote parts of Australia to gain medicine in a timely manner under the 20-day rule and under regulation 24. However, there are some fundamental problems even with this regulation. Firstly, without the use of this regulation consumers have to pay the full price for the medication and, as I said earlier, it will not count towards the safety net. A further element is that doctors will need to insert ‘regulation 24’ on the initial script and all repeats have to be filled at the same time. In that case each lot of medication case counts towards the safety net. Perhaps it is through a lack of understanding, awareness or eduction that regulation 24 is not widely used. I am not casting aspersions on doctors or pharmacists. It is something that we need to do more about. We need to advise doctors, particularly those in rural and remote communities, that regulation 24 is a way around the 20-day rule in certain circumstances for people needing access to these medicines.

I understand the need for the 20-day rule in an attempt to reduce medicine stockpiling. I think we all on both sides of the House agree with that. This is good public policy, particularly when, for example, older people may accidentally take medication that is past its expiry date. When people have timely and affordable access, pharmacists can monitor the medication they are taking. Pharmacists are part of the triangle of health care in all of our communities, so we need pharmacists to be part of medication management. In many ways, the pharmacist is like the eyes and ears of the doctor after the doctor has prescribed the medication, because patients see their pharmacist more often than they see their doctor unless there is a need for a return visit to the doctor.

This bill is the start of making access to pharmacies easier, but it will not end there. Regulation 24 will assist people living in rural and remote parts of Australia to access pharmacies, but we need to do more on education so that people are aware of this regulation and understand how it works. I know this because I have had personal representations from people in my community who have been caught out unknowingly. There is another way around this. As members of parliament, we hear from our constituency about problems when they arise. This bill will certainly make some of the changes needed, but we need education and awareness. We need to advise our constituency through newsletters and in whatever ways we can that regulation will change things and make it easier for people living in rural and remote parts of
Australia. I commend this bill to the House and look forward to working with the minister to develop more ways of providing reasonable pharmacy access to people living in rural and remote communities.

I have mentioned Thargomindah, in the Bulloo shire, which does not have a pharmacy, and I am sure that many other electorates across rural and remote Australia are in a similar situation. But they do have visits from the Royal Flying Doctor Service, which is an icon of the mantle of safety for all Australians. I would like to take the opportunity to again place on the record my appreciation for the work of the Royal Flying Doctor Service and the doctors, pilots and nurses who deliver this service in so many rural and remote parts of Australia. They are a great, dedicated team. I commend them and thank them for the work they do.

Ms ANNETTE ELLIS (Canberra) (10.41 am)—I rise to speak on the Health Legislation Amendment (Pharmacy Location Arrangements) Bill 2006. The purpose of this bill is to amend the National Health Act 1953 to make several changes to arrangements for approving pharmacists to provide medicines under the Pharmaceutical Benefits Scheme. These amendments are the result of the fourth pharmacy agreement between the Commonwealth and the Pharmacy Guild of Australia, which commenced on 1 December 2005. The agreement provides for new pharmacy location arrangements to commence on 1 July 2006, and this bill gives effect to some of the issues around those arrangements.

Changes in the pharmacy location rules will allow co-location of pharmacies with large medical centres that operate extended hours, allow the location of pharmacies in small shopping centres, allow the relocation of an additional pharmacy to one-pharmacy rural towns and one-pharmacy high-growth areas without regard to the usual distance criteria, remove the requirement that a specified number of commercial establishments must be open and trading before an approved pharmacy can relocate to a shopping centre and provide greater flexibility for pharmacies located in private hospitals by allowing the establishment of satellite dispensaries for hospital in-patients.

Labor will support this bill because the changes will have several benefits, especially for people living in rural and remote areas and growing suburban areas. We have some concerns—a second-reading amendment has been moved—and I will address some of the concerns that I personally have. However, the co-location of pharmacies and medical centres will help people to access pharmacy services for acute medication needs at the time of their medical consultation. The location of pharmacies within small shopping centres recognises the trend in retailing towards smaller centres with larger supermarkets. The existing requirement—large shopping centres with at least 30 commercial establishments—limits access to pharmacy services in many retail developments.

The fact that not all of the required commercial establishments in a shopping centre need to be open and trading at the time of the application approval will also increase access to pharmacy services. In some cases, this requirement has delayed access to pharmacy services in new shopping centres. Rules for relocation of an additional pharmacy to single-pharmacy rural towns and high-growth urban areas will mean a second pharmacy can be approved in these communities. This will assist all those members of our community who need to access pharmacies at all sorts of hours, which should be as convenient as possible for them. For all of these reasons, Labor will support this bill.
However, as I have said, there are some concerns, and an amendment has been moved by the member for Lalor. This legislation raises several issues of concern in relation to the provision of pharmaceutical services in Australia. While I support the location of pharmacies in medical centres, I am concerned that there may be a growing trend towards the corporatisation of pharmacies and what this will mean. The government and the pharmaceutical industry must monitor the impact this legislation will have on the role of local pharmacies, and I use the word ‘local’ advisedly. I am aware that there is concern within both the industry and the community that the role of local pharmacies could be devalued if the sector becomes overcorporatised. I believe it is important that the people in my electorate of Canberra continue to be able to access the expertise and individualised service provided by their local pharmacist.

Another major issue of concern to me is the impact the Howard government policies have had on the PBS and the affordability of essential medicines. Since the introduction of the 21 per cent increase on PBS copayments in January 2005 and the 12.5 per cent cuts in generic medicines in the middle of 2005, the PBS growth rate has now fallen to 2.5 per cent and is expected to drop even lower. Based on the most recent Medicare Australia data, savings to the PBS for the next financial year could amount to $1.38 billion, with 11.4 million fewer prescriptions. These are very big figures. This is good news only if you put budget savings ahead of health outcomes. The Minister for Health and Ageing and the Treasurer consistently confuse PBS sustainability with cost cutting and never look at the impact on the overall health system and the ability of patients to afford their needed medicines.

The government’s own figures show clearly that fewer prescriptions are being filled in some crucial categories, such as for cardiovascular conditions, for anaemia and blood-clotting problems, for hormone replacement therapy needed because of thyroid, pituitary or pancreatic problems, and for mental illness, epilepsy, Parkinson’s disease and Alzheimer’s disease. It is obvious that rising out-of-pocket costs due to increased copayments, special patient copayments and therapeutic and brand premiums are hitting the sickest and neediest Australians, meaning that too often they must choose between buying their medicines and the other necessities of life.

And the impact of changes to the PBS safety net and of the new 20-day rule, which the previous member referred to, is yet to kick in. In the meantime, the Treasurer, the Minister for Finance and Administration and the Minister for Industry, Tourism and Resources push on with their plans for more PBS budget savings. They either are oblivious to the consequences or do not particularly care. It seems that these decisions are being made with little, or without any, reference to the minister for health. This is a serious concern, one that we consider seriously on this side of the House. It brings into question the important balance that must be struck between financial responsibility and the health outcomes and considerations that we would all expect in our communities.

I conclude by reiterating my concern in relation to the corporatisation of medicines generally and pharmacies particularly. I would dare to say that many members in this House have already seen that beginning to happen. We are seeing small medical surgeries close down as they are corporatised into larger centres throughout our urban areas, let alone our rural centres, and we then see the corporatisation of pharmacies attached to them in a physical sense. That means we are running the risk of the removal of the small corner pharmacy, which provides an inva-
able service to most members of our community.

Over the years that I have been fortunate to serve in this place, I have had many a discussion with pharmacists and pharmacy organisations within my community. I understand what they are attempting to do and they understand our concerns. At the end of the day, it is fair to say that the good pharmacist sitting down at the shopping centre, available for discussions with our community as they get their medicines and prescriptions, is a very valuable community service that we must ensure stays as viable as possible into the future.

Mr CREAN (Hotham) (10.49 am)—The Health Legislation Amendment (Pharmacy Location Arrangements) Bill 2006 puts into legislation the provisions of the fourth pharmacy agreement, reached late last year, between the government and the Pharmacy Guild. The provisions themselves are non-controversial, and Labor supports them. As shadow minister for regional development I particularly support the new arrangements that will improve access to pharmacies and to pharmaceutical services for people in rural and regional areas and in the developing suburban areas.

In this and in so many other areas of service delivery in our regions we do need innovative solutions. This bill presents a small but nevertheless important demonstration of that innovation. The truth is that one size does not fit all as far as service delivery is concerned in the regions. My experience as minister has been that regions left to apply flexibility to available resource allocations do innovate in creative ways, and government needs to find more creative and innovative solutions and it needs to encourage them. It needs to reward those regions that come up with those solutions and it needs to present something of a best-practice list for others to adopt. I am going to ensure that this approach of encouraging and rewarding creative and innovative solutions to service delivery generally in our regions forms an integral part of Labor’s regional policy in the development of sustainable economic, social and environmental growth in our regions.

The bill also raises aspects of the government’s health policies with which the opposition strongly disagrees and which have disadvantaged many Australians. It is on that basis that we have moved a second reading amendment which identifies a number of the government’s failings. It identifies the failure to investigate the impact of the government’s copayment increase and its implication for people’s access to medicines, particularly for pensioners. This copayment would have been unnecessary if the government had been prepared in the last term to work with Labor on identifying a list of savings measures to the PBS.

We know we have to find savings to make this scheme viable, but it is far better for the government, especially if it has got the cooperation of the opposition—and we were offering it—to find those savings through government activity rather than having to slug people for their medicines. We invited the government to work with us in a bipartisan way to obviate these increases. It refused. Pensioners are now paying the price. Our amendment also condemns the recent changes to the Pharmaceutical Benefits Scheme safety net which have also burdened Australians who need medication by increasing their out-of-pocket costs. Our amendment also condemns the confusion that the government has created for patients, doctors and pharmacists—it is a rare trifecta to have all of them complaining—by the new 20-day rule on repeat prescriptions. In the broader field, not specifically in the narrowness of this bill, this is another example of and another reflection on a government that just
does not get it right. It ignores cost savings which are in its purview and control and which we would assist it with, it slugs patients more for their medicines, it mangles new procedures and it delays dealing with issues and changes to further improve affordable access in regional areas.

The bill extends the operation of pharmacy location rules and their administration by the Australian Community Pharmacy Authority until 30 June 2010. The bill gives the minister discretion to approve a pharmacy not otherwise approved. The bill simplifies the process for approving changes to pharmacies that are already approved and makes some other minor technical amendments. As I said at the outset, these are not controversial in themselves, but the measures in the bill should actually go further in the way that I have already identified.

There is another aspect of the pharmacy agreement, one that is outside the scope of this bill but which the government has to act on quickly. It is the community service obligation on pharmaceutical wholesalers to make medicines available promptly and affordably all over Australia, with availability at affordable prices in the regions as in the cities. I am particularly aware of this issue not only because of my responsibility for regional development and affordable access to medicines in the regions but also because one of the major medicine wholesalers, Sigma Pharmaceuticals, has its distribution and dispatch centre in my electorate. It is also a major employer in my electorate. It is a significant participant in the growing biotechnology industry sector based around Monash University in the south-east corridor of Melbourne.

Anyone who visits Sigma’s distribution centre in Clayton would be impressed by this highly efficient operation. The business model is working. What is failing is the government, in identifying and agreeing on its contribution to the community service obligation. In discussions with Sigma the matter of remuneration of wholesalers for meeting that obligation to the community, particularly in high-cost rural and remote areas, still has to be determined. This was an agreement that was reached at the end of last year. But here we are at the end of March with the government saying it is concerned about affordable access in the regions yet it still has not kept its side of the bargain for a major distributor of pharmaceuticals. This applies not just to Sigma but to every other distributor of pharmaceuticals.

This is another example of the government’s failure to follow through. It talks the talk but does not undertake the actions. So I call on the government to bring this to a conclusion, to determine with industry the level of remuneration on a fair and equitable basis. This is not a question about business getting its act right. It is not a question about business efficiency. It is another example of where markets fail, given the distance and the costs associated with getting products out there. Governments have a role to play if they are committed to affordable access in the regions. That is what is called a community service obligation. It requires a contribution by government. They are the basics, but the government has not secured and finalised the detail. I urge it to do so, and I will keep on its hammer, on behalf of constituents of mine and the people that work for them, to ensure that it does.

This bill basically continues current arrangements relating to pharmacy locations. These arrangements have in themselves been the subject of some discussion and controversy. They seek to balance what can be in some cases conflicting goals: on the one hand community access to pharmacy services; on the other hand ensuring the continued viability of existing pharmacies—and we
all know of the debate about the big supermarkets wanting to get into this area of activity. In a sense, they are two sides of the same coin: access to pharmacy services for communities. The arrangements have been criticised on the grounds that they are anti-competitive and protect a monopoly service. This was the argument for the inclusion of pharmacies in those supermarkets that I have just alluded to. It is not a problem in many areas. Indeed, I note with interest, again drawing on the circumstances of my constituency, that a new pharmacy is about to open next door to my electorate office in Clayton when there are already four other pharmacies within 200 metres of it. I understand that the new entrant’s pharmacy approval has been moved in effect from a smaller shopping centre—one at Westall, which is also in my electorate—two kilometres away. It means that people in Westall will be disadvantaged by having to travel further for their pharmacy needs. I am not certain what a fifth pharmacy in Clayton is going to add to the availability of services in that shopping strip.

However, access to a pharmacy and to PBS medicines is a real issue for many Australians living in rural and regional Australia. The local pharmacy is a critical part of a town’s health and social infrastructure. For many people, particularly older people or those without cars, it is very difficult to travel to get access to prescription medicines, and then there are issues of privacy if someone else does the errand for them. So better and affordable access to health services and to the advice and assistance of a pharmacist are significant issues for people living in rural areas.

Regional development is a key Labor priority. Regional development is good for our regions and it is good for the nation. Australian regions are the powerhouse of this economy. Most of our GDP is created in the regions—in mining, agriculture and industry. A federal Labor government will harness the potential of the regions; it will reduce disparity between regions for economic, social and environmental sustainability. Federal Labor is committed to regional development, and it has three main priorities to deliver successful regional policy.

Firstly, Labor will develop location based responses to regional challenges. We cannot continue to ask regions to just respond to programs. A one-size-fits-all approach will not work. I have mentioned this in the context of the flexibility that this bill demonstrates in relation to pharmacy locations. So, if the one-size-fits-all approach does not work, we have to make the programs more flexible to what does work—that is, the innovative solution that the regions themselves come up with. Labor will encourage locally-driven approaches to respond to the challenges which vary from region to region.

Secondly, federal Labor will revitalise current regional structures to empower local communities—creative and innovative solutions are best developed by working with local communities, not imposing solutions from the top down—and to take up the examples of best practice, including capitalising on regional specific resources, their know-how and developing location based strategies to encourage local investment.

In tandem with working with local communities, Labor will revitalise regional Australia’s structures to deliver those local solutions. Area Consultative Committees, which were established under the Labor government—in fact, by me when I was the Minister for Employment, Education and Training—should be given the capacity to develop strategic economic plans and good outcomes, innovative outcomes, that suit the region’s needs for that particular area.
I and many colleagues in the Labor Party have been consulting with these Area Consultative Committees across Australia over past months. They are saying to us that they want to be able to develop the strategic plans. They then want to be able to deliver long-term economic and social development in a sustainable way. I think that we have to tap into the leadership that these Area Consultative Committees provide. I know they work, because when I was employment minister and gave them the task of helping us put the long-term unemployed back into work they responded magnificently—300,000 jobs were created by the Area Consultative Committees in the last six months of Labor’s term. That is really saying to the regions: ‘We will make the resources work responsively to your needs. We want you to give the leadership. You know best what suits your region, the skill needs of your region, and what you need to get local industries going. What we want to do is to give you the capacity to develop responses that meet those needs.’ It has been demonstrated that, if you empower regions, ask them for leadership and resource them, you will get the results. That will be a vital plank in Labor’s approach to regional development as well.

Thirdly, a federal Labor government will restore Commonwealth leadership in regional development. A location based response must be supported by strong Commonwealth leadership. I am reminded that, when this government first came to power in 1996, the first statement it made in relation to regional development was: ‘There was no constitutional role for the Commonwealth in regional development.’ It gave up. It buckpassed. It said that it was the responsibility of the states and the responsibility of local government. Of course it is, but it is also the responsibility of this government. If you simply get to this exercise of saying that it is someone else’s jurisdiction rather than fixing the problem, it is no wonder that voters turn off you. Labor are saying, ‘We have to provide the leadership in a way that facilitates all levels of government in responding to those location developed agendas that stack up.’

There is an area of health policy of particular concern for people living in regional areas, and that is mental health. It is another area where I believe the government has failed the regions. People are suffering in isolation and loneliness, far from appropriate diagnosis and treatment. Recently, we have seen the grand announcement by the Minister for Health and Ageing of $1½ billion for mental health but no details of how it is going to be spent. Certainly no strategy is being developed for rural and regional areas, and this at a time when the Better Outcomes for Mental Health program funding has been reduced by the government and the number of prescriptions being filled for medicines to treat mental illness is declining.

The funds in regional programs could also be better spent on addressing issues in regional areas. I was interested to learn yesterday, in a very informative meeting I had with Mission Australia, that they have been funded by the Macquarie Bank to undertake a significant study of social research into the needs of the regions. I see the Parliamentary Secretary to the Minister for Education, Science and Training at the table nodding with interest. I urge him to read this report because it is very revealing.

It is probably not understood that 36 per cent of people, more than one-third of our population, live outside the capital cities. That is a huge population base. They suffer the same problems as people living in the cities but they experience them in circumstances of greater isolation and with less access to the range of available, affordable services. The report is entitled Rural and re-
Regional Australia: change, challenge and capacity. It sets out clearly the challenges that confront regional Australia in a rapidly changing social and economic environment. It identified that, while some regions are prospering, a number are struggling. For example, 72 per cent of students in metropolitan areas complete year 12 but only 62 per cent in the regions. Sixteen per cent of regional and rural households earn only $300 a week compared with less than 13 per cent of metropolitan households, so their income base is much lower. Also, people from rural and regional areas suffer higher incidences of injury, mortality, homicide, diabetes and coronary heart disease.

The report calls for more resources and services to prevent regional Australia’s vibrant population from ebbing away. I was interested and I asked them about the ways in which they were addressing the issue and they are coming up with some innovative approaches. I am keen to continue to work with them, visit them and see some of these innovative solutions because, when you think of it, it fits neatly with the sort of policy prescription that I was outlining before. If we can free up the resources, for example, and have flexibility as part of the health budget to respond to innovative solutions, creative solutions, best practice solutions and solutions that are efficient and stack up, why shouldn’t we be funding those? Why shouldn’t we be responding to the solutions that regions come up with? At the moment, we cannot because of the rigidity within the programs imposed by a program driven approach. We have to get to a location specific approach and that is what we will be arguing.

Mr Brendan O’Connor (Gorton) (11.09 am)—I rise to support the Health Legislation Amendment (Pharmacy Location Arrangements) Bill 2006 and also to support the second reading amendment moved by the shadow minister for health. This bill is a result of negotiations that have taken place with a number of parties. In May 2005, parliament voted, with our support, to extend the current provisions with respect to the pharmacy location rules to 31 December last year through a provision in the Health Legislation Amendment Bill 2005. Then, in October last year, these provisions were further extended until 30 June this year through passage of the Health Legislation Amendment Bill 2005. On both occasions the government stated the reason for the extension was to allow time for the government to consider the findings and recommendations of the joint review of pharmacy location rules received in June last year. However, at the same time, protracted negotiations were under way with the Pharmacy Guild of Australia over the fourth pharmacy agreement. It was clear, certainly to us, that the pharmacy location issues, linked to the ability of pharmacies in supermarkets to dispense PBS medicines, were being used by the government as a heavy handed negotiating tool.

Labor has always opposed the location of pharmacies within supermarkets. People and the pharmacies themselves are concerned about the threat to pharmacies and to the quality of drug dispensation if laws are enacted to enable supermarkets to effectively take over the core business of pharmacies. For that reason, we do support the bill. I am mindful of the fact that the second reading amendment goes to Labor’s grave concern about the way in which the PBS has been handled by this government. The member for Hotham has already articulated most of those concerns that we have expressed ever since the government hacked at the PBS.

In my own electorate, many people who are in need of prescription drugs felt the effects of the increases to the Pharmaceutical Benefits Scheme, increases which of course have added a particular burden to the household budget. The increases were quite sig-
significant and, for those people reliant upon drugs registered under the PBS, there is no doubt that there has been a considerable strain not only on their budget but on choices that they may have to make as to whether they can continue using such medication. I am not sure whether the government realises how difficult it is for people in households with low incomes seeking to look after their health under a system which is becoming increasingly more expensive for them, but I can assure the government that people are aware and sensitive to the impost placed upon them by decisions made to hike the prices up on the PBS copayments.

Since the introduction of the 21 per cent increase in PBS copayments last January and the 12.5 per cent cuts in generics in the middle of the year, the PBS growth rate has now fallen to 2.5 per cent and is expected to drop even further. Based on the most recent Medicare Australia data, savings to the PBS for the next financial year could amount to $1.38 billion, with 11.4 million fewer prescriptions. That is only good news if you put budget savings ahead of health outcomes. The Minister for Health and Ageing and the Treasurer consistently confuse PBS sustainability with cost cutting and never look at the impact on the overall health system and the ability of patients to afford their needed medicines.

The government’s own figures show clearly that fewer prescriptions are being filled in some crucial categories: anaemia and blood-clotting problems, hormone replacement therapy needed because of thyroid or pancreatic problems, mental illness, epilepsy, Parkinson’s disease and Alzheimer’s disease. It is obvious to at least those of us on this side that the rising out-of-pocket expenses caused by the hike in the copayments, special payment copayments and therapeutic and brand premiums are hitting the sickest and neediest Australians, meaning that too often they must choose between buying their medicines or other necessities of life. The impact of changes to the PBS safety net and the new 20-day rule is yet to start.

There are more problems ahead for people who are already doing it tough in providing the health benefits they need. A consistent approach by the government is its attempts to save money by attacking the most vulnerable. We see it in its so-called Welfare to Work legislation, where it is attacking people with disabilities—the most vulnerable in our community. We see it in the Work Choices act where it is looking to expose ordinary Australian working families to very uneven, unfair, extreme and pernicious laws that will allow an employer to dismiss at will any employee in this land if they are in a company of fewer than 100 employees. We see that approach in each and every significant piece of legislation introduced in this House by this out-of-touch and arrogant government. We also see it in its decision to increase the PBS copayment and other provisions which have certainly caused people in the electorate of Gorton much pain—as, indeed, I am sure it has caused people pain in all electorates of this country.

We are happy to see this bill go through. I think the government should take heed of the amendment moved by the shadow minister for health. She has quite rightly raised concerns that the opposition have in the area of health—the assault upon ordinary working families and upon people in need of particular health benefits, indeed prescriptive drugs, such that they are now choosing on occasion not to use the drugs at all. When you define a wealthy and healthy country, you certainly would not define it as one that would have its citizens choose between whether to use drugs that will save or extend their lives or whether to eat and pay the rent. I am very proud to be a member in this place representing so many Australian citizens—people who, I would think, see themselves as being
in relative wellbeing—but when you see legis-
lation that attacks people’s household
budgets by raising the PBS you wonder
sometimes what the government is thinking
and whether it is sensitive to the needs of
ordinary Australians. I am not sure that it is.
The opposition supports this bill, but we ask
the government to take seriously the com-
ments made in the second reading amend-
ment and to attend to those concerns as soon
as possible.

Mr SNOWDON (Lingiari) (11.18 am)—
As you have heard, Mr Deputy Speaker, the
Health Legislation Amendment (Pharmacy
Location Arrangements) Bill 2006 aims to
increase the number of pharmacies in re-
gional centres in outlying suburbs of Austra-
lian cities where there might otherwise be a
shortage by relaxing the rules about where
pharmacies can be located. The bill does this
by permitting co-location of pharmacies with
large medical centres that operate extended
hours, allowing the location of pharmacies in
small shopping centres, allowing the reloca-
tion of an additional pharmacy to one-
pharmacy rural towns and one-pharmacy
high-growth areas without regard to the usual
distance criteria, removing the re-
quirement that a specified number of com-
mercial establishments are open and trading
before an approved pharmacy can relocate to
a shopping centre and provide greater flexi-
bility for pharmacies located in private hos-
pitals by allowing the establishment of satel-
lite dispensaries for hospital in-patients.

I note that the shadow minister for health
in her speech in the second reading debate
indicated that Labor is prepared to support
this piece of legislation, but she also moved
an amendment that condemns the govern-
ment for:

(1) failure to investigate the impact of PBS
copayment increases on patients’ access to
needed medicines;

(2) recent changes to the PBS safety net which
mean patients must pay more out-of-pocket;
and

(3) the confusion and difficulties presented to
patients, doctors and pharmacists by the new
20-day rule on repeat prescriptions”.

For those people who might be listening, the
electorate of Lingiari is one where 40 per
cent or thereabouts of the population—my
constituents—are Indigenous Australians. It
comprises all of the Northern Territory ex-
cept Darwin and Palmerston and also the
Indian Ocean territories of Christmas Island
and the Cocos (Keeling) Islands. For my
part, and for my electorate, the real failing of
this piece of legislation is that it does nothing
to improve the access of Indigenous Austra-
lians to the Pharmaceutical Benefits Scheme.
I also note that the shadow minister for
health only briefly raised this in her contribu-
tion. I intend to spend a little more time con-
sidering this point. Nothing in this bill as it
stands will address the shameful disparity
between the access that non-Indigenous Aus-
tralians have to the Pharmaceutical Benefits
Scheme compared with Indigenous Austra-
lians. There was a report in the Age of
Thursday, 6 October 2005 headed ‘More
funds needed to lift health status’. It was an
article about Indigenous health, reporting on
comments from the Australian Medical As-
sociation, which makes a very pertinent and
shameful point:

For every dollar spent on non-Indigenous PBS,
only 38c is spent on Indigenous PBS.

So in the the Pharmaceutical Benefits
Scheme, for every dollar spent on non-
Indigenous Australians, only 38c are spent
on Indigenous Australians. I will come in a
moment to why that is so shocking, given the
appalling health status suffered by Indige-
rous Australians. This legislation presents
yet another lost opportunity for the govern-
ment to act to make available to Indigenous
people the same health services that are available to non-Indigenous Australians.

The Australian Medical Association wrote about the parlous state of Indigenous health in its *Position statement on Aboriginal and Torres Strait Islander health*, published in 2005, a copy of which I have before me. It noted that in 1999-2000 the life expectancy of Indigenous men was 56.3 years, as opposed to 77 years for non-Indigenous men. For women, the difference was 62.8 years, as opposed to 82.4 years. You do not have to be Einstein or a mathematician to know—in fact, a very low level of primary school maths would help you work out very quickly—that non-Indigenous Australian men have a life expectancy of between 45 and 50 per cent greater than Indigenous Australian men. That is shocking, and we are now of course in the year 2006, not 1900.

We also know that these chronic diseases are attacking Indigenous people at a younger age than non-Indigenous people. Between 1991 and 1995, Indigenous males in the Northern Territory faced death rates from chronic diseases that were the equal of non-Indigenous males 10 to 20 years older than them. That is just shocking. The obvious question is: why is the health system not better able to treat these chronic diseases? If we look at the access Indigenous Australians have to medicine, we begin to see why. In accessing medicines available under the PBS, we see the same extraordinary gap between Indigenous and non-Indigenous people as we see in the other health indicators such as life expectancy.

In 2001, Indigenous people living in remote areas were twice as likely as non-Indigenous people to have diabetes. There is an even greater gap in renal disease. Based on data for 2001, new incidences of renal disease were mostly reported among Indigenous people—80 per cent in males and 86 per cent in females. This is despite the fact that in the remote Australian communities that were studied they comprise only 30 and 27 per cent of the population respectively. That paints an alarming picture.

We also know that these chronic diseases are attacking Indigenous people at a younger age than non-Indigenous people. Between 1991 and 1995, Indigenous males in the Northern Territory faced death rates from chronic diseases that were the equal of non-Indigenous males 10 to 20 years older than them. That is just shocking. The obvious question is: why is the health system not better able to treat these chronic diseases? If we look at the access Indigenous Australians have to medicine, we begin to see why. In accessing medicines available under the PBS, we see the same extraordinary gap between Indigenous and non-Indigenous people as we see in the other health indicators such as life expectancy.

I have already made the point about the figures produced by the AMA and reported in the *Age*—that is, 38c is spent on Indigenous Australians for every $1 spent on non-Indigenous Australians. Clearly one of the major problems is that many Indigenous people are prevented from accessing the medicines available under the PBS. They are prevented for a range of reasons.

In 2001, Indigenous people living in remote areas were twice as likely as non-Indigenous people to have diabetes. There is an even greater gap in renal disease. Based on data for 2001, new incidences of renal disease were mostly reported among Indigenous people—80 per cent in males and 86 per cent in females. This is despite the fact that in the remote Australian communities that were studied they comprise only 30 and 27 per cent of the population respectively. That paints an alarming picture.
perience of remote communities to understand how this could be so.

Most of us live in a sophisticated urban environment. We probably carry a wallet; we probably have a few sets of clothes; more than likely we live in a house with a few drawers and we can store our belongings safely. But many Indigenous people live in the bush in very rough conditions. If they are lucky, they may have a couple of sets of clothes. Most probably they do not have a wallet, and keeping and maintaining personal records such as cards is certainly a difficult problem.

The copayment requirements for accessing PBS medicines are very difficult for people on low incomes to meet. You do not have to be Einstein to work that out. Some medications felt to be critical in treating health problems common amongst Indigenous people are not listed on the PBS. The inadequate supply of medicines due to isolation is also a significant problem. Most of the circumstances the report highlighted remain relevant today, nearly 10 years on. Nothing has changed substantially which would alter the assessments made in 1997 by the Keys Young report in relation to the access to medicines by Indigenous people.

Let me compare two practical examples of access to pharmaceuticals in Indigenous communities. Many of us, when we visit a GP, are given a script for medication. I live in Alice Springs. There are a number of general practitioners within the town. I can visit my GP, get a script, rock down to the pharmacy, of which there are a number in the town, and have it filled almost immediately. On most occasions it is possible to roll the visits to the GP and the pharmacy into the one activity. I know this from my own experience and regard myself—as, I am sure, do the people of Alice Springs—as very lucky. The same situation is true for most non-Indigenous Australians living in urban areas. They have access to medical practitioners and pharmacies which, more often than not, are conveniently located.

However, consider if you live in a remote Indigenous community. Let us understand what we mean here by ‘remote’. You could be 400, 500 or 600 kilometres away from the nearest pharmacy. More often than not you will not have a regular GP service, and you certainly will not have a local pharmacy. You need to get access to these medicines, but if you had to travel to the pharmacy you would be required to spend a long time travelling over rough conditions at a very high cost. Assuming you can get a GP to write you a script if you live in one of these very remote communities, how do you go about getting it filled? In many cases, you will have to rely on what is known as section 100 funding under the PBS.

Section 100 funding, provided under the National Health Act, is where the Northern Territory Department of Health and Community Services or Aboriginal health clinics have an arrangement with pharmacists in Darwin, Alice Springs or another regional centre to fill script orders and mail or freight them to the health clinic for distribution to those who require the script. The funding is to cover the cost of transport, security and administration of the service. If the process is working well, scripts can be processed and delivered in a day or two, if you lucky. But that is a big ‘if’ because often it takes a lot longer. The reality is that there is always some contingency that will interrupt the smooth running of the process. It could be heavy rainfall and closed roads and airstrips. The climatic conditions vary. We have seen the very sad situation that occurred in Queensland with Cyclone Larry. That situation—not the devastation but the impact of cyclones—is relatively common across the Top End of Australia. It could be that flights
are diverted because of some other emergency, which is always a possibility, especially during the wet season.

Any manner of things could cause a delay. For instance, on Christmas Island a flat tyre on a aircraft can mean a minimum 24-hour delay for documents and medicines to get between islands 900 kilometres apart, as replacement aircraft or parts have to come from Perth 3½ thousand kilometres away. The bottom line is that people waiting for a script cannot drop into the local pharmacy at lunchtime or on the way home from work to get it filled. People in remote communities sometimes have to wait days. Not only is this inconvenient but it has medical implications, as recovery can be delayed, a condition might get worse or other medical conditions may result. The section 100 service, although secure, lacks those incidental in-built checks and balances that a pharmacy in close proximity to the surgery provides in a well-serviced community. Section 100 funding also provides for the pharmacist to visit the communities. However, given the shortage of pharmacists in remote areas it is often not possible for pharmacists in regional centres to find the time to visit the more remote communities. If they get the chance to visit once or twice a year, they are doing extremely well.

The AMA’s position paper calls on the government to implement the joint proposal to increase Indigenous access to the PBS put to it by the Pharmacy Guild, the National Aboriginal Community Controlled Health Organisation—NACCHO—and the AMA in May 2004. Equitable access to the PBS is vital for improving health among Aboriginal and Torres Strait Islander peoples, wherever they live. The joint proposal explains:

Access to medicines is always a major plank of provision of effective primary health care and therefore must be guaranteed for this particularly disadvantaged population.

While the proposal reports some success in improving PBS access through a provision of section 100 of the National Health Act, that improvement has only represented a 29 per cent increase in Indigenous access to the PBS. Clearly, that number needs to be higher. The joint proposal calls on the government to broaden the section 100 provision for improving PBS access by accommodating greater flexibility given the diverse needs and capacities of remote Indigenous health services, and providing greater funding and support for the health services that are working to improve access to PBS medicines. This bill should have been an opportunity to undertake the changes that are necessary to improve access to the PBS for Indigenous people.

Let me just reiterate how important access to medicines is. The joint NACCHO, Pharmacy Guild and AMA report talks about access to medicines on page 5 and makes this observation:

A study conducted in the Northern Territory showed that in those with hypertension or diabetes, rates of natural deaths were reduced by an estimated 50% and renal deaths reduced by 57% after a mean follow-up of 3 years of ACE Inhibitor drug treatment.

That is how important drugs are in treating many of the chronic diseases which I outlined earlier in my contribution. We need to do a great deal more to ensure that the PBS is accessible to all Australians, regardless of who they are and regardless of where they live. We particularly need to do a great deal more to address the primary health care needs of Indigenous Australians—the poorest in this nation and those who are most disadvantaged and most in need—through changes which should be brought about to the PBS.

Mr ANDREN (Calare) (11.38 am)—In rising to support the Health Legislation Amendment (Pharmacy Location Arrange-
ments) Bill 2006, I want to make a few brief comments about why this legislation is so vital for small towns in the Calare electorate. The bill proposes a number of amendments to the National Health Act relating to the provision of community based pharmacy. The amendments are a result of the fourth community pharmacy agreement between the Commonwealth and the Pharmacy Guild of Australia, an agreement that is due to run until 30 June 2010. This legislation also provides the minister with discretionary power to approve a pharmacist not approved by the Secretary of the Department of Health and Ageing to supply PBS medicines. As the explanatory memorandum says, this power is to enable the minister to address unintended or unforeseen consequences of the application of the pharmacy location rules which, for example, may result in a community being left without reasonable access to the supply of pharmaceutical benefits. Importantly, this ministerial power can be reviewed through application under the Administrative Decisions (Judicial Review) Act.

The matter of pharmacy location has been the subject of widespread debate over many years, with the major supermarket chains applying increasing and constant pressure for relaxation of the pharmacy location rules. No-one living in rural and regional areas will doubt the importance of the pharmacy to the welfare of the community. Let me use as an example the town of Molong in my own electorate. Last weekend one of two local supermarkets devastated by flooding last November reopened. The second supermarket in Molong was so badly damaged and its repair bill so great that it will remain closed. I joined the state minister, Tony Kelly, and about 300 locals for what was a pretty emotional event. Despair, loss, grief and now overwhelming joy to see these businesses being restored came together in one of the most emotional moments that I have experienced in a small community in many a day.

The town’s pharmacy was also severely damaged, as were half the businesses in the main street, Bank Street. Due to the determination of the community and their loyalty to local businesses, the supermarket has re-opened bigger and better than ever. The pharmacy is back providing a vital service to back up both local doctors. The newsagency was demolished and is also being rebuilt. Interestingly, as we talk about the need for competition, I would suggest that the fact of the second supermarket not reopening has enabled the existing supermarket to stick its neck out a bit more in the provision of services. It can provide a far greater range of products. It has a marvellous fruit section and a delicatessen—something that had not been seen in Molong for many a year. By dint of the fact, yes, it is probably a monopoly situation now enjoyed by one provider, but because of the critical mass available to shop in the town I would argue that the town will support this supermarket very strongly. A couple of supermarkets always made the situation fairly marginal.

Due to determination, these businesses are back on track. If any of those businesses had permanently hit the wall, the economic fabric of the town would have begun to unravel. By allowing supermarkets in nearby Orange or any other major regional centre to provide pharmacy services—and the newsagencies they would also want to run—the death warrants of towns like Molong would inevitably be sealed.

The purpose of the location rules retained in this legislation is clear. They provide widespread community access to pharmaceutical services and continue the financial viability of existing pharmacies. I would add another far more important reason: the location rules ensure the community fabric of
towns like Molong, Canowindra, Blayney and other small towns through the electorate of Calare and right throughout rural Australia remains intact. With community, the financial viability follows. Those who would argue against the location rules are arguing purely on textbook economic grounds that there is insufficient competition in the sector or something along those lines. How would the inevitable concentration of pharmacy services in supermarkets and major shopping centres really help competition? Sure, it might lower prices—although we have seen, with the provision of petrol in supermarkets, most often the price of fuel settles in a cent or two below the community service stations in places like Blayney that absolutely struggle to compete.

Where are the words ‘service’ and ‘community’ in this whole argument? It reminds me of a call I received from a constituent that she wanted to be part of a society first and an economy second. Woolworths and Coles and the major political parties, including The Nationals, who I know can no longer be called major, would do well to hear that call.

The government has extracted a price for continuing the local pharmacies or location provisions. We do not know the exact figure, but the location rules were used as a bargaining chip to wind back the rate of payments to the pharmacy sector. That is probably not unjustified, but the provision of services by community pharmacies are very important, particularly in providing for the needs of their aged customers which, one would argue, a supermarket pharmacy would not have the inclination or the time to provide, whatever it might say prior to gaining the supermarket pharmacy.

The government’s fact sheet shows it has managed to negotiate a saving of $350 million over the life of this agreement, including a reduction in allowable mark-ups on wholesaler costs. However, there has been an increase in pharmacists’ dispensing fees. The bill gives effect to the targeted easing of existing rules—one of the government’s trade-offs in negotiating this agreement. Pharmacies will be allowed to co-locate with after-hours medical centres, relocate into certain types of shopping centres, single pharmacy towns and urban areas with high population growth. According to the explanatory memorandum, this will improve flexibility and increase competition.

However, as communities like Molong will tell governments—if they listen—with most services in rural areas outside the largest centres, there is no truly competitive model. Usually, a town with one or two doctors, one pharmacy, one butcher, one newsagent and two service stations cannot, as I said, sustain significantly greater competition. There is simply not enough critical mass of demand. That is where the competition mantra goes sadly astray at times, whether it applies to delivery of pharmacy or telecommunications services. There is a very thin line between flexibility and viability in country towns, and it takes but one flood down Molong Creek to show just how tenuous that viability is.

I hope this and any future government do not become complete captives to the competition argument in all cases, for that would spell the end of key community businesses, the gradual withering of many towns and an increase in the phenomenon of larger centres like Dubbo and Orange becoming sponges, soaking up the business of smaller surrounding villages and towns. That said, I commend the legislation, with those reservations, to the House.
ments) Bill 2006, I would like to thank all
the various members who have taken part. I
am sorry that I have not been able to listen in
the chamber to all of the speeches, but I was
certainly pleased to hear the constructive
contribution from the member for Calare, as
I was earlier pleased to hear from the mem-
ber for Lingiari about some of the practical
difficulties that his constituents face in ac-
cessing pharmaceuticals.

There is no perfect system, but I think as a
result of this legislation the system will be
better than before. The bill seeks to imple-
ment the various provisions of the fourth
agreement between the Pharmacy Guild of
Australia and the Commonwealth govern-
ment that was finalised late last year. There
are probably two very significant aspects to
this legislation that I should again highlight
to the House. The first is the provision that
the 1.5 kilometre rule—that is to say, the 1.5
kilometre exclusion zone, if you like—for
new pharmacy licences can be moderated in
the case of large medical centres and small
supermarkets. This is a significant change,
although it is in keeping with what I take to
have been the enduring spirit of these agree-
ments and rules. The other significant change
is the provision in the legislation of a discre-
tion to be exercised by the minister after the
ordinary procedures have been concluded if,
in the judgment of the minister, the operation
of the rules is resulting in a substantial denial
of access to a significant potential demand.

Another key feature of the agreement is
the continued exclusion of supermarkets
from retailing pharmaceutical products. I
have a great deal of admiration for Aus-
tralia’s major supermarket chains. Roger Cor-
bett, the head of Woolworths, is a constituen-
t of mine and an extremely distinguished one.
Having said that, I am not sure that the cul-
ture of general retailing is necessarily ap-
propriate for the culture of the marketing of po-
tentially dangerous drugs. Within reason, we
wish to maximise ordinary sales but, gener-
ally speaking, we want to minimise the sales
of pharmaceuticals to those which are absolu-
utely necessary for the good health of pa-
tients.

In addition—and I say this particularly
conscious of the presence in the chamber of
the member for Calare—the fourth pharmacy
agreement provides for a $150 million com-
munity service obligation fund. This should
ensure that we continue to have timely deliv-
ery of low-volume drugs everywhere and of
drugs to non-metropolitan pharmacies.

This is a piece of legislation which further
develops our excellent Pharmaceutical Bene-
fits Scheme. We have a good system for the
sale and distribution of pharmaceutical drugs
in this country. But it can always be fine-
tuned, it can always be finessed and I think
that is precisely what this legislation does. I
commend it to the House.

The DEPUTY SPEAKER (Mr Lindsay)—The original question was that this bill
be now read a second time. To this the hon-
ourable member for Lalor has moved as an
amendment that all words after ‘That’ be
omitted with a view to substituting other
words. The question now is that the words
proposed to be omitted stand part of the
question.

Question agreed to.
Original question agree to.
Bill read a second time.

Third Reading

Mr ABBOTT (Warringah—Minister for
Health and Ageing) (11.52 am)—by leave—I
move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.
CANCER AUSTRALIA BILL 2006
Second Reading

Debate resumed from 16 February, on motion by Mr Abbott:
That this bill be now read a second time.

Ms GILLARD (Lalor) (11.52 am)—The government should be hanging its head in shame, bringing the Cancer Australia Bill 2006 to the House at this time. Mr Deputy Speaker, I am sure you would be astonished to find out that it has taken since the Howard government’s commitment was made during the 2004 election campaign to bring this bill to the House to deliver on one of its major election promises in the area of cancer care. You may recall that in September 2004 the Howard government was finally pushed into making an announcement on cancer policy as a response to Labor’s cancer policy announcements. When it finally and belatedly put that policy out, its cancer policy had at its centre the establishment of Cancer Australia.

Here we are in 2006 and nothing has happened since the announcement of that cancer policy except for the appointment of Dr Bill Glasson as chair of the advisory council of Cancer Australia, with that appointment being announced late last year. Even now, with this bill so shamefully and belatedly having been brought to the House, we will not see this body up and running inside two years since it was first promised. This is an act of gross incompetence. It is an act of inexplicable delay. The Howard government should make it clear to Australians at election time that its promises, if they are to be honoured at all—and we know that so many of them are not honoured at all, most spectacularly with the minister for health’s rock solid, ironclad guarantee about the Medicare safety net—will be honoured in this tardy fashion. It is not good enough that the Howard government goes out to Australians and gives its word that something will be done, only to do it as slowly and as incompetently as this.

If it were just a delay then perhaps you might forgive that. Perhaps you might say, ‘Well, delays sometimes happen in public administration,’ but this is a delay that has cost Australians. It has cost Australians because it means that many other election commitments on cancer, made at the same time as Cancer Australia was announced in the Howard government’s cancer policy, have not been fully implemented. The degree of the lack of implementation of the other cancer policies made during the federal election still has not been made transparent to the Australian public.

Obviously, when the Howard government incompetently does not deliver on its promises, it wants to cover that up. This is a government for which cover-up is no strange or unusual activity. It is a government that often engages in cover-up—indeed, one of the most spectacular cover-ups has been the ongoing focal point of question time in this House for many weeks now. But in this area of cancer policy we have also seen a cover-up where, despite Labor’s inquiries via questions on notice, through the Parliamentary Library and at Senate estimates, we have failed to elicit any real information about the state of implementation of the government’s other cancer policies from the 2004 election campaign and the reasons for the delay.

We have seen a spectacular delay in bringing this bill forward to create Cancer Australia, we will see more delay before the body is up and running and the other cancer promises that were made at the time of the election appear to have been grossly delayed as well. Standing here today, the Australian public has never been told the truth about what is happening with the implementation of all of those other policies. That is simply not good enough. I would hope that in sum-
ming up on this bill the Minister for Health and Ageing will finally come clean about these matters and explain to this House, and through this House to the Australian people, the inordinate delay in implementing these policies and promises and the true state of implementation today of the various cancer policy promises that were made at the time of the last election.

We also want the minister for health to confirm whether or not the involvement of the Prime Minister’s office, as has been speculated in the media, has led to part of the hold-up, particularly with bringing this bill for the establishment of Cancer Australia to the House. The minister for health ought to be giving that explanation to the House as well, or perhaps the Prime Minister might choose at some point to intervene in this debate and to explain his conduct and whether or not his office has played any role in the delay in this bill coming before the House and in the incredible delay in the establishment of Cancer Australia.

The purpose of this bill, as we know, is to establish Cancer Australia as a new statutory agency. The role of Cancer Australia is to provide national leadership and coordination of cancer control in Australia, to guide improvements in cancer prevention and care and to ensure that treatment is scientifically based. Cancer Australia will coordinate and liaise between the wide range of groups and providers with an interest in cancer. Cancer Australia will make recommendations to the Australian government about cancer policy and priorities. It will oversee a dedicated budget for research into cancer, it will assist with the implementation of Australian government policies and programs for cancer control and it will undertake any functions that the minister, by writing, directs the chief executive officer to perform. The stated aim is to provide a national voice with more research funding for cancer care, better support for those living with cancer, strengthened palliative care services and better support for cancer professionals.

The bill outlines the responsibilities and conditions of employment of the chief executive officer and allows for the appointment of a chair and up to 12 other members to an advisory council. I must say that I am intrigued to find that the bill provides no criteria for the expertise of these members, which seems to me an enormous and somewhat surprising oversight given the important and sometimes technical work which Cancer Australia must perform. One would have thought that in structuring the advisory council it would be transparently clear on the face of this bill the sort of person or the various types of people the government wants to have on the advisory council. Are they to represent consumers? Are they to be people with particular scientific expertise? Are they to be professionals involved in the treatment of cancer? Are they to be people in training in terms of being involved in cancer? Are they to be geographically dispersed across the country? All of those things need to be answered. They are not answered in the bill and they ought to have been. As you would know, Mr Deputy Speaker, it is very common practice when one is legislating for a structure to provide advice that is crystal clear on the qualifications that one is seeking in those who will be appointed to the body.

I specifically note the importance of consumer representation on any of these bodies. This is a continuing theme that the opposition raises when dealing with legislation in this House. It is always very important when we are creating structures in health, including advisory councils of this nature, to ensure that there is a structure so that the voice of Australians generally can be heard, as well as the voice of our very able health professionals and health researchers.
The government originally committed a total of $13.7 million over four years to 2007-08 to establish this new agency Cancer Australia. However, due to delays, this funding has been rephased over four years to 2008-09. It is highly unlikely, given the government’s incompetent delay, that the $4.5 million or $4.6 million allocated to 2005-06 will be spent in this financial year. So here again we see a consequence of delay. I have already spoken about the consequence where other cancer policies have not been delivered in a timely fashion. Now a second consequence of the Howard government’s incompetent delay in this matter is that resources that were budgeted and available to assist with cancer policy in Australia languish unspent in consolidated revenue because of the way in which the government has gone about this process and the huge delay in which it has engaged.

I should also note that there was a comment by the Minister for Health and Ageing by way of his second reading speech which should send a shiver of concern through every member of this House. That comment was:

In addition to government funding, it is expected that Cancer Australia will seek funding from other sources, particularly from the private sector.

This is a comment woven into the minister’s second reading speech. The meaning of it is not at all clear in the bill. Indeed, the area is not dealt with within the bill. I think Australians have a right to know whether it is the intention of this government to underfund the work of Cancer Australia with a view to sending it out to fundraise for itself from the private sector or indeed, one would suppose, from members of the public. They have a right to know whether Cancer Australia is going to be in the field looking for donations in competition with many other cancer bodies which are out there doing extraordinary work, as we know, raising money for cancer and, most particularly, cancer research.

Mr Deputy Speaker, as a local member of parliament like me, I am sure you would be aware—as I am sure other members of this House, as local members of parliament, would be aware—that there are many localised events for fundraising for cancer research. Many women in this country wear the pink ribbon for breast cancer. Many women in this country attend fundraising events for breast cancer research. Many of them buy specific products that are associated with the pink ribbon fundraising campaign because they want to do their bit by putting money into breast cancer research. Many Australians involve themselves in the World’s Biggest Morning Tea, which we have annually. Right around this country, indeed including in this Parliament House, in schools, in community centres, in retirement villages and in other community places right around the country, we see Australians coming together at the World’s Biggest Morning Tea to raise money for cancer research.

Is it really intended that the Howard government is going to underfund Cancer Australia and send it out into the field seeking to get donations to supplement its work? I anticipate one answer to that might be, ‘Really, we’re just going to be looking for corporate donations.’ We all know in this House that fundraising for breast cancer, the World’s Biggest Morning Tea and all of the other fundraising events that we have for cancer research across the country, in part, because corporate Australia enters into a genuine partnership with local communities to enable those moneys to be raised. If you divert corporate Australia from fundraising and assisting with those events and making its discretionary money—the money that it marks for community donations—available to support Cancer Australia it will inevitably
undermine the work of those very well-known fundraising events for cancer.

It is very important that, in his summing up of this bill, the Minister for Health and Ageing—I trust, but do not know, that the minister will find this bill important enough to donate some of his time to it; he did not do the second reading speech, but, at some point, hopefully, he will deal with this bill personally—clarify whether it is the intention of this government to systematically underfund Cancer Australia and send it out into the fundraising arena with the inevitable result, in my view, that it will be competing with other agencies that are well established in the area of cancer fundraising.

As I have said, the policy to create Cancer Australia came out in the 2004 election campaign and we are just seeing its delivery now. It should be remembered that, apart from the fact that the policy was only released because Labor had released a cancer policy which was very well received, when this policy was announced it was greeted with reserved enthusiasm by agencies and cancer groups around the country—and even that reserved enthusiasm has leached away, over time, given the delays in implementation. In their joint submission to the recent Senate Community Affairs References Committee inquiry into cancer services, the Cancer Council of Australia, the National Cancer Control Initiative and the Clinical Oncology Society of Australia said:

There is great potential for reforming cancer services in Australia to better meet the needs of the individual patient, their carer and family … the forthcoming establishment of the Federal Government’s new national cancer agency, Cancer Australia, could provide an authority for its implementation; and existing clinical practice guidelines, if adopted nationally, provide best practice protocols.

Unfortunately, the incompetence and mismanagement with which this has been dealt have dashed the hopes of cancer patients, researchers, policy makers, health care professionals, cancer councils and community groups for a coordinated and reinvigorated approach to cancer policy and fundraising priorities. It has also meant—and this is one of the most tragic results of the government’s delay—the untimely demise of the National Cancer Control Initiative.

Mr Deputy Speaker, I am sure that you are very aware of the work of this important body. The National Cancer Control Initiative, as we all know, was the key expert reference group on cancer. It was set up to advise the federal government on all aspects of prevention, detection, treatment and palliation. When the policy to create Cancer Australia came out, it was proposed that the work that was then being performed by the National Cancer Control Initiative would be rolled into the new body, Cancer Australia—that is, that the National Cancer Control Initiative would seamlessly move into and be subsumed by Cancer Australia. That would have been a way of making sure that the valuable work that had been done by the National Cancer Control Initiative was not lost. Even more importantly, it would have been a way of ensuring that the staff who had worked for the National Cancer Control Initiative—who in doing that work had, over time, inevitably developed expertise, skills, abilities and contacts—could have been made available to Cancer Australia.

The National Cancer Control Initiative could have gone out of business one day, with Cancer Australia starting up the next day. The work and the staff could have moved seamlessly across, with no work lost and no expertise lost. But, because of the incompetence of this government and the delay in the creation of the new body, Cancer Australia, we ended up with a situation where the National Cancer Control Initiative was provided with no further funds. The last
head of the National Cancer Control Initiative, Professor Mark Elwood, was forced to send a letter to key constituents and supporters outlining the dilemma confronting the National Cancer Control Initiative and its staff, which was that, with the delay in the creation of Cancer Australia, the National Cancer Control Initiative was going to go out of business, with its work dropped into a black hole and its staff lost and dispersed to wherever they could get jobs, and there would be many months of nothingness before the creation of Cancer Australia. And that is exactly what is going to happen.

As I said, Mark Elwood is the last head of the National Cancer Control Initiative. Many of the staff have already left. With all the financial obligations they necessarily have in supporting themselves and members of their family, what are these working people supposed to do when the money that is going to fund them is clearly going to run out? They cannot end up in a situation where, for many months, they do not have a job. Of course, skilled staff look for new jobs. Many of these skilled staff have new jobs, and the ones that do not have new jobs will leave in May. So we end up with a situation where, because of the Howard government’s incompetence, the work being done by the National Cancer Control Initiative will be lost, the staff employed by the National Cancer Control Initiative will be gone and, sometime in the future, Cancer Australia will start up on day one with a blank page instead of having access to all of that work and all of those staff with all of their skills, expertise and track record in this area.

If you were a senior executive in the private sector and conducting yourself like this, I am sure the CEO or chair of the board would say to you: ‘Why on earth are you conducting yourself so incompetently? You are costing the business any amount of time, money and inefficiency. Don’t behave like this.’ But the Howard government seems to think this is an adequate way to behave in the area of cancer policy when we know, of course, that so much of the burden of disease in this country falls on people who have cancer. This incompetence is unexplained and unapologised for.

The very least it could do, given this gross act of incompetence, is apologise to Australians and send a letter of apology to the National Cancer Control Initiative and to every staff member who has left or is about to leave. It could acknowledge its failings and at least make some transitional arrangements to try to ensure that it does not lose all the work of the National Cancer Control Initiative or access to those staff. This is a truly disgraceful performance.

If the bad news stopped there that would be a black enough picture, but of course the bad news does not stop there. Because of the delays in implementing this and other aspects of the government’s cancer policy, we have crystallised before us a clear broken promise. One of the things that Minister Abbott and the government promised to do when they announced the government’s cancer policy in the 2004 election was deal with the question of a national screening program for bowel cancer. At election time, the minister promised that all older Australians, people over 55—whether that is the definition of older Australians, Mr Deputy Speaker Lindsay, I will leave to one side—

The DEPUTY SPEAKER (Mr Lindsay)—I think you are reflecting on the chair, aren’t you?

Ms GILLARD—I apologise for that. There was a promise that youthful, vigorous Australians who may be over the chronological age of 55 would be screened every two years for bowel cancer, acknowledging that every week 90 people die of bowel cancer. So this is a very serious disease. This
promise was dumped at budget time. It was billed as a ‘major priority for the next term’, but it will not be delivered in this term. We know, because of a continuation of current trials, that it is not due to start until July 2006. So a promise on bowel cancer screening has been dumped. Even if there is delivery at the later date, there is significant doubt by the states and territories that the funding, management and operational issues that need to be resolved will be resolved.

The Australian Health Ministers Advisory Council is meeting today, and they want answers on a whole host of issues around this much delayed, looking like it is going to be dumped policy. The states and territories are concerned that the bowel cancer screening program has no clear set of objectives and strategies, has no clear specification of roles, will add additional cost burdens to the states, has not addressed the need for affordable access to colonoscopy, has no information and database management systems, has no clear funding arrangements between the states and the federal government, and has no communication program to educate health professionals and consumers. That is, everything that would need to be done to support this policy in any effective way remains undone. There is not one thing that one would need to do to get this policy up and running effectively that has actually been done by this government. In view of this incompetent performance, the states and territories claim that the whole program, a very important program for the health of all Australians—I remind you, Mr Deputy Speaker, that 90 Australians die every week because of bowel cancer—is incompetent. Here we have a national screening program—promise made, promise delayed—and incompetence is surrounding what could be its ultimate delivery.

And there is more. We know through the Parliamentary Secretary to the Minister for Health and Ageing, Christopher Pyne, that there was a promise to help pregnant women quit smoking. That was also an election commitment. There was a media statement issued in June last year about an advisory group for this program, but the composition of the advisory group has yet to be announced and is yet to meet. We know that about 20 per cent of pregnant women smoke. We know that babies of smoking mothers are more likely to be smaller, are three to four times more likely to die of SIDS and are more likely to suffer respiratory disorders and intellectual impairment. So this is not a marginal issue. This is not an unimportant issue for Australia’s future and the future of Australian children. This is an issue front and centre that we should be dealing with. But, yet again, we have unexplained delay and continuing incompetence.

This is something that really does need to be addressed by this government, and it ought to be addressed during the course of this debate. I note that the second reading speech stated that ‘Cancer Australia will have a role in the implementation of the following initiatives’, which were once again part of the Howard government’s election policies. These initiatives are

- new approaches to mentoring regional cancer services;
- a grants process targeted at building cancer support groups;
- a national awareness campaign for skin cancer, to be developed in conjunction with state and territory governments;
- a new dedicated budget for research into cancer, to be administered in conjunction with the National Health and Medical Research Council; and
- funding for clinical trials infrastructure for cancer patients.

I am pretty sure that we can say today that these election commitments are not up and
running yet. So Strengthening Cancer Care, the policy taken by the Howard government to the last election, has been awash with incompetence, awash with delay and awash with promises made and not delivered on. I have raised a number of them in the course of this speech, such as the creation of Cancer Australia itself, as well as bowel cancer and smoking and pregnant mothers. These things have not been done. They ought to have been done, and an explanation is required. We also need an explanation of what this body will be doing in relation to private sector fund-raising.

While I am on the case of delay and incompetence of this government, there is another very important case of delay. We all know that in December last year this parliament mourned the sad and untimely death of former senator Peter Cook from cancer. We all acknowledged his important last legacy in the recommendations contained in a Senate Community Affairs References Committee report entitled The cancer journey: informing choice. This was a committee he chaired and inspired, despite his personal battle with cancer at the time. In my memory never has someone made such a commitment in this parliament, never have they dedicated the last remaining months of their life so clearly to the development of a better policy for the rest of the nation. Despite that historic work by former senator Peter Cook, as of today the Howard government has not responded to that report. What could explain that act of cruelty? That ought to be done. May I conclude by moving a second reading amendment that deals with these issues:

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

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

(1) the unreasonable delay in implementing this 2004 election commitment;

(2) the consequent demise of the National Cancer Control Initiative and the loss of NCCI expertise;

(3) failure to respond to the Senate Committee Report The Cancer Journey: Informing Choice; and

(4) lack of any substantial commitment to improving cancer care in Australia”.

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

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

Mr CADMAN (Mitchell) (12.23 pm)—The Cancer Australia Bill 2006 is a terrific initiative for cancer sufferers. It brings for the first time into the government ambit a strong commitment in a way that all Australians would endorse. The carping negativity of the opposition is resented and rejected by the government. This innovation is a great improvement on the way in which this nation considers cancer. The functions of Cancer Australia, which is the body being established, are:

(a) to provide national leadership in cancer control;
(b) to guide scientific improvements to cancer prevention, treatment and care;
(c) to coordinate and liaise between the wide range of groups and health care providers with an interest in cancer;
(d) to make recommendations to the Commonwealth Government about cancer policy and priorities;
(e) to oversee a dedicated budget for research into cancer;
(f) to assist with the implementation of Commonwealth Government policies and programs in cancer control;
(g) to provide financial assistance, out of money appropriated by the Parliament, for research mentioned in paragraph (e)—that is the above paragraph in this proposed section—
and for the implementation of policies and programs...

(h) any functions that the Minister, by writing, directs Cancer Australia to perform.

The body will be established with an advisory council and a chief executive officer. I am delighted to know that the chairman of the advisory council has already been selected—Dr Bill Glasson, the former head of the Australian Medical Association. The budget has been set down in the explanatory memorandum. The total over a four-year period will be $12.6 million in a forward commitment by the government. There has been a complaint made by the previous speaker that the current financial year is coming to an end and that those funds cannot be used in the time that is left. I know of no provision that there is going to be a shortcut of funding for this election commitment by the government.

I have researched the incidence of cancer in Australia. It is interesting to note that, of all new cases of cancer in females in 2001, the most common cancers were breast, 29 per cent; colorectal, 14 per cent; melanoma, 10 per cent; and lung, seven per cent. In males, all new cases of cancer, the most common cancers were prostate, 23 per cent; colorectal, 15 per cent—a little above women; melanoma, 11 per cent—again a little above women; and lung, 11 per cent, significantly above women at seven per cent. I trust these proposals before the House will go across the whole range of the causes of cancers, dealing with both male and female problems.

The only difficulty that I have detected over the years is that the Cancer Council of Australia has been reluctant to commit itself to a course of action for prostate cancer. I think everybody applauds the program of testing and screening for breast cancer, the initiatives that have been taken with colorectal cancer and the efforts being made to prevent lung cancer. But the one shortcoming that I detect in all of this is an impetus for prostate cancer. Part of it is because men create their own problem; they are like that. I do not believe there is a well-directed program to attack this problem. At this early stage I would like to charge Cancer Australia with the task of committing themselves to doing something more definitive about the problem of prostate cancer.

The Cancer Council of Australia has produced a statement giving their position on prostate cancer screening. I have a certain degree of disappointment with it, having dealt with proponents of prostate cancer screening and their lack of confidence in the stance of the Cancer Council of Australia on this issue. I will read out the recommendations of the Cancer Council of Australia:

- In the absence of direct evidence showing a clear benefit of population based screening for prostate cancer, a patient centred approach for individual decisions about testing is recommended. Ideally this takes the form of an informed, shared, decision-making process between the doctor and man, discussing the benefits, risks and uncertainties of testing, and discussion about treatment options and side effects.

- Screening discussions and decisions should always include and take into account age and other individual risk factors such as a family history of the disease.

- Research into prostate cancer diagnosis and treatment must continue to be a high priority. In particular, the development of an accurate test to detect the potentially lethal form of prostate cancer.

- Education and resourcing of GPs and other relevant health professionals needs to occur to enable them to adequately inform men of the benefits and risks of testing for prostate cancer and to enable men to make an informed decision as to whether or not they should be tested.
That is a pretty equivocal statement. I would like to see something far more positive from the Cancer Council of Australia. I hope Cancer Australia will adopt a far more dynamic, proactive and positive approach to the problems faced by those people who are among the 23 per cent of new cases of prostate cancer identified in 2001. The Cancer Council goes on to explain some of the difficulties in testing. The prostate specific antigen, PSA, as the test is known, can produce diverse results. Provided there is a proper lapse of time and the PSA test is supported by other testing mechanisms, I think we have a chance of achieving fairly reasonable results.

Is there a need for universal testing? On the evidence, as I see it, probably not. The high-risk age is somewhere between 45 and 60. If we narrow the field of likely sufferers of prostate cancer to that age group, we immediately reduce the population that should be considered for screening. If, together with the PSA screening test, we adopt some of the other processes, they might give us an indication of a risk of cancer. DRE is a painful test for men. They do not like it very much; it is a rectal examination. It is what I think men dread more than anything else about this testing, but it is a complementary process to the PSA test, which is a simple blood test and easily done.

If we are going to improve the health of Australians in this age group, then we need these two tests, along with any further tests, as an indicative process. It is a critical age group. They are at their maximum earning capacity and have probably got teenage kids or kids who are in their early 20s and at the point of marriage. The resources of the man in a family are called upon to provide for more than just the immediate needs of him and his spouse. Even if his spouse is working too, it can be soul destroying to a family to suddenly have all of the responsibility thrown onto the female. There is good argument for us to be seriously doing more about investigating the prospect of screening for this age group, who are most likely to be the contractors of prostate cancer.

There is an age that men will reach when testing is a waste of time. Men in the last 10 years of their life may have prostate cancer but they are more than likely going to die from causes other than prostate. To stretch this testing program across all ages of men is probably unwise. Young men can also contract this problem, but as this cancer is more likely to occur within a specific age group universal screening for it may not be necessary.

The Cancer Council speaks about the processes that they advise. From a male’s point of view they seem pretty wishy-washy. They advise men to discuss it with their doctor. Men are not going to go to their doctor unless there is something seriously wrong. They are not going to go to their doctor on the chance of their having prostate cancer. They might require a PSA test at the time they are having heart or other tests done, which are more likely causes for men to go to doctors. The automatic testing for PSA in those circumstances for this age group, to me, should not be a process that is a matter for discussion or debate. To expect men to go into a deep and meaningful with their doctor about prostate cancer is, I think, pretty unlikely. They will want to get out of there as fast as they can. The attitude of most males when having a stress test or any other tests for their physical health and wellbeing is for it to be administered as quickly as possible so that they can get out of the doctor’s surgery and get on with their life. I think the Cancer Council of Australia should recommend that a PSA test be automatically conducted for that age group at risk.

The council seem to be recommending this deep and meaningful approach, with
discussions about screening. It should not be a matter of discussion; it should happen automatically. Then, if a man’s PSA is up, they can be advised to come back in three months for another test to see whether or not there is a need for further testing. That is a simple thing to do at a critical point in the control of cancer.

Is this a man-woman thing? No. It is certainly not. Men have to be just as careful about their health as women do, and if they are not prepared to adopt such an approach and care for themselves then there should be put in place automatic testing points. Prognostic markers can be used and there is the screening process.

It is very interesting to read what is said about prostate cancer. The Prostate Cancer Institute, the PCI, explain what we should do about screening:

Screening, if elected for by the patient, should commence at the age of 50 years (and possibly earlier) with a digital rectal examination and a serum PSA test. A biopsy should be performed if the rectal examination is abnormal or if the PSA reading is greater than the reference range for his age.

There is increasing evidence that PSA testing beginning as early as the age of 40 years may predict the likelihood of later clinical cancer. For example, if a patient’s PSA level between the ages of 40 and 50 years is greater than 0.6 ng/mL, he is seven times more likely to develop prostate cancer than if his level is less than 0.3 ng/mL. If a patient has a family history of prostate cancer, screening should commence at 40 years of age and continue annually until his life expectancy falls below 10 years. Currently, 25% of Australian men over the age of 40 years are having regular PSA tests.

Who should we screen?

Assessing a patient’s preferences and determining the likelihood that he will benefit from screening are part of the physician’s responsibility. For example, a patient who has a life expectancy of less than 10 years is unlikely to benefit from screening and may suffer a significant reduction in his quality of life. The final decision about whether or not to screen will depend on each man’s goals, fears and willingness to accept risks.

I think that is a more practical approach and that is the one I would like to see adopted. In fact, the Prostate Cancer Institute says that the reasons are simple. The male population is ageing rapidly and the risk of prostate cancer is also on the rise rapidly. The predictions that I have indicate that prostate cancers will increase by 34 per cent from 11,892 in 2001 to 15,972 by 2011. In a 10-year period, there will be a 34 per cent increase. Part of that increase, of course, is the increased number of people in the at-risk age group. Therefore, we need to deal with this issue and Cancer Australia needs to take note of it. It must not adopt the passive line of the Cancer Council of Australia but take a more proactive interest. I cannot understand the Cancer Council’s reluctance in this area and it has been a matter of contention between the various professional groups involved with the various types of cancers.

I want to go to the institute proposal. Many younger men under the age of 60 are now being diagnosed with prostatic cancer. The chance of detecting prostatic cancer at an early and curable age has increased due to the sensitivity of the PSA blood test. Many men, especially younger men, will die from prostate cancer without early detection and effective curative intervention. Many advances have occurred recently in the treatment of prostate cancer by surgery, radiotherapy or drug therapy. A team approach to management where patients receive individual attention has been shown in other cancers to produce better health outcomes.

The incidence of prostate cancer is a little less than breast cancer. Early detection of breast cancer in women and more effective treatments have led to a steady improvement in survival and reduced mortality. Those are
the goals I would like to see adopted by Cancer Australia. I would like to see Cancer Australia get active in this area. I would like to see them produce some really positive statements early in their establishment. I would like to see the new chairman of the advisory council make it clear that they are going to be aggressive and proactive on all forms of cancer and wherever possible make advances, first of all by screening and then by a team approach to treatment and care.

Cancer and heart disease are the great killer diseases of our time. Of the teenage girls alive today I am told that 30 per cent will live to be 100. That is going to produce some big changes in life expectancy. I know in the retirement villages I visit that the people who were considered old 30 years ago, when I was first elected, were the 80- or 85-year-olds. Now it is the 90- and 95-year-olds and they are as bright today at that age as the 85-year-olds were some years ago. That change in outlook, expectancy and attitude is something that is going to increase as mortality comes later. The attention to cancer by Cancer Australia is the most significant part of life improvement and life extension. I encourage them to take a balanced and universal look at this problem.

Ms BIRD (Cunningham) (12.42 pm)—I would like to endorse the comments made by the member for Mitchell in this debate on the Cancer Australia Bill 2006. I am particularly conscious of the point that he made that it is very difficult to get many men to see the need to visit the doctor when they are ill, let alone as a preventative form of visit. I think that a targeted screening program is an eminently sensible way to approach the issue of prostate cancer. To be honest, I am conscious that is only the fact that many women are actively told to have cervical screening tests every two years which may prompt them to make an appointment and go to the doctor. I think it is quite correct to say that it is highly unlikely that somehow men on a normal visit to a doctor would raise this whereas a program that said that men should have a test at a particular, regular period of time would be the prompt that would get them to do that. I would like to endorse the call that the member for Mitchell is making to Cancer Australia in this debate.

Cancer is clearly one of the biggest killers of people in Australia and, with the ageing population, does require an ongoing and increasing focus and importance. The stated aim of the Cancer Australia Bill 2006 is the importance of having a national voice with more research funding for cancer care, better support for those living with cancer, strengthened palliative care services and better support for cancer professionals. Despite the serious nature of the disease, this initiative was part of what I can only describe as a hastily cobbled together response by the Howard government to Labor’s cancer policy, which it took to the 2004 federal election.

The Cancer Australia Bill commits $12.66 million over four years to establishing Cancer Australia. This funding commitment is a good start, but I am disappointed that the commitment has not gone far enough. During the 2004 federal election campaign, Labor committed $64.75 million over four years to supporting a comprehensive national approach to cancer prevention in Australia. Despite it being an election commitment, the Howard government has been dragging its feet in implementing it. As a result of these delays, it is unlikely that the $4.546 million allocated to 2005-06 will be spent in this financial year.

This delay has also resulted in difficulties for the staff of the National Cancer Control Initiative. The NCCI is the key expert reference group that advises the federal government on all aspects of prevention, detection,
treatment and palliation. The transfer of this role to Cancer Australia will result in a serious loss of years of knowledge and expertise. It is my understanding that the NCCI had already begun to develop initial priorities for Cancer Australia.

We all know somebody who has battled this disease. Cancer does not discriminate and anybody can be affected. I have had the pleasure of meeting a number of brave women in my electorate through their efforts to have the drug Herceptin made available and affordable to first-stage breast cancer sufferers. I was first approached in October last year by Steven Radford, from Stanwell Park, regarding his wife, Michelle, whom I have mentioned in this place previously. Steven had lobbied Paul McLeay, the state member for Heathcote, and me to have Herceptin listed on the PBS for first-stage HER-2 positive breast cancer sufferers. Steven and Michelle, and their five children, faced the prospect of selling their family home to fund Michelle’s Herceptin treatment at a cost of approximately $60,000. Since then I have heard, as I am sure many members of the House have, of many cases of women and families facing the same terrible decision: do we sell the family home and put our families through more distress or do we not? This is a heart-wrenching decision for any family to have to face. This situation is made even worse for families who have no assets to sell. Indeed, I read of one circumstance in another state where a woman was considering selling her home to fund the treatment for her sister.

Michelle has suffered gruelling surgery and several rounds of chemotherapy and radiation treatment. Her oncologist recommended subsequent treatment with Herceptin. Data from the international HERA—Herceptin adjuvant—study showed that treatment with Herceptin following standard chemotherapy reduces the risk of cancer coming back by a staggering 46 per cent. Approximately 20 per cent to 30 per cent of women with breast cancer have HER-2 positive breast cancer. It requires immediate and specific attention because the tumours are aggressive and fast growing. Results from four large trials with nearly 12,000 patients worldwide showed consistently that Herceptin reduced by approximately one-half the risk of the cancer returning. Given the likely success of this treatment, you can understand the dilemma that women and their families face. Do you put your family finances under further strain and start Herceptin treatment, which almost halves the risk of the cancer returning, often to organs and bones, or do you not? It has been pointed out to me that many of the specialists advising these women are forced into making decisions about whether to even raise the potential of this treatment, because they are so conscious that for many of these women it is financially out of reach anyway.

I am absolutely amazed that women in this day and age are being forced to make this decision. I have made representations to the federal Minister for Health and Ageing and to Roche Pharmaceuticals and I was advised by both parties that Roche was in the process of applying to the Therapeutic Goods Administration for Herceptin to be listed on the PBS for first-stage HER2-positive breast cancer. While the application was being coordinated for submission to the TGA, it did not help women who, like Michelle, needed to commence treatment as soon as possible to provide the best opportunity of long-term survival from this aggressive form of early stage breast cancer.

I decided to contact one of the local credit unions to try and coordinate a fundraising campaign to assist Michelle while negotiations between Roche and the TGA were taking place. I attended Helensburgh Fair, which is run by the Helensburgh Lions Club. While Paul McLeay and I were walking...
around talking to the various stallholders at the fair, we ran into Libby, from the Lions Club, at its sausage sizzle stall. She brought up with me the case of Michelle’s cancer treatment. I was quite amazed that Michelle’s story had travelled so quickly throughout the communities of Stanwell Park and Helensburgh. Their reaction was very much the same as mine: what can we do to help in a practical way? Whilst talking to the women at the Lions Club tent and speaking of my intentions, I discovered that one of the women, Jan Hill, was a neighbour of Michael Halloran, the Chief Executive of the Illawarra Credit Union. Jan and her two friends Tracey Weir and Cathy Deem enlisted Michael’s help—they are very persuasive, I have to say—and established a trust account for Michelle at the Illawarra Credit Union. The Illawarra Mercury, particularly through the efforts of local journalist Jenny Dennis, also came on board to help. So far the Wollongong community has raised over $30,000 to assist with Michelle’s treatment.

My good friend Russell Hannah, from the Illawarra Folk Club, organised for some of the profits from the first night of the Illawarra Folk Festival, which was held recently at Bulli Showground, to be donated to Michelle’s campaign. Auctioneer Kevin Danzey and his wife Leonie, who live in Stanwell Park, put on an auction at the Stanwell Park Community Hall, and Helensburgh Lions Club donated the proceeds of their sausage sizzle that afternoon.

Bi-Lo, at Helensburgh, has received a substantial amount from their customers to contribute to Michelle’s trust fund. Bede Parkes, from Helensburgh, has organised street stalls with cakes and slices outside Bi-Lo in Helensburgh and organised for the Catholic Church to hold a raffle. So far Bede has personally raised over $600 for Michelle, and she is well known throughout the community for always being there with a plate of pikelets in any situation.

There are also many other contributions, and I would personally like to thank the many local businesses, charities, media outlets and individuals—indeed, even some of the lovely staff from Hansard here in the parliament—who have contributed to this campaign to ensure that Michelle received the treatment she needed. I know that I deeply appreciate it, and I know that Michelle, Steven and the kids cannot thank all of those people enough.

Michelle has started her treatment and is feeling fantastic. She has been a strong advocate and lobbyist for all women requiring this treatment. She is absolutely amazing and a real inspiration. She is hopeful that Herceptin will be listed shortly so that the money raised by the community for her case can be donated to other breast cancer sufferers. Michelle has spent time speaking to other cancer patients, giving them advice, support and encouragement.

The community also worked together to collect almost 3,000 signatures seeking the approval of Herceptin for first-stage HER2-positive breast cancer sufferers. Mary-Anne McCaffery, from Woonona, who is currently undergoing chemotherapy for breast cancer, and her husband Tam have by themselves collected over 1,500 signatures over the last few weeks. I have gone through the list of petitioners and I do not think there is anyone in Bulli, Woonona or Thirroul who has not signed the petition. They have been supported by many doctors, pharmacists and other local businesses and individuals, reflecting the fact, I believe—and the member who spoke before me made the point—that cancer in its many forms touches every family in our communities.

People like Michelle and Mary-Anne and their families deserve the best possible
treatment, research and support that we are able to provide. I find it hard to believe that it has taken so long for a commitment to cancer sufferers like Michelle and Mary-Anne to be delivered.

There are many people who suffer from this disease. Cancer Council statistics show that one in four Australian women and one in three Australian men will suffer from cancer before the age of 75. This year, more than 462,000 Australians will be newly diagnosed with some form of cancer. Excluding non-melanoma skin cancers, 88,000 new cases will be diagnosed and 36,000 cancer patients will die this year. Up to 10 million people worldwide will be diagnosed with cancer this year. This figure is expected to reach 15 million people per year by 2020. Cancer causes six million deaths worldwide each year, equating to approximately 12 per cent of deaths.

The most common form of cancer, excluding non-melanoma skin cancer, is bowel cancer, followed by breast and prostate cancer, melanoma and lung cancer. Although there are over 100 types of cancer, these five most common types account for 60 per cent of all cases. Prostate, bowel and lung cancers and melanoma are the most common forms of cancer in men. For women the most common cancers are breast cancer, followed by bowel cancer, melanoma and lung cancer.

This is the reason why an organisation such as Cancer Australia is so critical. A peak body coordinating and prioritising research is essential. Cancer Australia will oversee a dedicated budget for research into cancer. Australian scientists, as we well know, are at the forefront of groundbreaking research in several areas in the fight against cancer.

The Illawarra Cancer Carers group recently presented a donation of $100,000 to the University of Wollongong for promising research into an anticancer drug project. The money provides a major boost to the research into the new anticancer drug formulation project headed by Professor Philip Clingan, Professor John Bremner and colleagues Associate Professor Marie Ranson, Dr Tantatha Stutchbury, Dr Julie Locke and Ms Laurel Morrissey. The new formulation of drug components has shown considerable promise against cancer cells and is now in the process of being tested in animals. After the animal experiments, Professor Clingan and Professor Bremner hope to further develop this drug combination for use in humans. The Illawarra Cancer Carers have previously made donations towards the dedicated mouse-housing facility, and this most recent donation will provide a much needed boost for continuing experiments.

In addition to the groundbreaking research in my electorate, our 2006 Australian of the Year, scientist Dr Ian Frazer, through hard work and innovation developed a vaccine, Gardasil, which will help to prevent human papilloma virus, HPV, which causes approximately 70 per cent of cervical cancers. HPV is sexually transmitted, and Gardasil works by provoking an immune response to HPV. This drug will enable women to be vaccinated before they become sexually active and potentially come in contact with strains of the virus that are targeted by the vaccine. Some 700 cases of cervical cancer are diagnosed in Australia each year, and worldwide 270,000 women die from cervical cancer each year. In 2002, 227 women died from cervical cancer in Australia.

It is imperative that Australian scientists, such as those at the University of Wollongong and Dr Ian Frazer, receive the full support of government to conduct research to combat all types of cancers. As the member for Mitchell also mentioned in his speech, screening is also an important and effective way to ensure early diagnosis and successful treatment. Australia’s achievements in cancer
prevention and screening have deteriorated over recent years. National screening programs exist for cervical and breast cancer, which have significantly reduced mortality and disease rates.

For all of these reasons, during the 2004 federal election campaign Labor committed to providing $36.75 million for the development of a national screening program for bowel cancer and early detection programs for prostate, lung, ovarian and testicular cancers. Evidence has shown that bowel cancer death rates can be reduced by screening. Up to 12,000 Australians are diagnosed with bowel cancer each year, and more than 4,600 die from it. Approximately 90 per cent of bowel cancer patients could be cured if detected earlier.

Norman Miller and the Rotary Club of Corrimal are strong supporters of bowel cancer screening, as are many Rotary clubs throughout all of our electorates. They subsidise, promote and sell a quick, clean, easy-to-use bowel scan kit for $5 in my electorate. I receive excellent feedback from members of the community regarding these efforts in assisting with early detection and treatment.

Cancer is a key national health priority. While the final introduction of this bill is a good first step, it is time that the Minister for Health and Ageing made his statements at the time of the condolence motions for Senator Peter Cook into actions. The minister seemed to commit to providing an early response to the Senate Community Affairs References Committee report The cancer journey: informing choice. I particularly draw the minister’s attention to the recommendation that a Medicare rebate be established to encourage the development of multidisciplinary care plans. The implementation of this report could improve the care of many people suffering from cancer.

I am pleased to support this bill, as the establishment of an organisation such as this will, I have no doubt, assist many thousands in the future. Prioritised, well-funded cancer research is essential so that other men, women and children may not have to face this disease in the future.

Mr JOHNSON (Ryan) (1.00 pm)—It is a great pleasure to speak in the parliament of Australia today on the Cancer Australia Bill 2006, a very important bill. On behalf of the residents of my electorate of Ryan in the western suburbs of Brisbane, I support this bill with great vigour. This is an important bill that will take an important step forward in this country’s attack on cancer. Cancer not only kills people but destroys the lives of family members, and we should do something immediately.

The Australian government recognises the huge number of Australians affected each year by the scourge of cancer. I am disappointed that, in her remarks earlier on this bill, the shadow health minister was very negative and very critical in her usual whining fashion. I commend the speaker who has just spoken for her more constructive comments about this bill. This should be a bipartisan bill, and it should reflect this parliament’s 100 per cent shoulder-to-shoulder stance on a disease that we should do everything within our human power to eliminate from the face of the earth.

One in three men and one in four women will be directly affected by cancer before the age of 75. Each year in Australia, more than 88,000 new cases of cancer are diagnosed. There is probably not a person in the country who does not know of someone who has been touched by cancer. While more than half of the cases I have referred to will be successfully treated—and the survival rate for many common cancers has increased by more than 30 per cent in the past two dec-
cancer still remains the dominant killer of Australians.

Over 36,000 people in Australia die from cancer each year. The incidence of cancer in Australia is far higher than in, say, the UK and Canada, whilst it is lower than in the United States and New Zealand. Our mortality rates are, however, lower than those of the four countries I have mentioned. Not only is there a great human cost every year associated with cancer but there is also the cost to the country of billions of dollars directly and indirectly. If we are looking for reasons to do something about this, the economic reason alone is quite a significant one. Far more than that is the humanity behind this bill and the motives of the government in coming to a decision to create Cancer Australia as a new statutory body that will focus its energy on trying to reduce cancer in Australia.

The establishment of Cancer Australia fulfils a key election promise made by the government at the 2004 election as part of the Howard government’s commitment to the Strengthening Cancer Care initiative. The government has happily committed a total of $13.7 million over five years to establish the new Cancer Australia agency. The bill prescribes specific roles which Cancer Australia is to fulfil. They include the following: provide national leadership and coordination of cancer control in Australia; guide improvements to cancer prevention and care to ensure that treatment is scientifically based; coordinate and liaise between the wide range of groups and providers with an interest in treating and eliminating cancer; make recommendations to the Australian government about cancer policy and priorities; and oversee a dedicated budget for research into cancer.

The bill also prescribes the very important roles of assisting with the implementation of the Australian government’s policies and programs in the control of cancer and undertaking any general functions that the minister of the day might direct the Chief Executive Officer of Cancer Australia to perform. These are broad and wide-ranging functions which will see Cancer Australia become the peak national voice on research into cancer care, support for those living with cancer, palliative care services and support for those in the allied and professional health industry who have a very dedicated role in trying to cure cancer patients.

In order to position Cancer Australia as a leader in its field, the government has created a governance structure which is designed to focus emphasis on increasing collaboration with key stakeholders. It is important that those agencies and organisations throughout the country that focus on this important work have some degree of coordination, because that is the best way we can get a conclusive outcome that is in the interests of patients. The governance of Cancer Australia will consist of a CEO, who will have the responsibility of managing and guiding Cancer Australia. The CEO will be appointed by the minister for a term of not more than three years. That person will directly report to the minister on behalf of Cancer Australia, and the minister has the power to direct the CEO on a broad range of functions for Cancer Australia. In essence, the CEO will be responsible for the management of Cancer Australia and its overall strategic direction.

This bill also establishes the Cancer Australia Advisory Council. The council is to consist of a chair and up to 12 other members. I welcome the announcement by the Minister for Health and Ageing that a Queenslander, Dr Bill Glasson, a former President of the Australian Medical Association, has agreed to head the advisory council. He is highly respected and well qualified,
and I know that he will come to his new role with great enthusiasm and great commitment. Members of the council will be appointed by the minister, although it is expected that they will consist of representatives from a range of stakeholders so that the best advice can be tendered. Membership of the advisory council will be on a part-time basis for a period not exceeding three years. As a creation of this bill, it is incumbent upon Cancer Australia to provide to the minister a yearly report, and that report will be tabled in parliament. It is important that members of parliament see the work of Cancer Australia so we can take back to our electorates the activities, the initiatives and the work of Cancer Australia.

It was very encouraging to read of the overwhelming support the government has received for this initiative from the Cancer Council of Australia, and I welcome the comments from its CEO, Professor Alan Coates. I will quote his remarks, as they are quite timely and significant. He said:

Cancer Australia will be well placed to take up the fight against cancer as an integral part of the Federal Government’s Strengthening Cancer Care package, which represents an unprecedented government commitment to reducing the impact of cancer in Australia.

Work is being undertaken currently on a number of fronts to improve cancer prevention and treatment, but there is no centralised body to help facilitate these efforts nationally.

I want to talk briefly about the National Breast Cancer Foundation and make a few comments about Professor Ian Frazer, who is a St Lucia resident in the Ryan electorate. Ian is this year’s Australian of the Year. He is a very distinguished Australian, whose commitment to his medical profession and research knows no equal. I have spoken in this House on a couple of previous occasions about breast cancer. I did so because my wife was involved for a brief time in assisting the National Breast Cancer Foundation and I had the opportunity to bring to the parliament a very famous and high-profile Australian, Ms Sarah O’Hare, who was the ambassador for Pink Ribbon Day. I note that many of my colleagues were very keen to meet her. I thank again the Minister for Health and Ageing, Mr Tony Abbott, for kindly arranging for us to meet with Ms Sarah O’Hare and also with Ms Sue Murray, the CEO of the National Breast Council Foundation. We were able to get widespread publicity for Sarah O’Hare’s visit to the parliament. The national papers and all the news channels publicised and highlighted her visit here and the important work that she does in promoting awareness of breast cancer. So I thank again Sarah O’Hare, Sue Murray, the health minister and all my colleagues who took time out of their busy schedules to come and meet Ms O’Hare. I should also thank Mr Stuart Tait, another Ryan constituent of mine, because he very kindly gave me some funds that enabled me to put on morning tea for my many colleagues from both sides of the parliament who attended on that occasion.

Each year more than 10,000 women are diagnosed with breast cancer. They are not alone; the experience affects their partners, families and friends. My wife and I have close friends who have been touched by breast cancer and, of course, we were affected very much when that occurred. That is why it is so vital that we have a national organisation that is responsible for the coordination of our nation’s funding, support and treatment of cancer. It is important that we debate in the parliament these sorts of bills—that our focus is not entirely on matters of economics, trade and commerce but that we also focus on some of these sorts of social issues. None of us would ever hope to suffer from cancer; we would dread the thought of that occurring. There are those who have had
it and who have recovered from it. While I am not one of those people, my friends who have recovered from cancer with timely treatment have said that they view life differently, having been given a second chance at life, and that they are blessed. They take on living life to the fullest and not only make a commitment to their families in a different way but see life very differently and wanting to make a commitment to their fellow man.

The Ryan electorate can be very proud because it can claim the Australian of the Year, Professor Ian Frazer, for his research into the treatment of cervical cancer. In this country between 500 and 1,000 women are affected by cervical cancer, and it kills some 300,000 women worldwide. Some 500,000 women worldwide are also affected by cervical cancer. Therefore, the work of Professor Ian Frazer of St Lucia in the Ryan electorate is most important. In fact, a recent article described him as God’s gift to women. When last I saw him, I think he mentioned to me that he took that as a great honour, because he is a very dedicated Australian. We know, as I said, that cervical cancer kills many hundreds of thousands of women worldwide and Ian Frazer, as a specialist in medical research, has dedicated his professional life to finding a cure for that disease.

In the time I have remaining to me, I want to refer the House to an article in my local south-west newspaper, the Westside News, of Wednesday 15 March. It was a very timely article that talked of the possibility of research coming to the fore that will potentially eradicate brain cancer. The very well known St Andrew’s War Memorial Hospital in Brisbane will be the first Australian hospital to trial a treatment with the potential to eradicate brain cancer. I want to pay a compliment, in the Parliament of Australia, to Dr David Walker, who said that the treatment—which involves injecting a liquid directly into tumours—would offer hope to those affected by non-operable progressive brain tumours that had a low long-term patient survival rate. Let me quote from that article in the Westside News of 15 March. It reads:

Based on a protein derived from the diphtheria bacteria, the trial has shown promising results overseas.

“As about 10 per cent of people have shown what they call a complete response, where the tumour has disappeared and not recurred yet…” Dr David Walker said.

He continued:

“Up to 50 per cent have had some response, which means the tumours haven’t progressed, have gone away partly or gone away completely.”

... the surgery which involved inserting a catheter directly into the brain, was is not complex.

“The drug is toxic to the tumour cells, but the patients don’t get a lot of side effects from it” ...

This is a very promising piece of research and the medical staff at St Andrew’s War Memorial Hospital in Brisbane are amongst the finest medical researchers this country has. Wherever members of the federal parliament get the opportunity, I think we should praise those in the medical profession. We should take our hats off to them because they are amongst the most brilliant people our country can produce.

I also draw to the House’s attention an article in the Financial Review of Thursday, 16 March 2006. A visiting American researcher, Garry Nolan, from the Stanford University National Heart, Lung and Blood Institute, came to Australia to give a speech. This gentleman, obviously a very intelligent and inspiring man, an associate professor at Stanford University, has suffered cancer on three occasions, yet has been able to recover and go on to inspire his colleagues with his research into melanoma, a cancer that is very common to Australians.
I want to encourage all Australians, if they have not yet done so, to be very vigilant about their health, and to look at research into the condition of their health. It is very easy, in our busy lives, to neglect our health. I am very guilty of this; I am sure the overwhelming majority of my colleagues in the parliament would join me in saying that they probably neglect their health to an extent that should not occur. We should be more vigilant about our health. We should exercise more and consult our doctors regularly. We should check our bodies to ensure that we are, as much as possible, fit and healthy.

For women in particular, the early detection of breast cancer is important. As research shows, breast cancer can be cured if it is detected early enough. Mr Garry Nolan detected spots on his shoulder and forearm, and his aggressive melanoma would have turned into a cancer that would have killed him if he had waited only a matter of a few extra weeks before seeking help. That is a reflection of how important it is for us all to check these things.

I notice some young Australians in the gallery today. I welcome them to the Australian parliament and hope that they are conscious of their health. I am sure their teachers and parents are equally vigilant about that. It is important to keep fit and healthy; it is important to look out for each other and for one’s family members as well.

We spend billions of dollars on all kinds of important causes, such as the war on terror. We spend billions of dollars on roads. We spend billions of dollars on trade and commerce. I recall that when the President of Pakistan visited here in June last year he talked about a jihad. He referred to those extreme Muslims who talked about a jihad against the Western world—those who harboured ill will towards the Western or English-speaking world. He said, ‘Why don’t they call for a jihad on some of the terrible things that afflict our world, such as a jihad on poverty?’ It was very inspiring. I am sure that those of my colleagues who had the great privilege of hearing President Musharraf of Pakistan speak in the Great Hall would share my view that he gave a very instructive presentation.

I call upon the Australian government and all governments, of whatever political persuasion, to have a jihad against cancer. Let us have a jihad against poverty; let us have a jihad against cancer; let us have a jihad against all those things that make our society poorer. Let us have a jihad against HIV-AIDS. Let us have a jihad against evil people in the world. Let us do something to make this world a finer place for the people who will follow us.

My wife and I are expecting our first child in June. This is a moment that I have been told will change my life forever. I will be joining the fatherhood club. I know that my colleagues in the chamber today, the member for Wentworth and the member for Lilley, are both parents. I will be joining that fatherhood club, and I look forward to it with much enthusiasm. I want my son or daughter to come into a world that is much better than the world that I live in. That is why I have come to the Australian parliament—not only specifically to represent my constituents and my political party but to make a difference in the world in which my wife and I live, the world in which my son or daughter will live, the world in which his or her children will live, and the world in which my fellow human beings live.

Mr SWAN (Lilley) (1.20 pm)—It is unquestionably in the nation’s interests that more be done to detect, diagnose, treat and cure the ravages of cancer. There is not a family in this country, there is not a street in any suburb, regional town or rural area
where someone does not have a relative who is affected by cancer. When someone in a family has cancer, the whole family is affected. It is not a question of whether it is a cancer like prostate cancer, affecting men, or breast cancer, affecting women; we are all in this together. It must be a very important national priority to do something about more accurately detecting cancer, particularly in the early stages, and then, if it proceeds, to cure that disease much more effectively.

Wonderful movements are occurring in research around the world. We are having greater success in detecting cancer early and in curing it. That gives us all a lot of hope, which is why, I am sure, members come to this House today entirely supportive of a more improved, coordinated attack upon the ravages of cancer in our society.

The Cancer Australia Bill 2006 establishes Cancer Australia in order to improve coordination within the cancer sector and to ensure that ‘the entire spectrum of cancer care services throughout Australia are evidence based and consumer focused’. I welcome the appointment of Dr Bill Glasson to this very important position. He is a man whom I regard highly and have seen to be a very effective operator and doctor over many years. It is very important that Cancer Australia is an effective organisation with strong leadership, because I think it is true to say that that leadership has not necessarily been as strong, as effective or as evidence based as it ought to have been in recent years.

This is a very important body. It is very important that it implements practices of evidence based research and it is very important that it stays consumer focused. As I said before, sadly this has not necessarily happened across the board in the past. So today I want to make some constructive comments about how it can more effectively pursue that goal of early detection, because early detection is always the best protection.

The importance of this comes home to me all the time as I travel around Australia and work with the Prostate Cancer Foundation to raise awareness and to assist them to raise funds for early detection and for medical research into more successful cures, which are so desperately required. The fact is this: whether you are dealing with prostate cancer, breast cancer or cervical cancer, too many Australians do not get early detection of their cancer. For too many Australians, it is a lottery. This is particularly the case with prostate cancer. Many men I meet have not been detected early and as a consequence are suffering terribly from that, as indeed are their families. Of course, this is the case in many other areas—cervical cancer is a particularly difficult cancer to detect early. But great strides can be made if the funds can be marshalled behind the research effort that aids in early detection as well as more effective cures.

That is why I have been very proud to have been involved with the ‘Be a Man’—see your doctor—campaign, which is funded not by the public of Australia, not by the Cancer Council, but by the Australian Pensioners Insurance Agency, who stepped into the breach which was left open by the failure of the Cancer Council of Australia to come to the party and support early awareness-raising activities of the Prostate Cancer Foundation. This campaign should have been the beneficiary of more public support, but it did not receive it from people like Professor Alan Coates, the current CEO of the Cancer Council. Despite that, it did go to air and I am sure it is raising awareness in the community and is saving lives.

These are not matters which are new; these matters came before the House back in
June 2003, when this House came together to talk about raising awareness for prostate cancer. Many members spoke and it was a very good debate. Around that time Professor Coates had said that he personally would not get tested for prostate cancer and publicly advised men not to be tested for prostate cancer. It was essentially an attitude that said, ‘Don’t bother to find out.’ He went on to mount an argument that testing was not reliable. Nothing could be further from the truth. But the problem was that when Professor Coates made those statements he torpedoed the prostate cancer awareness-raising campaign. It did not go to air. It took another two years before the Prostate Cancer Foundation could get that campaign to air. The consequence of that not going to air then, of the delay involved in it not going to air then, would have been quite savage for many Australian men who were not the beneficiaries of those awareness-raising activities. It is vital that we get early detection, but we cannot have early detection if men are not presented with the information they need.

That Be a Man campaign went ahead based on scientific research that Professor Coates has chosen to ignore year after year. He did it in an environment where only one in 10 men is tested for prostate cancer—the physical examination and the PSA test. Compare that to breast cancer, where seven in 10 women are tested for breast cancer. Only one in 10 men is tested for prostate cancer, despite the similar numbers—around one in 10 or one in 11 are affected by those cancers. That is why it was deeply disturbing to hear Professor Coates recently on the SBS Insight program repeat those ill-informed comments that he made some years ago which initially torpedoed the Be a Man campaign. That has been going to air advising men to see their doctor and get tested.

When you have the head of the principal cancer organisation in Australia saying that he personally would not be tested for prostate cancer, what sort of a message does that send to men who may be too afraid or too ignorant to go to their doctor and get tested? What it actually provides is encouragement for people to choose ignorance over information. So I was appalled when these remarks were made by Professor Coates only some weeks ago on the Insight program, making for a more difficult problem in the community when what we need to be doing is encouraging men to get tested.

More importantly, we need campaigns for early detection and awareness based on evidence—based on scientific research. Professor Coates’s comments fly in the face of scientific evidence that men should be tested at certain ages. They flew in the face of perhaps a definitive report on this question that appeared in the Medical Journal of Australia, Volume 183, No. 6, 19 September 2005. This is a report on a defining piece of research titled ‘Revisiting the role of radical surgery in early stage prostate cancer’. The subtitle poses the question: ‘Is it time to walk the line between overtreating indolent disease and undertreating aggressive disease?’ These were the research findings that Professor Tony Costello reported in the Medical Journal of Australia:

In men treated with surgical intervention, the incidence of metastatic disease and risk of death from prostate cancer was significantly reduced compared with those who are managed by watchful waiting.

... ... ...

This health benefit was highest in men younger than 65 years of age, with 19% of watchful-waiting patients compared with 8% of patients treated with surgery dying from prostate cancer at 10 years.

That is a definitive piece of research which backs up the argument that has been put by urologists—people like Professor Tony Costello—that you must have early detection
based on awareness-raising campaigns. The foundation for it basically says that men over 50 ought to be tested through the physical examination and the PSA test, and, if they have a first-degree relative, they ought to be tested at 40 and over. But the message that is coming from the Cancer Council of Australia and its CEO, Professor Allan Coates, is that that is not the case. They deny the validity of that evidence.

This blinkered view is one that ought to be rejected and it ought to be rejected in a body such as the new Cancer Australia, because we need to have early detection based on evidence based research such as that which has appeared recently in the Medical Journal of Australia. The sort of leadership we have had from Professor Coates is leadership of the worst kind. In one fell and particularly ill-considered swoop, Professor Coates has significantly set back the marvellous education and testing campaigns being run by the Prostate Cancer Foundation and I think also by a range of breast cancer organisations.

Unfortunately, this debate has now erupted with respect to breast cancer, where seven in 10 women are tested. Following the press recently I have seen similar critiques on the early screening for breast cancer, arguing that it should not occur, that the evidence for screening is not there, that the longitudinal studies are not in, that too much distress is caused for those who are not found to have a life-threatening disease and so on. All of this comment is not based on research and is very ill informed. The view being put forward by Professor Coates and a small number of rogue practitioners flies in the face of the commonsense observation that early detection is the best protection.

As I said before, the latest research published in the Medical Journal of Australia in September proves that testing and treating men with prostate cancer saves lives—that eight years after detection and treatment men have a 50 per cent chance of living longer compared to those who have no treatment at all. This important piece of research proves that only 20 per cent of men with prostate cancer will not suffer life-threatening consequences. Of course, tragically, that means that 80 per cent of those men will suffer life-threatening consequences. If they take the advice of Professor Coates 80 per cent of those men will suffer life-threatening consequences. As many men in the community today know, this is a ratio that they ought not consider as being acceptable. What Professor Coates is really saying is that, to protect the peace of mind of only 20 per cent of men, 80 per cent of men should make a conscious decision to ignore a life-threatening disease. I fear what the tragic consequences of that would be if this sort of advice were to spread to those who are looking at the early detection of breast cancer, when the testing rate is in now seven in 10 compared to only one in 10 for prostate cancer.

By publicly stating his conscious intention not to be tested, Professor Coates has decided to substitute considered public policy for an ill-considered personal view. His advice against testing will, for some men, lead to an early and painful death. Professor Coates is effectively telling men to stick their heads in the sand. He is telling us to be guided by the false calm of apathy and ignore the compelling scientific evidence that shows men will live longer with early detection and treatment of their disease. We as a community, through this new body, should choose knowledge and information as the weapons required to defeat fear and apprehension and ultimately to defeat the curse of cancer.
made by the member for Lilley and I congratulate him on his ‘Be a Man’ campaign for prostate cancer. I speak personally on this matter, as my father has advanced prostate cancer. I highly recommend that all men between the ages of 40 and 50 undertake these tests to prevent happening to them what I have seen happen to him.

Unfortunately, cancer remains an all too familiar experience for many Australian families, and those in my electorate of La Trobe are no different. The Cancer Council of Australia’s statistics are frightening. Before the age of 75, one in three men and one in four women will have contracted the disease. These men and women are our parents, our siblings, our children and our friends. They are you and I. Of all the medical challenges that confront Australia in the coming century, perhaps none is of more gravity than that of finding a cure for cancer.

Despite these dire statistics, all Australians should take heart that the Howard government has resolved to keep Australia at the forefront of the early detection and treatment of cancer. The Howard government recognises that to be able to do so successfully it must first provide the proper institutional framework. In this way the Cancer Australia Bill 2006 is a vital step in attacking this insidious illness. Cancer Australia has been allocated funding of $13.7 million over five years to enable it to provide national leadership in cancer control. In doing so, the Howard government is fulfilling its promise to the electorate of a new national coordinating body for cancer care.

The establishment of Cancer Australia is just one of a series of measures in the Howard government’s Strengthening Cancer Care initiative. Through the Strengthening Cancer Care initiative, the Howard government will allocate $189.4 million over five years to 2008-09 towards a range of anticancer measures. Cancer Australia is to be established with the aim of creating a central body to connect and coordinate the many organisations which fight cancer across Australia. The Cancer Australia umbrella will supersede the current rather unwieldy arrangements between the Cancer Council of Australia and various federal government agencies. The passage of the Cancer Australia Bill 2006 will ensure that these groups now speak to government with a single voice. Cancer Australia will make recommendations directly to the minister through the voice of some of Australia’s pre-eminent medical experts.

The message ‘Prevention is better than cure’ is often repeated. Unfortunately, it is far less often heeded. Nowhere is it more apparent than in the fight against cancer. It is of great concern that many of the major causes of cancer in Australia are, at least to some degree, preventable. I believe that education is critical in promoting behaviour which prevents cancer. The main culprit continues to be tobacco. Tobacco related illness accounts for the most prevalent and most preventable causes of cancer in Australia. The statistics provided by the Cancer Council of Australia are quite startling. Tobacco smoke directly causes more than 11,000 new cases of cancer each year — 12.5 per cent of all new cases of cancer. More than 7,800 deaths every year are caused by cigarette smoking. The majority of these deaths are from lung cancer. Lesser known cancers such as throat cancer and mouth cancer also contribute to the toll.

Furthermore, we are learning more and more about the adverse effects of smoking that are visited upon unborn children. Children of mothers who smoke while pregnant are at a far greater risk of a number of ailments, among them low birth weight, prematurity, SIDS and asthma. The Howard government is committed to reducing the num-
ber of women smoking during pregnancy. To this end, the Howard government is providing new funding of $4.3 million over three years to 2007-08 to encourage doctors, midwives and Indigenous health workers to advise pregnant women about the damage caused by smoking.

I would also like to voice my support of the new requirements that all cigarette packaging contain graphic photographs of victims of cancer and other tobacco caused illnesses. The glamour that cigarette manufacturers have hidden behind for so long must be torn away. We can only hope that these images, gruesome as they are, will achieve their aim and bring smokers to their senses. Thankfully, with measures like these, smoking is progressively being pushed further into the margins of our society.

A second major cause of preventable cancer in Australia is skin cancer. The statistics provided by the Cancer Council of Australia indicate that Australia has the highest rate of skin cancer in the world. Each year around 374,000 Australians are treated for non-melanoma, non-life-threatening skin cancer and more than 8,800 are diagnosed with melanoma. Tragically, of their number, over 1,300 Australians will die from melanoma or non-melanoma skin cancers every year.

As with tobacco, further education is crucial. Educational measures, such as the Slip Slop Slap campaign launched in 1980, or the SunSmart campaign of more recent times, have familiarised Australians with the risks of Australia’s intense UV light. But mere recognition of these risks does not diminish them. The challenge is to transform this recognition into action.

This will be no easy task. It beggars belief that tanning salons—solariums as they used to be known—are a growth industry. Statistics on the VicHealth website suggest that there has been a 600 per cent increase in the number of solariums in Melbourne in the past 10 years. This growth has been fuelled by the widely held misconception that there is a ‘safe’ kind of suntan. What is more, this potentially dangerous industry is unregulated. Glamour can be a fatal pursuit.

In any event, given Australia’s love of the sun, eradicating skin cancer will continue to be a great challenge. Accordingly, I wish to applaud the funding of $5.5 million over two years to 2006-07, to educate Australians about the importance of protecting themselves from skin cancer.

Many experts also link the risk of cancer to overweight and obesity. The Cancer Council attributes over 25 per cent of cancer cases and over 7,600 deaths annually to lifestyles which are characterised by physical inactivity and poor diet. As has been widely publicised in the media, Australians are getting fatter; obesity has now become an epidemic. Over the past several decades there has been an enormous rise in the number of overweight Australians. Australia now holds the unenviable position of being the second fattest country in the world behind the United States—something we should not be proud of. While in the 1980s less than 40 per cent of Australian adults were overweight and obese, in 2000 it was estimated that the figure was somewhere around 60 per cent.

What is more alarming still is that our children are not immune to this illness—as many as 30 per cent of Australian children are estimated to be overweight or obese. Children are adopting the same behaviours as their parents. One suspects this is because our children are fast becoming more comfortable in the virtual world of the internet and video games than they are in the real world. The health implications of this obesity epidemic will, no doubt, be yet another great challenge facing Australia’s medical system.
There is convincing evidence that excess weight is associated with an increased risk of endometrial, oesophageal (gullet), renal (kidney) and colorectal cancer (bowel) and of breast cancer in post-menopausal women.

It would be a bitter irony if the prosperity Australians have worked so hard to achieve turns out to be a health hazard. Educating Australians about preventative behaviour also includes education about the availability of methods of early detection. In this regard I would like to endorse the Commonwealth government’s allocation of $43.4 million over three years for the phasing in of a national bowel cancer screening program. Early diagnosis of bowel cancer or pre-cancerous abnormalities has been shown to markedly increase the chances of survival.

One type of cancer that is not known to be preventable is breast cancer. However, we must ensure that women are both educated about, and have access to, the best methods of early detection. In this regard I must convey my full support for the $4 million in funding that the National Breast Cancer Centre will receive to help raise awareness about early detection of breast cancer.

I think it is important that I take this opportunity to address the issue of the availability of the breast cancer drug Herceptin. While Herceptin is currently available on the PBS for women suffering from late stage breast cancer, some of my constituents have asked me to support making it available for early stage use. So far over 1,500 Australian women have benefited from this drug, but the drug’s cost is prohibitive for most Australians: a year’s Herceptin treatment costs around $66,000.

I fully support putting Herceptin on the PBS for early stage use, provided its manufacturer, Roche Products Pty Ltd, can satisfy the Therapeutic Goods Administration that it is an effective treatment. It would be irresponsible to let the drug pass without full and proper scientific scrutiny; and it would be a tragedy in itself to deliver a message of false hope to breast cancer sufferers.

Recognising the urgency of this situation, Minister Abbott has instructed the TGA to prioritise the evaluation of Roche’s application to extend the registration of the use of Herceptin to early stage breast cancer. As I understand it, the TGA is currently undertaking a review to assess if Herceptin is satisfactory for this additional use. It is expected that this review will be completed within three months. Minister Abbott has also fast-tracked a simultaneous application to the Pharmaceutical Benefits Advisory Committee for the government subsidy. Ultimately, however, the PBAC can only consider a submission for listing on the PBS once the drug is approved for use by the TGA. I congratulate Minister Abbott on his efforts in prioritising the evaluation of Herceptin. I hope that those awaiting its results can take some comfort—small as it may be—from the fact that the Howard government is doing all it can to expedite the process.

The Howard government continues to give great support to the health services provided to my constituents in the electorate of La Trobe. The Howard government has allocated $800,000 over two years towards the Fernlea House palliative care hospice in Emerald. While the Fernlea House facility is not exclusively for cancer sufferers, the majority of its patients are cancer patients. When Fernlea House opened its doors in November 2005, I was proud that the Commonwealth government was able to fund a project that many people in my electorate had worked tirelessly towards over a number of years. Again I acknowledge the fantastic work of Jan Lancaster. It was a great achievement. It was fantastic to make a contribution and to
deliver on a promise I had made to my constituents before the last election.

As I have told the House before, my involvement with the Fernlea House committee began many years ago when I discovered that there was not one respite care facility in the far east of Melbourne. At the time, the area locally known as ‘the Hills’—the Dandenong Ranges—was in great need of such a facility. Previously, people in the area seeking respite or palliative care would have to travel for over an hour to receive appropriate treatment. Fernlea House can accommodate up to six patients per day. The committee of management of Fernlea House—and I congratulate it—is still hoping to reach its ultimate goal of a six-bed overnight accommodation facility. It is not currently able to do so as the Victorian state government has so far failed to contribute any funding to the project. That lack of action by the state Labor government is a disgrace. To date, Fernlea House has been entirely funded by the Howard government. I once again encourage the Victorian state government to shoulder some of the burden to assist in keeping Fernlea House operating. Fernlea House is providing a much-needed health service to the area and the burden should not fall solely on the Commonwealth government’s shoulders.

Part of Cancer Australia’s charter is to strengthen palliative care services. I would like to endorse the Local Palliative Care Grants Program. Under this program the Howard government is committed to providing $23.1 million to assist charitable hospices like Fernlea House, and other local groups such as churches and aged care providers, to support cancer patients and their families. The new funding will be used for the fit-out of and equipment for premises for palliative patients, pastoral care, and counselling.

In closing, I would like to reiterate my support for the Cancer Australia Bill. Cancer is an issue of the utmost importance to all Australians, young and old. The establishment of the Cancer Australia organisation is an integral part of the Howard government’s anticancer program. A cure for this terrible disease cannot come fast enough.

Mr BOWEN (Prospect) (1.50 pm)—Cancer has touched every Australian. Twenty-eight per cent of all deaths in Australia are caused by cancer. Some 88,000 new cases of cancer are diagnosed in Australia each year. This is in addition to the more than 300,000 people who have possibly cancerous skin growths removed each year. To put this in context, there are approximately 88,000 people in each federal electorate. That is an entire federal electorate diagnosed with cancer each year. One in three Australian men and one in four Australian women will develop cancer before the age of 75.

I was very encouraged to hear the honourable member for La Trobe indicate to the House that he supports the listing of Herceptin on the Pharmaceutical Benefits Scheme once it has been through the TGA processes. Some 11,000 women are diagnosed with breast cancer each year. I would suggest that the disease has touched almost every Australian family in some way. Of the 11,000 women diagnosed with breast cancer each year, between 2,000 and 2,500 will be HER2 positive. That means that they are possibly able to be treated with Herceptin. The difficulty arises because Herceptin is not on the Pharmaceutical Benefits Scheme schedule and one year’s course of Herceptin can cost approximately $60,000. We see women and families selling their houses and taking out a second mortgage in order to fund their cancer treatment. That is not a situation that is acceptable. The decision will go to cabinet because it would cost more
than $10 million to put Herceptin onto the Pharmaceutical Benefits Scheme schedule.

In the last week and a half I have been organising a petition in my electorate to support the listing of Herceptin on the Pharmaceutical Benefits Scheme schedule. In 1½ weeks, over 10,000 signatures have been obtained. Although I cannot table them in the House at this point, I will be, and I would like to bring the attention of the House to the 10,260 signatures which have been collected in the electorate of Prospect over the last week and a half. I recognise the contribution of other honourable members in this campaign, particularly the honourable member for Holt and the honourable member for Cunningham, both of whom have been very passionate advocates for the listing of Herceptin on the Parliamentary Benefits Scheme schedule. I also acknowledge and thank all the people in my electorate, many of whom have been going up and down their streets collecting signatures after I wrote to them asking them to support this campaign.

I acknowledge the comments of the honourable member for La Trobe that the process through the TGA has been fast-tracked. But I also acknowledge the comments of the head of the Sydney Breast Cancer Institute, Dr Richard West, who said that the delays in making this drug available are ‘reprehensible’. I call on the government to recognise the importance of the drug when the matter comes before cabinet and to acknowledge that, although this would be an expensive decision, that is what the PBS is there for.

Cancer Australia is established by the Cancer Australia Bill 2006. I support that as a step in the right direction. I do hesitate to make political criticisms of the government in a debate on a life and death matter such as cancer, but I also believe this matter is so important that there is an obligation on all members to point out the shortcomings of this bill, which I will turn to shortly. But, firstly, let me deal with the positive aspects of the bill.

This bill, of course, establishes Cancer Australia, and the time for this idea has come. There are many groups, foundations and organisations dedicated to fighting different types of cancer in Australia. The establishment of Cancer Australia will provide leadership and coordination to these efforts. The role of Cancer Australia will be to provide national leadership in cancer control; to guide scientific improvements to cancer prevention, treatment and care; to coordinate and liaise between the wide range of groups and health care providers with an interest in cancer; to make recommendations to the government about cancer policy and priorities; to oversee a dedicated budget for research into cancer; and to assist with the implementation of Commonwealth government policies and programs in cancer control.

It is, of course, impossible to argue that any of these roles would not be very worthy or that Australia would not benefit from the creation of Cancer Australia. My main criticism of the government in this regard is the very long period of time it has taken to establish Cancer Australia and what this has meant for the National Cancer Control Initiative established by the former Minister for Health and Aged Care, the Hon. Michael Wooldridge. The National Cancer Control Initiative advises the government on cancer. Indeed, the NCCI’s work has led to the Strengthening Cancer Care policy that Cancer Australia will be charged with implementing.

Whenever a new organisation is created, it is important that the corporate knowledge existing in other organisations is not lost. While many people had assumed that the NCCI would be incorporated into Cancer Australia, this will not be the case. Indeed,
the NCCI has been left to wither on the vine. The head of the NCCI, Professor Mark Elwood, sent out a letter to cancer groups outlining that the future of the initiative was unclear and that funding was running out. This situation is very disappointing. It is also in contrast to the experience in New South Wales.

In 2003, the New South Wales government established the Cancer Institute NSW. The New South Wales government have been keen to ensure that the new institute works closely with the existing New South Wales Cancer Council and that the Cancer Council’s work is not lost. While I am on the topic, I regard the efforts of the New South Wales government in cancer control as world’s best practice. They are punching way above their weight. They have a minister directly responsible for the fight against cancer, a chief cancer officer and a state cancer plan. This is an area that a state government could very easily ignore, but the New South Wales government have not ignored the issue of cancer; they have been very proactive. I do not always agree with the New South Wales government’s actions, but I have nothing but praise for their actions, in particular the actions of Minister Sartor, in relation to cancer.

Another issue I want to touch upon is the issue of conflict of interest. This is perhaps not a major issue, but it is an issue where I think this government has again neglected to follow the best practice of the New South Wales government. The Cancer Institute (NSW) Bill 2003 outlines at considerable length in clause 8 of part 2 what must be done to avoid potential conflicts of interest. However, the Commonwealth legislation simply says that conflicts of interest must be declared. This is an area where I think the Commonwealth could have done better by following the lead of the New South Wales government in having a much more prescriptive approach to how conflicts of interest on the boards of various cancer authorities should be dealt with.

Another area where I think the government could have done better is in its response to the Senate Community Affairs References Committee report The cancer journey: informing choice, which was the final contribution to this nation of the late Senator Peter Cook. The government has not responded in any substantial way to this report. Unsurprisingly, the government has not responded to any reports by parliamentary committees in recent times. I am sure government members who work so hard on their parliamentary committee work would share the frustration of opposition members that the executive in this nation has shown utter contempt for the parliamentary committee process. The government has ignored this very important report, which was a unanimous report—agreed on by both the government and the opposition—and it has ignored the lasting legacy of Senator Peter Cook. Minister Abbott did indicate during the condolence motion for Senator Peter Cook that he would be responding soon, but we have seen no formal response.

It is also something that has been recognised by the Australian Labor Party. At the last election, our policy was to fund a multidisciplinary conference on care provision for newly diagnosed cancer patients. This would have included surgeons, medical oncologists, radiation oncologists and genetic counselors. Labor’s proposal would have involved 120,000 team consultations for cancer patients. I recognise that this would have been a small step, but it would have been a significant step in the right direction of encouraging and funding a multidisciplinary approach to cancer treatment and in recognition of the thrust of the Senate committee’s report and, in particular, in recognition of the work of the late Senator Peter Cook.
This was just one aspect of Labor’s cancer policy. Other aspects included the national roll-out of a new cancer screening program for the early detection of bowel cancer; educating young men about testicular cancer to ensure early diagnosis and, hopefully, cure; and strengthening the links between Australia’s research institutions, to which I referred earlier, and public hospitals across the country to ensure the speedy adoption of new cancer treatments, including new gene therapies.

In conclusion, I would like to support the comments of the honourable member for La Trobe, who supported the listing of Herceptin on the Pharmaceutical Benefits Scheme schedule. I would also like to again acknowledge the efforts of the honourable members for Cunningham and Holt on this very important matter.

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

MINISTERIAL ARRANGEMENTS

Mr HOWARD (Bennelong—Prime Minister) (2.00 pm)—I inform the House that the Minister for Agriculture, Fisheries and Forestry will be absent from question time today and tomorrow. He is travelling to the United States and Canada for bilateral meetings on agricultural matters. The Minister for Transport and Regional Services will answer questions on his behalf.

I also inform the House that the Minister for Human Services will be absent from question time today. He is in Queensland visiting the cyclone region. The Minister for Families, Community Services and Indigenous Affairs will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE
Workplace Relations

Mr BEAZLEY (2.01 pm)—My question is to the Prime Minister. I refer to eight employees who each lost their job yesterday at Melbourne company Triangle Cables. Isn’t it the case that their jobs were advertised before your extreme industrial laws came into effect? Isn’t it the case that these eight employees sacked yesterday are just among the first of millions of Australian employees whose job security you have torn up?

Mr HOWARD—I do not have any direct information on this matter to give the detailed answer sought by the Leader of the Opposition. But the ordinary principles of commonsense tell me that in the second part of his question he lapsed into the rhetoric that has been so redolent of the Labor Party’s approach to this matter. The truth is that the changes that came in on Monday are going to lead to more jobs in the Australian community, not fewer.

Trade: China

Mr HAASE (2.02 pm)—My question is addressed to the Deputy Prime Minister and Minister for Trade. Would the Deputy Prime Minister outline to the House how Australia’s economic relationship with China is improving our exports, creating jobs and keeping our economy strong?

Mr VAILE—I thank the honourable member for Kalgoorlie for his question and recognise the enormous input that the electorate of Kalgoorlie has into Australia’s national export effort. We have recorded in this place before the statistics for exports from Australia last year, which totalled $176 billion—a record in terms of the value of exports from Australia. Importantly, the economic rise of China, in transforming the global economy and through the impact it has been having on the regional economy in the last two years, has had a profound impact.
on that growth in Australian exports, with a lot of those coming out of the electorate of Kalgoorlie.

In the last two years alone China accounted for a quarter of the world’s total economic growth. It is a phenomenal growth to watch at the moment with the transformation and the industrialisation that is taking place in China, and of course Australia is a key partner in that. China has become our second-largest export market after Japan. Our exports to China rose in 2005 by a massive 41 per cent. Again, I include many of the exports out of the electorate of Kalgoorlie in Western Australia, particularly minerals, fuels and energy, which recorded exports to China worth $8.3 billion. Agricultural exports have trebled in the last 10 years to $3 billion and China has become our third-largest agricultural export market destination.

On the services side, there are now a record number of Chinese students studying in Australian educational institutions, with 81,000 Chinese students studying in Australia. Last year 285,000 visitors from China came to our shores as inbound tourists. Manufactured exports soared by 133 per cent from 2000 to reach a record level in 2005. And, of course, China has become the largest market for Australian wool—a commodity, Mr Speaker, that I know you take a great deal of interest in.

Along with two-way investment flows the broad economic relationship between China and Australia is flourishing. Some of the agreements that have been put in place are quite significant, across the services and investment sector, not just the resources and energy sectors. With China throughout this decade we are building the foundations for Australia’s economic future. We have to lock ourselves in as much as we can to the growth path that China is embarking upon, because inevitably it will benefit all Australians.

Members would be aware that we have embarked upon the negotiation of a free trade agreement with China. We recognise that this will be a challenging agreement—it will not be like any other, but it is something that we must do to consolidate our position in this marketplace as well as create new opportunities for the future. It is all about our broader agenda as far as trade is concerned, its contribution to the Australian economy and the core objective of our government in keeping the Australian economy strong.

DISTINGUISHED VISITORS

The SPEAKER (2.06 pm)—I inform the House that we have present in the gallery this afternoon the United Kingdom shadow minister for sport and Olympics, Mr Hugh Robertson MP. On behalf of the House I extend to him a very warm welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Workplace Relations

Ms BURKE (2.07 pm)—My question is to the Prime Minister. I also refer to the eight employees who were each sacked yesterday from Melbourne company Triangle Cables. Here is the letter dated Tuesday, 28 March that each of these eight employees received, the day after your extreme industrial relations changes commenced. Prime Minister, why didn’t you just sign the letter yourself?

The SPEAKER—Order! In calling the Prime Minister, I will remind the member for Chisholm that questions should be addressed through the chair.

Mr HOWARD—I have not had the material put to me by members of the opposition, but let me remind those who sit opposite that these sorts of questions were asked 10 years ago when we brought in changes. Here we are 10 years later, with 1.7 million more
jobs, real wages having risen by 16.8 per cent and unparalleled wealth and prosperity across the land—and all we get is whingeing from the Labor Party.

**DISTINGUISHED VISITORS**

The SPEAKER (2.08 pm)—I inform the House that we have present in the gallery this afternoon the Hon. Jay Weatherill, the Minister for Families and Communities for South Australia. On behalf of the House I extend him a very warm welcome.

Honourable members—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Taxation**

Mr SCHULTZ (2.08 pm)—My question is addressed to the Treasurer. Would the Treasurer inform the House whether all states and territories have agreed to abolish their inefficient state taxes in line with the 1999 GST agreement? Is he aware of any state which is not honouring the agreement?

Mr COSTELLO—I thank the honourable member for Hume for his question. I can inform him that at the meeting of state and federal treasurers on Friday the GST proceeds—

Opposition members—Feral treasurers?

Mr Crean—You’re a feral Treasurer!

Mr COSTELLO—I welcome the member for Hotham back again—the sound effects man. How we would have missed him if Senator Conroy, Mr Shorten and Mr Pkula—Mr Peculiar—had had their way and run him out of Hotham. It was not just Mr Peculiar, either: the Leader of the Opposition, the running dog of the roosters, if he had his way would have rubbed him out in Hotham as well. Anyway, I get distracted. Let me get back to GST. GST is distributed between the states in accordance—

Opposition members interjecting—

The SPEAKER—Order! There is far too much noise. The Treasurer will be heard.

Mr COSTELLO—GST is distributed between the states in accordance with horizontal fiscal equalisation under an agreement between all of the states signed in 1999. In 2005-06 New South Wales will receive the sum of $10.2 billion of GST revenue. I might point out that when that was allocated at last year’s conference not a word of objection was raised by New South Wales in relation to its entitlement. The then Treasurer, Mr Refshauge, did not object to that distribution. The formula of equalisation between the states administered by the Commonwealth Grants Commission has now been operating since 1933. The only reality about distribution between the states is that if one state gets more another state must get less. This is a zero sum gain. The $39 billion is distributed between the states. If one state gets more, another state must get less. The Commonwealth does not keep any of the revenues.

As everybody in Australia knows, GST was introduced to abolish a whole raft of other taxes. Although each and every other state has now agreed to a timetable for the abolition of those other taxes, there is one state in Australia which refuses to honour this agreement and which believes that it is entitled to keep in place the GST and the taxes which it was designed to replace. That is the shameful state of New South Wales. Premier
Iemma wants to double tax the people of New South Wales. He wants them to pay GST and he wants them to pay stamp duty on their mortgages and stamp duty on their leases and stamp duty on their hire-purchase agreements and stamp duty on their unlisted marketable securities and stamp duty on commercial conveyances. The New South Wales Labor government has so mismanaged the state of New South Wales that it now wants to take GST revenue and keep the taxes that the GST was introduced to replace. Do we hear a word, a murmur, about this from anybody on the other side, any member of the opposition, including the member for Grayndler, who may have an interest in the New South Wales government and its tax policy? Not a word of complaint.

Whilst I am on the subject, is there any political party at the federal level that supports the New South Wales government in its demand to take money off other states and give more to New South Wales? We have not heard the federal Labor Party say that either. In fact we had the situation before the last election where the Leader of the Opposition was promising more money to Western Australia, notwithstanding the fact that Western Australia is a recipient state under horizontal fiscal equalisation.

I note that the federal Labor Party does not support the New South Wales government in its demand to take revenue off other states and to increase the New South Wales share of GST, but I also note that the federal Labor Party does support the New South Wales government in maintaining those taxes which the GST was introduced to replace. On this side of the House, having gone through the hard yards of tax reform, we demand that the people of New South Wales get their entitlements: that those taxes are abolished, that they are not double-taxed and that they are not put to a special penalty through an incompetent New South Wales Labor government.

DISTINGUISHED VISITORS

The SPEAKER (2.15 pm)—I inform the House that we have present in the gallery this afternoon members of a delegation from New Zealand who are visiting Australia under the auspices of the Australian Political Exchange Council. On behalf of the House I extend a very warm welcome to the members.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Workplace Relations

Mr STEPHEN SMITH (2.15 pm)—My question is to the Prime Minister. Prime Minister, is it the case, as reported today, that your office has contacted major employer groups and demanded that they provide ‘good news stories’ about the government’s industrial relations changes? Prime Minister, was the Australian Chamber of Commerce and Industry, ACCI, one of those groups? Isn’t it the case that, had ACCI’s submissions on the minimum wage been accepted over the past 10 years, the minimum wage would be $95 a week, or $4,940 a year, less? Prime Minister, is $4,940 a year less for the nearly two million Australian employees who are dependent on the minimum wage the kind of ‘good news story’ you had in mind?

Mr HOWARD—It would hardly come as a surprise to this House for me to acknowledge that my office does have regular contact with employer organisations. It is very regular and I make no apologies for that. I like to know the views of many people in the community, and we of course all know that the shadow minister has never had any contact with Greg Combet on this subject. So that must be our starting point on this issue.

There is one thing I can say: I may have contact with employer organisations but I
think I can confidently assert that no staff employed by any of my ministers has rung me on talkback radio with a Dorothy Dix question. We knew of ‘Chris’—from Waramanga, wasn’t he? We now have a modern version, which has come to us courtesy of Media Watch. ‘I see a good amendment of life in thee.’ Media Watch has given us Corinne, from HQ. It turns out that ‘Corinne’ is an employee of the member for Brisbane, who is a shadow minister. She apparently rang the Leader of the Opposition on ABC Radio 612 and said:

Kim I’m just wanting to, as a young person I think this AWB thing’s pretty scary and I just don’t understand why it’s not being highlighted as much. You know this is really scary—Australian dollars paying for weapons that we sent our troops off to fight in a war about.

Kim Beazley said:

Well you’re taking a very good moral stand Corinne and I’m glad to hear what you’ve got to say.

The interviewer said, ‘But, Mr Beazley, this isn’t biting out there.’ Do you know how Mr Beazley replied? He said:

The fact that Corinne’s ringing me means that it is biting out there.

‘Corinne’ happens to be the President of Queensland Young Labor. We are deeply indebted to the news hounds and sleuths of the Courier-Mail. They have a photograph of Peter Beattie after ‘10 years at the Labor helm’. You have Gough and Peter, and you have Corinne.

I have to say that I looked at Corinne before I did Gough and Peter. I know I will get into trouble for saying that in this politically correct age, but I am too advanced in that view to change. The simple fact of the matter is that this is a shameful cook-up of a Dorothy Dix, and I will not take any lectures from the opposition about whom I should talk to.

**Workplace Relations**

Mr KEENAN (2.19 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Is the minister aware of false claims about the impact of the government’s Work Choices legislation? Would the minister inform the House of what is really happening in our workplaces to improve the pay and job prospects of Australian workers?

Mr ANDREWS—I thank the member for Stirling for his question, which is an important one because, once again this morning and today, we have heard more hysterical and misleading claims from the ACTU and the Labor Party about Work Choices. In fact, on radio this morning, Mr Greg Combet, the Secretary to the ACTU, claimed that a Melbourne company—and this was repeated in question time by the opposition—had sacked workers because of their union activities. Mr Combet went on to say that the company had restructured itself such that it had fewer than 100 employees. If this is what Mr Combet believes, and if this is the evidence that Mr Combet has before him, he would know as the Secretary to the ACTU that it is unlawful to sack someone for being a member of a union. Indeed, it is unlawful to sack someone for engagement in trade union activities. Not only that, Mr Combet would know that there are penalties in the Work Choices legislation for companies that seek to restructure themselves in the way in which Mr Combet claimed this morning. This shows that, by making these claims on radio, Mr Combet is once again engaging in irresponsible fear-mongering on behalf of the union movement.

It is a bit like the member for Perth coming out and saying that four million Australian employees are at risk of being sacked. The reality is that Australians are sacked every day and have been since Federation. They were sacked last year; they will be in
20 years time. But also the reality is that, under the changes that this government has put in place, we have seen a substantial increase in employment in Australia—30-year lows of unemployment, real wages increasing by 16.8 per cent—and these changes are about growing employment opportunities for real Australians.

Indeed, this morning there was a report in the media from the Hudson recruiting group, which says that, according to a survey that it has carried out, 38 per cent of employers—that is almost four in 10 employers—are planning to increase their staffing levels in the months to June. But do we hear anything of this from the ACTU and the union movement? Nothing whatsoever. And, to give the lie to the campaign that the ACTU is running, on ABC radio this morning we heard from Zana Bytheway, the Executive Director of Job Watch, who was asked by the ABC presenter in Melbourne, Jon Faine, how many calls Job Watch had received regarding unfair dismissal over the past two days. The answer was half a dozen—half a dozen calls in two days. As Zana Bytheway said: ‘There has been no change in the actual rate of calls.’ And she said: ‘I can’t categorically say to you, “Look, suddenly we’ve been inundated.”’ So here is somebody who is the executive director of an agency, Job Watch, who receives this sort of call and says there has been no increase—

Mr Crean interjecting—

Mr ANDREWS—It is always great to hear the member for Hotham in here. It is always great to see that he has survived. There has been no increase according to Job Watch in the number of calls. And what this does is to expose once again that this campaign by the ACTU and the Labor Party is pure hysteria. If you want to have a more realistic view of what the impact of these changes is, just take one from the Northern Daily Leader in Tamworth today, in the member for New England’s electorate. We had a Mr Max Cathcart, the Manager of the Tamworth and District Chamber of Commerce and Industry, who said this about Work Choices:

There will be many, many benefits to employees and employers over the next four to five years.

That is what he said. A good employer will look after their employee because it is so hard to find good employees in rural areas. And we know that right around Australia. Mr Cathcart went on to say:

The unfair dismissal law has been a deterrent to employing people.

As Hudson said this morning, four in 10 businesses are looking to take on additional employees over the next three or four months to the end of June. This shows that, rather than the hysterical fear campaign we are getting from the Leader of the Opposition and the union movement, Work Choices provides Australian employers and businesses and their employees with the flexibility needed to get on and create more jobs. The Leader of the Opposition and his puppet-master, Mr Combet, ought to take a cold shower.

Oil for Food Program

Mr BEAZLEY (2.25 pm)—If the Minister for Employment and Workplace Relations took any sort of shower, we would all be grateful! I direct my question to the Prime Minister. Can the Prime Minister confirm evidence presented to the Cole inquiry that his own senior adviser on international policy at the time, Paul O’Sullivan, coached the AWB on its dealings with Volcker as late as June 2005 to ‘keep your responses narrow and technical’ and ‘complain about the process’? Prime Minister, why did your own office encourage and assist the AWB to evade the proper scrutiny of the Volcker inquiry, restrict the amount of information provided to the inquiry and cover up this ‘wheat for
Mr HOWARD—I am not in a position to give any independent verification. The fact is that material has been presented to the Cole inquiry. The material to which the honourable member refers is clearly, as he would know, in the realm of hearsay. It will be for the commissioner, a very learned person, a very professional person, as acknowledged by the member for Griffith this morning, to make judgments. As I have said before, I say again: let us wait and allow the commissioner to sift through these matters and make his judgment. But, in answer to the question regarding the determination on my part for cooperation and transparency, that remains the case, and I do not believe anything has countermanded that.

Visit by the United States Secretary of State

Mr RANDALL (2.28 pm)—My question is addressed to the Minister for Foreign Affairs. Would the minister update the House on the recent visit to Australia by the United States Secretary of State, Condoleezza Rice? How important is it to the United States alliance with Australia, and are there any alternative views?

Mr DOWNER—First, I thank the honourable member for his question and his interest. As suggested in his question, Condoleezza Rice, the United States Secretary of State, made what I think could only be described as a very successful three-day visit in the course of this month—her first visit here as the Secretary of State. She came with President Bush earlier as the National Security Adviser. During her visit here, Dr Rice was able to meet with me as her Australian counterpart, with the Prime Minister and with members of the National Security Committee of the cabinet. By the way, she also met with Mr Bob Hawke, the former Prime Minister, and had a discussion with him.

During her visit we were able to talk about China, as was highly publicised at the time, and about Indonesia. We emphasised during those discussions the importance of a constructive United States relationship with Indonesia and that, particularly in the context of the American view—and quite correct, by the way—of the importance of democracy in human rights around the world, Indonesia is a shining example of a country which is Muslim and democratic. The success of Indonesia in recent times is an important part of the global argument for democracy and freedom.

During the visit we also convened the first ever trilateral strategic dialogue with Condoleezza Rice, the Japanese foreign minister, Taro Aso, and me. This was a historic development in the relationship between our three countries. It was an opportunity to talk about counter-terrorism and about proliferation and non-proliferation issues. It was an opportunity to talk about some of the regional issues and questions about Iran, North Korea and, very importantly, Iraq and Afghanistan, because our countries all have an involvement in those issues. I think that the visit underlined not only the closeness of the relationship between the Australian government and the administration of the United States but also the tremendous value that this very close alliance has for Australia, for our engagement in the world and for enhancing the influence of Australia around the world.

As to whether there are any alternative views, I remind the House of something I reminded the House of on a number of occasions—that a strong anti-American and anti-alliance sentiment runs through the Labor Party. The Australian National University’s
candidate study of candidates for the last election showed that only 40 per cent of Labor candidates thought that the alliance was very important to Australia’s security, and 31 per cent had little or no trust in the United States coming to the defence of Australia.

The former Leader of the Opposition, Mark Latham, made it clear that he saw no value in the alliance, and frontbenchers in the Labor Party pretended they did not know that was his view during the time he was Leader of the Opposition. Of course they knew it was his view. He was appealing to that very big component of the Australian Labor Party which is deeply opposed to the American alliance.

Oil for Food Program

Mr RUDD (2.32 pm)—My question is also to the Minister for Foreign Affairs. I refer to evidence presented to the Cole inquiry yesterday that as late as June 2005 the minister told the AWB that he was delighted with AWB’s cooperation with the Volcker inquiry and that the AWB had been exemplary. I also refer to the editorial in the Australian newspaper today, which states:

Short of a neon sign flashing “Saddam bribes hidden here” it is hard to imagine what more Mr Downer and DFAT would have needed to comprehensively investigate AWB ...

It went on further to say:

... Mr Downer has demonstrated he no longer has the judgment to serve as Australia’s foreign minister—or in any higher office. His department needs a shake-up and a new minister.

Finally, it said:

The wheat-for-weapons scandal has claimed its first scalp—Mr Downer’s credibility is crippled.

Minister, do you accept any responsibility whatsoever for this scandal?

Mr DOWNER—In response to that particular point, let me say that I am enormously proud of what this government has achieved in the area of foreign policy. I think that has been very much reflected in the views of the Australian people, despite the editorial in the newspaper—which I have to confess is normally a newspaper I quite like, but not so much today. But I cannot write the editorials myself. Sometimes they are good and sometimes they are not. I have been in politics for 21 years and you have to put up with this sort of thing if you are tough in politics.

The second thing is that the opposition depends enormously heavily for its arguments here on drawing on handwritten notes from a second-hand account of a meeting. This is AWB Ltd’s defence. If they had been knowingly involved in paying kickbacks, they would have been committing a criminal offence. If that is the case, they will most certainly be held responsible. There is no question about that. But the government has made the point—and I have made the point on many occasions myself—that our policy was always to support the United Nations sanctions regime, always to support the oil for food program. Nothing has been brought forward in the Cole commission—including through the evidence presented to the Cole commission by, I think, up to 11 present or former officers of my department—to contradict that.
What is more, the suggestion that somehow my department and I, the Minister for Trade or anybody else were involved in a cover-up has never been established in any of the evidence in the Cole commission. The witnesses from my department have made the position of the government perfectly plain and perfectly clear. This is bodgie sexing up of a comment here or a comment there—in this particular case, second-hand comments. This is of course part of AWB Ltd’s defence, which appears to be the source of argumentation for the opposition—now the AWB is the source of argumentation for the opposition! It just shows how spurious and weak the argument is—and the public know it.

Workplace Relations

Mr WOOD (2.37 pm)—My question is addressed to the Minister for Small Business and Tourism. Would the minister outline to the House how the government’s workplace relations changes will enable small business to prosper and employ more Australians?

FRAN BAILEY—I thank the member for La Trobe for his question. Ninety five per cent of all businesses in this country are small businesses and I can tell the House that their immediate reaction to the government’s new laws has been overwhelmingly positive. Let me tell the House what the grassroots of small business are saying. Con and Marie de Groot, owners of the Healesville newsagency, said, ‘We welcomed the introduction of the legislation some weeks ago and therefore employed an additional person on an AWA. We are appreciative of the flexibility, certainty and, consequently, the increased opportunity to offer local employment.’

Another small business man, Sydney trailer maker Elvis Kisieloski, who employs five people, said that the reforms have allowed him to ‘breathe a sigh of relief’. He said, ‘These new laws make it enticing for us to put on someone else.’

The opposition leader has been well aware of the restrictions to growth that have been impeding small business. In fact, in May of last year he said, ‘Small business owners are telling me that they do not want to be held to ransom by rogue employees,’ yet he has been prepared to do absolutely nothing—unlike this government, which has delivered for small business, enabling small business to grow and prosper.

Oil for Food Program

Mr RUDD (2.39 pm)—My question is addressed to the Prime Minister. Can the Prime Minister confirm that Commissioner Cole does not have the power, under his current terms of reference, to investigate and make findings about whether ministers—

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. I draw your attention to standing order 98(d)(ii), which says that a member may not ask a question seeking an explanation about an opinion, including a legal opinion. That is precisely what the member is asking. Therefore, I ask you to inform him that he is out of order.

The SPEAKER—I thank the member for Mackellar. I am listening closely. The member for Griffith has not completed his question and I will allow him to continue.

Mr RUDD—Thank you, Mr Speaker. Can the Prime Minister confirm that Commissioner Cole does not have the power, under his current terms of reference, to investigate and make findings about whether ministers upheld their obligations under the Customs prohibited goods regulations to enforce UN sanctions against Saddam Hussein’s regime, as required under UN Security Council resolution 661?

Mr HOWARD—I am surprised that the member for Griffith has asked me this ques-
tion, because the secretary of the commission wrote to him expressing a view on the matter. Nonetheless, I will take him through it and explain the position for the benefit of the parliament. The decision by the government to establish the Cole inquiry followed a request from the Secretary-General of the United Nations in the wake of the Volcker committee inquiry, and I will quote the relevant extract from the spokesman for the Secretary-General. This is what he had to say:

He notes that a vast network of kickbacks and surcharges has been exposed, involving companies registered in a wide range of member states, and certified by them as competent to conduct business under the Programme—that is, the oil for food program. He continued:

He hopes that national authorities will take steps to prevent the recurrence of such practices in the future, and that they will take action, where appropriate, against companies falling within their jurisdiction.

That is precisely the request that the government responded to—in other words, to take action against companies falling within their jurisdiction. There were three such companies named in the Volcker inquiry. There was the AWB and there were the other two, which have not received very much coverage, which is hardly surprising. We thought the correct thing to do was to establish an inquiry as to whether those companies had broken any law of the Commonwealth or a state or territory of Australia in relation to their conduct. It was precisely in response to the request of the Secretary-General that we established the inquiry.

**Mr Rudd interjecting—**

**Mr HOWARD—**If the member for Griffith will contain himself, I will come to the issue that he has raised. The commissioner has said a number of things. I refer the House back to the statement he issued on 3 February 2006, in which he said that the inquiry will address and make findings regarding at least the following: the role of DFAT; the knowledge of DFAT; what AWB told the Commonwealth and in particular DFAT; and whether the Commonwealth, and in particular DFAT, was informed of any knowledge AWB may be found to have had regarding payments by AWB to Alia. In other words, Mr Cole is making it very clear that he will make findings in relation to all of those matters.

Importantly, he also said in paragraph 14 of that statement—and I ask the House to listen to this carefully because it goes to the core of what we established the committee to do:

Accordingly, 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.

Mr Speaker, let me, I hope doing no injustice to the language of the commissioner, spell out a little further what that means. That means that, if he thought a minister had broken the law, he would ask for an extension of the terms of reference to investigate that. And it is entirely proper that he would do that. Interestingly and instructively, he then went on, in paragraph 15, to say:

That position has not been reached. The position may change—

**Mr Rudd—**Mr Speaker, I raise a point of order as to relevance. The Prime Minister has been going for four minutes or so and not one word has been in answer to the question asked.

**The SPEAKER—**The member will resume his seat. The Prime Minister is in order, and I call the Prime Minister.

CHAMBER
Mr HOWARD—Let me start again in relation to paragraph 15 and the need to request an extension of the terms of reference to examine whether there has been any illegal conduct, including by an officer of the Commonwealth, which means a minister, amongst other things. He then goes on to say:

That position has not been reached. The position may change as inquiries continue and evidence is called. There is thus no basis upon which, at this time, it would be appropriate for me to suggest to the Attorney-General that the terms of reference be widened to enable me to make findings regarding whether the Commonwealth, or its officers, might have breached Commonwealth, State or Territory law.

The situation, therefore—and in direct response to what the member for Griffith has asked me—is that the terms of reference are limited to whether any of the named companies broke a law of the Commonwealth, a state or a territory. The commissioner has further said that if he thinks somebody else has broken a law of the Commonwealth, a state or a territory he will ask the government for an extension of the terms of reference. I can say now that, if he were to do so, he would get that extension. We are doing exactly what Kofi Annan required us to do, and we will continue to do so. The House would be well served by allowing a highly professional, highly competent lawyer, Mr Terence Cole QC, to do his job.

Medicare

Mr ANTHONY SMITH (2.47 pm)—My question is to the Minister for Health and Ageing. Would the minister inform the House how Australians are benefiting from the Medicare safety net? Is the minister aware of any alternative policies?

Mr ABBOTT—I thank the member for Casey for his question. I inform him and the House that the Howard government’s Medicare safety net is the most important structural change to our great Medicare system since its introduction 22 years ago. Thanks to the safety net, in this calendar year almost one million people will benefit from higher Medicare payments, at a cost of over $200 million. But they will not benefit if the member for Lalor gets her way, because she hates the safety net and wants to scrap it. She repeated her criticisms of the safety net in her Fabian Society speech last week. It was mostly an unsubtle attack on the Leader of the Opposition, but she did also criticise the safety net. This prompted the former chief of staff to the opposition leader to declare that ‘Lalor was worse than Latham’ and that ‘she was more sneaky but less suss than the former Leader of the Opposition’.

The member for Lalor says that the safety net is unfair because benefits are skewed to coalition electorates. That is what she says. Actually, if you have higher costs, you get higher benefits in every electorate, regardless of who holds it. I did look at the highest safety net benefit payments in New South Wales. I looked at those on an electorate by electorate basis. I found that they were not in Wentworth, not in Bradfield, not, I regret to say, in Warringah; the highest safety net benefits per electorate in New South Wales were actually in the electorate of Grayndler. No wonder Lalor hates the safety net! I came across something else the other day:

On current form, Albanese will support Beazley and do in his Left comrade, Gillard. Another sign of the madness of the Left.

This appeared on page 391 of The Latham Diaries, the entry from 30 November 2004. He went on to say:

I advised Julia to see if she could butter up Albo for the next six months—

Mr Albanese—Mr Speaker, I raise a point of order under standing order 104.

The SPEAKER—I note the point of order taken by the member for Grayndler. I call
the minister, and I am listening closely to his answer.

Mr ABBOTT—Mr Speaker, the member for Grayndler might not like the safety net, but I can tell you that his constituents do. His constituents certainly like the safety net. Aren’t they such a bunch of happy campers over there? It is no wonder that the Leader of the Opposition said to his ‘cursed caucus’: ‘We’ve got to be much nicer to each other in future.’

The SPEAKER—Has the minister completed his answer?

Mr Abbott—Yes.

Oil for Food Program

Mr RUDD (2.51 pm)—My question is again to the Prime Minister. I refer to his previous answer, which did not answer any element of the question that was asked of him. So I repeat the question: can the Prime Minister confirm that the Cole commission does not have the power under the current terms of reference to investigate—

Mrs Bronwyn Bishop—Mr Speaker, I raise a point of order. I refer to the standing orders which prohibit a question, having been answered, and answered in full, being asked again. By his own admission, he was repeating the question. He has already had a fulsome answer. It is totally out of order.

The SPEAKER—The member for Mackellar is aware that the member for Griffith has not finished his question. I am listening carefully. I call the member for Griffith.

Mr RUDD—Thank you, Mr Speaker. Given the fact that the Prime Minister’s previous answer did not in fact answer any element of the question that he was asked, can the Prime Minister confirm that Commissioner Cole does not have the power under his current terms of reference to investigate and make findings on whether ministers discharged their responsibilities under Australian domestic regulation and law? Prime Minister, a simple yes or a simple no.

The SPEAKER—Order! In calling the Prime Minister, I say that the member for Griffith would be aware that he cannot demand that answer.

Mr HOWARD—Can I say to the member for Griffith that, in answering his earlier question, I explained what the terms of reference were and what matters they covered. I also explained that, if the commissioner believed that other people, including ministers, had broken the law, he would ask for an extension of the terms of reference and those terms of reference would be granted. I do not know how more complete my answer could be.

School Funding

Mr VASTA (2.53 pm)—My question is addressed to the Minister for Education, Science and Training. Would the minister update the House on how the government is providing record funding to government and non-government schools? Is the minister aware of any alternative policies?

Ms JULIE BISHOP—I thank the member for Bonner for his question and note his deep interest in schools in his electorate. The Howard government believes that it is the right of every parent to send a child to a school that best suits their individual needs, and that includes a choice of school in the government or the non-government sector. The Howard government also believes that parents, having paid their taxes, deserve some public support for their child’s education, regardless of the school.

The Australian government has now provided a record $33 billion in funding for all Australian schools over the 2005-08 period. This is a 59 per cent increase in funding for all schools over that of the previous four-year funding period. Members would be aware that non-government schools are
funded by the Australian government according to the socioeconomic status formula, which means that students in the neediest communities receive 70 per cent of the cost of educating a child at a state school and students from the wealthiest communities receive some 13.7 per cent of the cost of funding a child at a state school. It is also worth remembering that 68 per cent of the total student population attends a state government school and that they receive 75 per cent of total public funding. Some 32 per cent of the student population attends a non-government school and receives 25 per cent of total government funding.

I am asked about any alternative policies. Once again the Labor Party are in disarray. Members will recall the Latham schools hit list. Remember the former Leader of the Opposition’s schools hit list that they took to the last election targeting the parents of the 1.1 million children who attend Catholic and independent schools?

Honourable members interjecting—

The SPEAKER—Order! The minister has the call!

Ms JULIE BISHOP—Members would then recall that, after the last election, the member for Jagajaga thought that the schools hit list was such a vote winner that she confirmed that the Labor caucus had voted to retain this unfair schools policy. The Leader of the Opposition last year on Meet the Press confirmed Labor’s unfair schools policy. He said it was a Labor position and always will be.

Last week the member for Rankin popped up with an idea. It was his view that the difference between public and private schools should be abandoned by Labor, and he distanced himself from Labor’s unfair schools policy. What did the Leader of the Opposition do? He quietly said, ‘I like the direction Craig’s thinking is going.’ So what is Labor’s position on the Latham schools hit list? What is Labor’s schools policy? You have a backbench distancing itself from the policy, you have a shadow spokesperson still engaged in class warfare and envy, and you have a Leader of the Opposition who just does not know where he stands. The Howard government is committed to a fair and equitable schools policy.

Oil for Food Program

Mr RUDD (2.58 pm)—My question is again to the Prime Minister. Given the Prime Minister’s continued refusal to confirm the massive gaps that exist in Commissioner Cole’s current powers—powers explicitly designed by the Prime Minister to try to get his ministers off the hook—

The SPEAKER—Order! The member will come to his question!

Mr RUDD—I refer to this letter from the Cole inquiry to me that states in black and white that it would not be appropriate for the commissioner to:

... seek amendments to the terms of reference to enable him to determine whether Australia has breached its international obligations or a minister has breached obligations imposed upon him by Australian regulation.

And, further, it said that that was ‘a matter for the executive government itself’. Will the Prime Minister now act to close off these massive holes in Commissioner Cole’s terms of reference—terms of reference which the Prime Minister has rorted?

The SPEAKER—Order! In calling the Prime Minister, the Prime Minister will ignore the last part of the question. It was out of order.

Mr HOWARD—Mr Speaker, I thank you for that ruling, but I am quite happy to address the issue of rorting. Might I say that I totally reject it. We have sought to establish whether there has been any illegal conduct—whether there has been a breach of a law of
the Commonwealth, a state or a territory—because that is what Kofi Annan asked us to do, and that is what we are doing.

Opposition members interjecting—

Mr HOWARD—The member for Deni-son SC knows quite well that the terms of reference enjoin the commissioner to make a finding in relation to three nominated companies. Yet again I will take the member for Griffith through what the commissioner has said. The member for Griffith wants the terms of reference extended to suit the political purposes of the Labor Party. It is already the case that if there has been any illegal behaviour by the companies the commissioner can make the findings. The commissioner has already said—and let me read it to the member for Griffith and everybody else again:

... 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.

When he talks of an officer of the Commonwealth, he is talking of a minister, a secretary of a department or an employee of a department. What the commissioner himself has so plainly said is that if during his inquiries he finds material suggesting that people other than AWB and the other companies and their officers might have broken the law he will ask for an extension of the terms of reference. He made that statement on 3 February. It is now 29 March and after days and days of evidence and acres and acres of news coverage he still has not come across any such evidence. It is instructive that during the hearing earlier this week counsel assisting the Cole commission, Mr Agius SC, said—and I quote it directly:

We have not been able to identify amongst the many thousands of documents we have from AWB, so we may have missed it, but I think it is unlikely, any document at all—any document at all—which indicates or records even that AWB or anybody on behalf of AWB mentioned Alia to any representative of the Commonwealth of Australia at any level at any time before the announcement of the Volcker inquiry.

That is not the counsel for the Commonwealth, that is not the counsel for the Minister for Foreign Affairs; that is Mr Agius SC assisting the commission and making that statement after weeks of inquiry. I prefer the word of Mr Agius to the parlous and political words of the member for Griffith. We are the only government in the world to have established a public inquiry with the powers of a royal commission. We have embraced a level of transparency that has not been embraced by any other government around the world.

We have done the right thing. We have taken seriously the request of the Secretary-General of the United Nations. We have appointed an eminent lawyer to do the job, a person respected—I gather—after his com-ment this morning—by the member for Grif-fith. We have been cooperative with the Cole inquiry. We will continue to be—

Opposition members interjecting—

Mr HOWARD—The powers of the royal commission are adequate to investigate the illegality. If Cole thinks that—

Mr Danby interjecting—

The SPEAKER—Order! The member for Melbourne Ports is warned.

Mr HOWARD—any of my ministers or I have broken the law he will ask for an exten-sion of the terms of reference and he will get that extension. I have no intention of going down the path set out by the member for Griffith.
Cyclone Larry

Mr ENTSCH (3.05 pm)—My question is addressed to the Minister for Revenue and Assistant Treasurer. Would the minister inform the House how the Australian government and the banks are working to help the people affected by tropical Cyclone Larry?

Mr DUTTON—I thank the member for Leichhardt for his question. As I said to the House yesterday, like many Australians, and many North Queenslanders in particular, including those that have been affected by the devastation of Cyclone Larry, he has been working tirelessly to make sure that people can return to their normal lives as quickly as possible. It is important to report to the House and to keep the Australian people updated—and the issue fresh in their minds—on just how challenging the circumstances are that continue to impose themselves upon people living in the cyclone affected areas. It is important to give credit to all Australians who have given significant financial support and support in kind.

We also recognise that the corporate sector has provided considerable support to the people affected in North Queensland. Today I want to publicly thank the Australian Bankers Association and the banking organisations within North Queensland, as well as the insurance industry, which have acted, on the advice to me, with great speed and have offered great assistance to many people, particularly those in small business and those with housing loans, to help them through this difficult period. The banking industry has provided support by suspending loan repayments in certain circumstances, providing residential business and agricultural loan restructuring without the usual bank fees, refinancing at a discounted fixed interest rate and a waiving of early withdrawal fees for those customers wishing to access term deposits. It is important that the bankers continue to recognise the circumstances that face people affected by Cyclone Larry and I commend them today for their assistance.

Earlier this morning I spoke with the Minister for Human Services, Joe Hockey. He is in North Queensland speaking with many families that are affected to see how the Australian government can continue to provide Centrelink services, support and delivery of the announcements that have already been made by the Prime Minister. I assured the Minister for Human Services, as he was speaking to some small business people when he called, that the Australian Taxation Office—as I reported yesterday—will continue to offer flexibility for those people, particularly farmers, who might have BASs to provide to the ATO. We do have continued flexibility in support of those people in this devastated region. I commend all of those people who have provided support to those in North Queensland. I can assure the people in that region that the Howard government will continue its considerable support to help them get back on their feet.

Oil for Food Program

Mr BEAZLEY (3.07 pm)—My question is again to the Prime Minister. I refer to the letter he has, and which the Cole commission provided to the opposition in response to correspondence from us, in which Commissioner Cole says it would not be appropriate for him to ‘seek amendments to the terms of reference to enable him to determine whether Australia has breached its international obligations or a minister has breached obligations imposed upon him by Australian regulation’. It also says that such matters were ‘significantly different to that in existing terms of reference’ and that ‘it is of course open to the executive government to change the terms of reference’. Prime Minister, given that the terms of reference that Mr Cole has identified—
Mrs Bronwyn Bishop—Mr Speaker, on a point of order: this is the fourth time that the opposition has asked the same question. It has not deviated—

The SPEAKER—The member for Mackellar will resume her seat. The Leader of the Opposition has not completed his question. I am listening carefully. I call the Leader of the Opposition.

Mr BEAZLEY—Prime Minister, given that such terms of reference would go directly to the question of whether or not civil law had been breached and directly to ministerial competence, given that all interested Australians would expect exactly that level of accountability of your ministers arising from the Cole commission and given that you have been caught out providing carefully narrow terms of reference to Commissioner Cole, will you now act to close those massive holes in the terms of reference?

Mr HOWARD—The government’s decision to establish the inquiry was in response to a request from the Secretary-General of the United Nations to, where appropriate, act against companies falling within their jurisdiction. What we have done is to establish an inquiry to determine whether there has been any illegal behaviour by the companies named in the Volcker inquiry. Plainly, the commissioner is investigating those matters and, plainly, the commissioner has said that, if he came across material that suggested that people, including ministers—I repeat: people, including ministers—had behaved illegally, he would ask for an extension of the terms of reference. The government regards that as an entirely appropriate situation. It is exactly what we were asked to do and it is what we ought to allow the commissioner to determine.

Child Care

Mrs MARKUS (3.10 pm)—My question is addressed to the Minister for Families, Community Services and Indigenous Affairs. Would the minister advise the House how the government is improving Australian families’ access to quality child care? Is the minister aware of any alternative policies?

Mr BROUGH—I thank the member for Greenway for her interest in the families of her electorate and the important issue of child care. I can inform the House that, since the Howard government came to power in 1996, we have doubled the number of child-care places, raised spending to some $9.5 billion over the forward estimates and taken the number of outside school hours places from some 72,000 to 285,000. We announced in the last budget that we would continue to roll out further outside school hours places and, in addition to that, we have of course introduced the 30 per cent child-care rebate.

I am asked by the member for Greenway what the alternative policies are. There are alternative policies that have been cobbled together in the last few days during the Commonwealth Games and announced by the Leader of the Opposition. After the rock show which was the member for Hotham’s preselection, we had all the disturbances in the Labor Party—that is an understatement—so the Leader of the Opposition rolled out a child-care policy. When confronted by Alan Jones as to how this policy came about, the Leader of the Opposition said, ‘Well, actually, Alan, you threw a challenge out a few days ago and we took up the challenge.’ So here is child care, this challenging issue which is fundamental to so many Australian families, and the Labor Party cobbles something together in two to three days. It sounds like the last election when, in response to 80,000 outside school hours places and a 30 per cent child-care rebate, the Labor Party’s answer was, ‘We’ll give them 8,000’—fewer than 10 per cent of the places was their response. An element of the Labor Party policy
was to establish child-care places in state schools.

Ms Plibersek interjecting—

Mr BROUGH—The member for Sydney, who is bleating away over there today, was asked on ABC radio in Brisbane about building a child-care centre in a primary school and acknowledged that there is not a lot of space in these schools. She was asked: ‘How are you going to deal with it?’ She said they will do that in areas that have fewer kids attending schools. She said they will go to an area where the number of children is starting to decline because the area is ageing—where there are no babies—and put a child-care centre there. What a great idea! That is what you get when you make policy on the run, when you are under pressure as the member for Brand has been.

With regard to the 30 per cent rebate—which they are all bleating about over there—you would think it would not be Labor Party policy, but it turns out, for once, that they are now singing from the same hymn sheet. The member for Sydney has said, ‘We don’t want to abolish it.’ That is because the parents need the money now. The opposition is agreeing, at last, with the 30 per cent rebate.

There has been some other comment on the Labor Party policy. Child Care New South Wales put out a press release—

Mr Albanese—What did Alan Jones say?

Mr BROUGH—Mr Albanese asks what Mrs Connolly had to say.

Mr Albanese—No, I didn’t. You’re lying again!

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

Mr Howard—Mr Speaker, I want that comment withdrawn.

The SPEAKER—The member for Grayndler will withdraw.
cover-up by adding the following provision to Commissioner Cole’s letters patent—

**Mrs Bronwyn Bishop**—Mr Speaker, on a point of order: the opposition have had 10 questions today, but five of them have been the same. Again and again they have dressed up the same question in different words, and that is totally out of order and should be so ruled.

**The SPEAKER**—The member for Mackellar will resume her seat. The Leader of the Opposition has not completed his question, and I am listening carefully. I call the Leader of the Opposition.

**Mr BEAZLEY**—Will the Prime Minister now agree to end this cover-up by adding the following provision to Commissioner Cole’s letters patent: ‘Investigate and make findings on the performance and discharge of duties by any minister or officer of the Commonwealth, including under the Customs (Prohibited Exports) Regulations 1958 and UN Security Council resolution 661, in relation to the use by Australian companies of the oil for food program’?

The question is in order.

**Mr HOWARD**—In reply to the Leader of the Opposition, I think it would be a fairer interpretation of the letter written to his colleague—by not the commissioner, incidentally, but Mr Glenn Owbridge, the solicitor assisting the commission—to say that what the commission believes is that it would not be appropriate for a commissioner to seek amendment of the terms of reference to address a matter significantly different from that in the existing terms of reference.

What the Leader of the Opposition wants is something that is significantly different and, quite frankly, the government is not going to accede to that request. The government set up an inquiry to determine whether there was any illegal behaviour. If that illegal behaviour has been engaged in by any of my colleagues or by me, if there is evidence of that, the terms of reference will be so amended. But we do not intend to go on frolics of the opposition in relation to this matter. The Leader of the Opposition might well expect that to be the government’s position. I think the stance taken by Mr Owbridge in relation to the request from the shadow minister for foreign affairs is entirely appropriate and entirely predictable, and in advance I can let the Leader of the Opposition know that he will have to establish a case for suspending standing orders with his entirely predictable censure motion.

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

**QUESTIONS TO THE SPEAKER**

**Question Time**

**Ms GILLARD** (3.19 pm)—Mr Speaker, I have a question to you, and I will also be seeking leave to make a personal explanation. My question to you, Mr Speaker, is: will you consider the conduct of the member for Mackellar in question time today, particularly whether her conduct amounted to persistently and wilfully causing disorder in the House in that, on five separate occasions, she raised the same point of order knowing that she had been overruled on the earlier occasions? This is conduct that, when done by members of the opposition, normally draws a stern rebuke from you, Mr Speaker, and I ask you to consider whether the member for Mackellar should be directed to consider leaving her points of order until questions are fully asked.

The question is in order.

**The SPEAKER**—I will respond to the question raised by the Manager of Opposition Business. The Manager of Opposition Business would be well aware that the same or similar points of order have been raised by members on both sides of the chamber. I normally listen to them before I decide on
whether or how to respond and, accordingly, I put that in the same context.

PERSONAL EXPLANATIONS
Ms GILLARD (Lalor) (3.21 pm)—Mr Speaker, under standing order 68 I seek leave to make a personal explanation.

The SPEAKER—Does the Manager of Opposition Business claim to have been misrepresented?
Ms GILLARD—Yes, I do, Mr Speaker, by the Minister for Health and Ageing in question time today.

The SPEAKER—Please proceed.
Ms GILLARD—He claimed that in a recent speech I had stated that the Medicare safety net disproportionately favours coalition electorates whereas the electorate of Grayndler had received the most moneys under the Medicare safety net. Mr Speaker, this is not only completely untrue; it is laughable.

Honourable members interjecting—

The SPEAKER—The member has finished. She has completed her personal explanation.

Mr Tuckey—Mr Speaker, I rise on a point of order to draw your attention to the fact that the minister for Health and Ageing was debating the point in her personal explanation. While I am at it, we all know how—

The SPEAKER—The member for O’Connor will resume his seat. Member for O’Connor, I was listening carefully to the member for Lalor, albeit with some difficulty because of all the interjections, but as soon as she had completed her personal explanation she resumed her seat.

QUESTIONS TO THE SPEAKER
Question Time
Mr BEAZLEY (3.23 pm)—I want to ask a question about that matter, Mr Speaker. The question concerns your responsibility for the conduct of the House and the assurance that no person is being deliberately misled by the actions of any other person. This is quite serious, Mr Speaker. It is quite evident from the materials produced by the minister’s own department that the statement he made that Grayndler was the largest recipient, in order to make a political point against my colleague and against the Labor Party, was simply a lie.

The SPEAKER—Order! The Leader of the Opposition will resume his seat. The Leader of the Opposition would be well aware there are—

Opposition members interjecting—

The SPEAKER—The Leader of the Opposition is debating an issue.

Mr BEAZLEY—I am not debating it; I am asking you a question, sir.

The SPEAKER—I will hear the Leader of the Opposition.

Mr BEAZLEY—Mr Speaker, in order for you to be able to answer the question, I would draw your attention to the facts—and we will seek leave to table these facts—that quite clearly Wentworth, North Sydney, Bradfield and Warringah are the leading ones and the member for Grayndler’s is about 14th on the list. I ask you to investigate this, Mr Speaker, to see whether or not an act by the Leader of the House to deliberately mislead us is disorderly and, on that basis, to take action in this place to enforce your authority on him—

The SPEAKER—The Leader of the Opposition will resume his seat.
Mr BEAZLEY—to oblige him to tell us—
Mr Abbott—You big bellowing cow.
The SPEAKER—Order! The Leader of the Opposition will resume his seat. I will respond to his question. The Leader of the House will withdraw that statement.
Mr Abbott—Mr Speaker, the Leader of the Opposition regularly interjects ‘pompous ass’ and ‘goose’, but I am happy to withdraw. I will accept a higher standard than he does.
Mr BEAZLEY—On that basis, Mr Speaker, I think that he is a sleazy, dummy-spitting little git.

PERSONAL EXPLANATIONS
Mr ABBOTT (Warringah—Leader of the House) (3.26 pm)—Mr Speaker, I wish to make a personal explanation.
The SPEAKER—Does the Leader of the House claim to have been misrepresented?
Mr ABBOTT—Yes.
The SPEAKER—Please proceed.
Mr ABBOTT—Mr Speaker, it has just been claimed by the member for Lalor and others that I have misled the House. Let me reiterate precisely what the position is. The safety net benefit per person in the electorate of member for Grayndler was $591, the highest in New South Wales.
Ms King interjecting—
The SPEAKER—Order!
Mr ABBOTT—For the benefit of the member for Lalor, the safety net benefit in the electorate of Sydney was $589, the second highest—
Ms King interjecting—
The SPEAKER—Order! The member for Ballarat is warned.
Mr ABBOTT—and the benefit in the electorate of Lowe was $458, the third highest. I table the relevant documentation.

QUESTIONS TO THE SPEAKER

Question Time
The SPEAKER (3.27 pm)—The Leader of the Opposition has asked me a question, and I am intending to respond to his question. The Leader of the Opposition would be well aware that it is not the responsibility of the Speaker to respond to the question that he raised. If he wishes to raise a substantive motion on that issue, he is entitled to do so under the standing orders.

Question Time
Mr DUTTON (3.27 pm)—Mr Speaker, my question is also to you and I ask it with the greatest of respect. Would you please review the tapes of question time today with the particular purpose of investigating the behaviour of the Leader of the Opposition, his constant interjecting, his infantile behaviour as he demonstrated just—
The SPEAKER—The minister will resume his seat. Any member is entitled to raise a question, but he is not entitled to reflect on the chair. I will review the tape, but I will not be revisiting decisions that have been made during question time.

Question Time
Mr DUTTON (3.28 pm)—Mr Speaker, I welcome that advice, and I do not seek to reflect on the chair, but further to my question I ask that you review the tape not to reflect on decisions or rulings that you have made but simply to demonstrate to you and to the House the continuing behaviour—the appalling behaviour—of a weak leader, somebody who should never be—
The SPEAKER—The minister will resume his seat.

Question Time
Mr BEAZLEY (3.29 pm)—Mr Speaker, are you aware that in the seat of Wentworth the total amount of benefits paid were $7.7 million; in North Sydney, $7.4 million; in
Bradfield, $6.8 million; in Warringah, $6.3 million; and in Grayndler, $3.5 million? On that basis—

The SPEAKER—The Leader of the Opposition will resume his seat. That is not an appropriate question to direct to the chair. That is a question that should be directed to the relevant minister.

PERSONAL EXPLANATIONS

Mrs BRONWYN BISHOP (Mackellar) (3.30 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mrs BRONWYN BISHOP—I do, indeed.

The SPEAKER—Please proceed.

Mrs BRONWYN BISHOP—I understand that, whilst I was absent from the chamber, the Leader of the Opposition made a statement that I had run away from criticism by the Manager of Opposition Business. Believe me, I would run away from neither of them ever. That is simply out of the question. I would put to you, Mr Speaker, in relation to her statement every point of order I raised earlier today was spot on.

The SPEAKER—The member for Mackellar has made her point.

Ms Gillard—Mr Speaker, I rise on a point of order. The member for Mackellar has just grossly reflected on you, given that you ruled against her on five separate occasions. You ought not to allow that to go unremarked and unpassed. Secondly, on the matters raised by the minister over here—whatever he does I do not quite recall—if you are going to review the tape from question time about persistent interjections, I would draw your attention to the persistent and offensive conduct of the Minister for Foreign Affairs.

Honourable members interjecting—

The SPEAKER—Order! I have not responded to the question. As I have made clear, I will review the tape. I will not accept reflections on the chair. With the level of interjections, I could not catch the final words of the member for Mackellar, but I will look at that also.

Mr Abbott—Mr Speaker, on a point of order: the Leader of the Opposition was repeatedly referring to a member on this side of the House as a complete ‘drop-kick’. It reflects very ill on him that he uses this kind of schoolyard language. I think it is offensive under the standing orders, and it should be withdrawn.

The SPEAKER—The Leader of the Opposition will withdraw? The Leader of the Opposition will come to the microphone to withdraw.

Mr Beazley—I withdraw.

QUESTIONS TO THE SPEAKER

Question Time

Mr ALBANESE (3.32 pm)—Mr Speaker, a question to you: I would ask that you think about and report back to the House on what capacity I might have as the member for Grayndler in representing my constituents, who have been grossly misrepresented before the House by the Minister for Health and Ageing today—

The SPEAKER—The member for Grayndler will resume his seat. I will respond to his question right now. There are forms of the House which he can use. If he wishes to pursue those, then he should do so.

Question Time

Mr BROUGH (3.33 pm)—Mr Speaker, a question to you: at the end of question time the Leader of the Opposition reflected on a member and, at the end of it, simply said, ‘I withdraw.’ Could you reflect on that and give us some advice tomorrow as to the appropri-
ateness of that behaviour and whether that is something new? I am aware that, if someone makes a comment, they can be asked to withdraw it, but making a comment and withdrawing it at the same time is new to me in 10 years. I would appreciate some advice on the appropriateness of that as far as the House of Representatives is concerned.

The SPEAKER—The minister would be well aware that, when a member has sought a comment to be withdrawn and the member who made that offensive remark has withdrawn it, that is the end of the matter.

Question Time

Mr BROUGH (3.34 pm)—Mr Speaker, I ask for clarification. In this particular case the member for Brand came to the dispatch box, gave a number of descriptives, knowing that they were obviously unparliamentary, and then immediately withdrew without anyone on this side of the House having an opportunity to do anything about it. Is that acceptable behaviour?

Honourable members interjecting—

The SPEAKER—Order! I thank the minister. I will, as I have said, review the tape and look at the matter further.

Parliament House: Security

The SPEAKER (3.34 pm)—Yesterday I was asked a question about security-screening arrangements for a visiting parliamentary delegation from Pakistan. I can advise the Member for Franklin that the members of the delegation were subject to the same screening arrangements that apply to all building occupants and visitors to the building. This does not include frisking. The President and I raised this matter with the Speaker of the National Assembly, who advised us that he understands and appreciates the need for security-screening arrangements.

The President and I will review the impact of security arrangements on an ongoing basis with a view to maintaining the integrity of building security and minimising unnecessary impacts on building occupants and visitors.

Parliament House: Security

Ms GILLARD (3.35 pm)—Mr Speaker, I have a question relating to the statement that you have just made. Would you kindly investigate reports in today’s media that the member for Mackellar refused to be appropriately security screened on entry to Parliament House?

The SPEAKER—I thank the Manager of Opposition Business, and I will look into the matter further.

DOCUMENTS

Mr ABBOTT (Warringah—Leader of the House) (3.35 pm)—Documents are tabled as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:

- Migration Act 1958—Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 July to 31 October 2005.

Debate (on motion by Ms Gillard) adjourned.

MATTERS OF PUBLIC IMPORTANCE

Oil for Food Program

The SPEAKER—I have received a letter from the honourable member for Griffith proposing that a definite matter of public importance be submitted to the House for discussion, namely:
The failure of the Government to provide the Cole Commission of Inquiry with terms of reference which would empower the Commission to investigate and make findings about whether Ministers had properly discharged their duties under Australian law to enforce UN sanctions against Iraq.

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 RUDD (Griffith) (3.37 pm)—This is rightly called a matter of public importance because I can identify few greater matters of public importance now than to establish the truth as to how the Howard government allowed Australia to bankroll Saddam Hussein to the tune of $300 million for 3½ years before invading Iraq and then, incredibly, allowed this scandal to run for another 1½ years after Saddam Hussein fell. The job of this parliament is to establish the truth. What we saw today instead from the Prime Minister was dissembling, dissimulation and deceit at its worst.

This $300 million wheat for weapons scandal has three core dimensions to it. It is an exercise in gross negligence on the part of the Howard government, it is an exercise in gross cover-up on the part of the Howard government and it is an exercise which has brought about grave damage to Australia’s national interests. It is gross negligence because this government ignored some 19 warnings given to them about this scandal before the Iraq war. Then, subsequent to the Iraq war, there was the grossest form of cover-up of this scandal. Despite receiving a further nine highly explicit warnings following the invasion in March 2003, the Howard government incredibly allowed this scandal to roll on for a further year and a half. Thirdly, this $300 million wheat for weapons scandal has done grave damage to Australia’s long-term national interests, to Australia’s national security interests and to the national security interests of the United States, the United Kingdom and the state of Israel. It has also done grave damage to our economic interests, to our export interests with Iraq and beyond and to this great nation’s international standing.

Today this MPI is about the cover-up. It is about the core element of this $300 million wheat for weapons scandal. Before the war it was gross negligence but after the war it was a gross attempt at cover-up. Remember what the Prime Minister had to say about this on national television some weeks ago. He was defending some other accusation being put to him about the government’s knowledge of these matters and his defence was: ‘Kerry’—talking to Kerry O’Brien—’that was all before the war. But when the war came the dam of information burst.’ What did he mean by that? During the invasion the intelligence community were running all across Iraq. The key Iraqi officials, including those from the Iraqi Grains Board, were captured and all of the Iraqi secret documents were taken in. They tracked down Saddam’s money trail and brought all that together and this government, in about 2003, started to get deadly worried because, frankly, it was all getting a bit hot for them as it came very close to home. That was during the course of 2003, and we already know that the cover-up set in then because it only took a few months until June 2003 before they were formally cabled by our mission in Baghdad to say that all, not some, contracts under the oil for food program had been rorted. Yet they did nothing.

That is only phase 1 of the cover-up. Phase 2 of the cover-up was in 2004-05—the Volcker inquiry. Remember our fearless Prime Minister has assured the parliament that the government gave full cooperation and full documentation to the Volcker in-
That was simply not true. They failed to provide DFAT’s electronic files, they failed to provide a single document from the Wheat Export Authority and they refused to allow confidential information to be passed over to Volcker. They even refused Volcker permission to interview DFAT officials. This was from a Prime Minister who was pledging full cooperation. Finally, Mr Volcker lost it. In February 2005, 12 months into his inquiry, he fronted the Australian government and said that the government’s cooperation was beyond reticent, even forbidding. But then the Prime Minister tried to cover-up the expose of the cover-up. What did the Prime Minister then do? He then, having been sprung by Mr Volcker, issued this note which he was bandying around last week saying that in fact he had instructed the government to fully cooperate. What he said some time after that was that the only people not cooperating were the AWB. It was only most recently that we found out that the government themselves were not cooperating.

But, as the time rolled by, this cover-up in relation to the Volcker inquiry just kept on keeping on to the point that, to the question asked in parliament today by the Leader of the Opposition, the Prime Minister had assured Australians and everybody that from February 2005 he was really serious for the first time and was really going to try hard to make sure that everyone cooperated—the government and the AWB. What did we find out from the evidence presented in the Cole inquiry yesterday? That his own office is coaching the AWB about how to deal with the Volcker inquiry. The evidence presented says, ‘Keep your responses narrow and technical and complain about the process.’ This cover-up in relation to Volcker continues right through to the bitter end and we still do not know exactly what this Minister for Foreign Affairs did in his dealings with Mr Volcker and his officials at the bitter end—September or October 2005, only last year. Did they try even at that last stage to have Volcker’s conclusions watered down? All of this is relevant insofar as it relates to one core theme: the government’s response is to cover up and they had much to cover up indeed. That is phase 2 of the cover-up.

Phase 3, of course, arrived with the Cole inquiry itself. Remember that the justification used by this Prime Minister today was that Cole was given limited terms of reference because the government had no adverse findings given to it by the Volcker inquiry. The Volcker inquiry had never been given any documentation by the government to cover the field, so that argument on the part of the government collapses. Notwithstanding that, the government proceeded to give these paper-thin, exceptionally narrow terms of reference to Cole. And that is where the cover-up rests today: on the exceptionally narrow rorted terms of reference given to Commissioner Cole by a Prime Minister who knows full well how much there is to be exposed in this government’s actions over the five years that this scandal ran.

The Prime Minister consistently asserts that Commissioner Cole can make findings on what ministers and the Commonwealth knew. The Prime Minister seeks to give the impression that Cole will make comprehensive findings about the competence of ministers and officials in discharging their legal functions. That is just not the case. Under his current terms of reference, Commissioner Cole can only make findings on the facts of what the Commonwealth knew to the extent that that sheds light on the criminality or otherwise of the AWB. Mr Cole’s terms of reference do not empower him to make findings on whether or not the Commonwealth, including ministers, have acted lawfully in terms of the obligations of the Commonwealth under relevant Australian domestic and international laws.
If there is any doubt about this, reference should be made to Commissioner Cole’s statement of 3 February 2006, paragraphs 6, 7 and 8. If in the process of establishing what ministers knew the Cole inquiry uncovers information suggesting that a minister, adviser or public servant breached the criminal law, it is only then that Commissioner Cole has indicated he would seek an extension of his terms of reference to deal with that breach of the criminal law. And here lies the core of the Prime Minister’s dissimulation, deception and dissembling in question time today. He constantly referred to the potential breach of the law by Australian officials and that Commissioner Cole could seek extensions of his terms of reference to cover any such breach. It is quite plain from the statement by Commissioner Cole that his reference is a completely narrow one to cover any possible breach of the criminal law—not of the civil law or of the statute which deals with the whole body of administrative obligations ministers, particularly the foreign minister, have. The core obligation which the foreign minister has, of course, is of approving each export permit for the AWB of the 41 corrupt contracts which went through to Saddam Hussein’s regime.

This Prime Minister has again deliberately narrowcast his answer in question time today to try to deceive this parliament and the Australian people about the core fact that Commissioner Cole has not foreshadowed any widening whatsoever of his powers to deal with any failure on the part of ministers to discharge their obligations under Australian domestic law and regulations—incorporating into that law Australia’s obligations to enforce UN Security Council resolutions. There is nothing in the commissioner’s powers which enables him to investigate or make findings concerning whether or not the foreign minister has exercised his obligations properly under the Customs (Prohibited Exports) Regulations, which is the critical matter of administrative law at play in this entire scandal. Furthermore, there is absolutely nothing in Commissioner Cole’s terms of reference which gives him the power to investigate and make findings about whether ministers discharged their responsibilities in a proper way to give effect to this country’s solemn obligations under international law to enforce UN sanctions against Iraq. The reason the Prime Minister, after four or five questions today, refused to answer any questions specifically about those two points is that he knows that he is fundamentally exposed. His entire stratagem at the dispatch box—his entire stratagem for the last three months—has been to pretend that these terms of reference are wider than they are, and they are not. He is exposed completely by the responses he gave in the parliament today.

The commissioner’s powers must be expanded if there is to be any proper level of accountability on these core matters. These points have been made comprehensively, concisely and professionally in legal opinions provided to us by Brett Walker SC and deal specifically with the absence of these powers within the government’s current terms of reference given to Commissioner Cole. If the Prime Minister fails to extend the terms of reference to enable the commissioner to make findings on whether or not ministers have discharged their responsibilities under Australian domestic law and regulations, the Prime Minister knows that the commissioner has no power within his current rorted, narrowcast terms of reference to make any findings whatsoever about whether these ministers have actually done their jobs, whether they have earned the money they have received and whether they have discharged the responsibilities they have as ministers of the Crown.
To allay any doubt on these matters, and in fact in seeking ourselves to ask Commissioner Cole to widen the terms of reference, we in the opposition wrote to the commissioner earlier this month. On 10 March I wrote to Commissioner Cole submitting that the commissioner seek by way of an expansion a change in the terms of reference which would give the commissioner the power to investigate and make findings about compliance by Australia with international obligations imposed under article 25 of the UN charter and clause 4 of UN Security Council resolution 661, as well as the performance of ministers and officials with respect to the specific obligations of the Minister for Foreign Affairs under the Customs (Prohibited Exports) Regulations 1958.

On 13 March, the commission of inquiry replied to my letter in writing. The commissioner made it abundantly clear that it was not his function to determine his terms of reference, that it would not be appropriate for him to address a matter significantly different to that in the existing terms of reference, that it would not be appropriate for the commissioner to seek amendments to the terms of reference to enable him to determine whether Australia had breached its international obligations or a minister had breached obligations imposed upon him by Australian regulations and, furthermore, that it is open to the executive government to change the terms of reference. It stated clearly in black and white that Commissioner Cole has no powers to undertake these functions.

What is the point of the commission of inquiry, which this Prime Minister talks about at the dispatch box, if it cannot come to grips with whether or not ministers have honoured their obligations to enforce UN sanctions against Iraq as required of them by Australian domestic law through the customs regulations? This is the point which this Prime Minister has specifically evaded. That is why the Leader of the Opposition asked the Prime Minister to amend the letters patent to give the commissioner those powers. This Prime Minister chose not to respond positively.

This is all part of volume 3 of this government’s strategy of cover-up when it comes to the $300 million wheat for weapons scandal. There was a cover-up in 2003 when it all started to get a bit hot, a cover-up when it came to Volcker in 2004-05 and now a cover-up under Cole whereby this Prime Minister, to take the political heat off his colleagues and this poor, pathetic form of a foreign minister, has rorted the terms of reference of this inquiry. (Time expired)

Mr ABBOTT (Warringah—Leader of the House) (3.52 pm)—Let me say of the member for Griffith what the member for Lalor says of the Leader of the Opposition—‘He’s trying.’ He is trying, but he is not succeeding. This tactic just is not working and it is not working because of the commonsense of the Australian people. The Australian people understand that the last thing this government would have been doing is, on the one hand, contemplating military action against Iraq and, on the other hand, funding the Iraqi regime. They understand because they have commonsense—which is lacking to members opposite—that there is something utterly implausible in the proposition that the opposition are putting forward.

The Australian people also understand that a distinguished judge is looking into this matter—a judge with no axe to grind, a judge with access to all the information that there is to be had—and they are quite prepared to wait for the verdict of Commissioner Cole rather than to believe the bluster that we get day in, day out from members opposite. Finally, the general public understand that deep down all of this is a smokescreen. Day in, day out, since the beginning of this year,
members opposite have come into this House and talked about propriety and competence in government, yet they cannot show propriety and competence in opposition. That is their problem. If you are going to criticise the government for alleged lack of propriety and alleged incompetence, you too have to show in your own much more minor responsibilities a level of propriety and competence.

What we have seen today, in a way which I do not think has been highlighted before, is the Leader of the Opposition losing what has long been considered his best asset. He was visibly losing it in every sense at the ministerial table today. His best asset is his reputation with the Australian public for being a decent bloke. Today in question time and afterwards I heard the Leader of the Opposition calling members opposite—and this is a random selection of the abusive terminology he used—’twit,’ ‘drop kick,’ ‘goose’ and ‘pompous ass.’ We are seeing from the Leader of the Opposition a level of viciousness to equal that of former Prime Minister Mr Keating, with the same foul temper but without the wit to express it that the former Prime Minister possessed.

In this matter of public importance we see the opposition’s obsession with AWB. The reason they are obsessed with AWB is that, as long as they have some spurious criticism of the government, it stops them criticising each other. Mr Deputy Speaker, it is not working. Even the attacks that they are attempting to mount on the government are feeding the leadership tensions inside the opposition. The member for Griffith, the gentleman opposite, claims that his forensic attacks on the government are burnishing his leadership credentials. There is not a journalist or member of parliament in this place who does not know that he is running around saying in his own way, ‘Look at me,’ as indeed is the member for Lalor, and is saying that his attacks on the government in some way demonstrate support for his embattled leader, but at the same time the member for Griffith is telling every journalist who will listen—off the record, of course—that the Leader of the Opposition has just three months to prove himself and, if he cannot lift his game within the next three months, the national Right, particularly the New South Wales Right, will get rid of him. That is what the member for Griffith is saying. I thought there was a marvellous metaphor—

Mr Rudd—Mr Deputy Speaker, I rise on a point of order. I ask that the minister withdraw that remark because it is simply untrue.

The DEPUTY SPEAKER (Hon. IR Causley)—Which remark?

Mr Rudd—The remark concerning briefings to journalists on my part.

The DEPUTY SPEAKER—The member for Griffith knows the standing orders as well as I do. If he thinks he has been misquoted in any way, he has a right after this to make a personal explanation.

Mr Rudd—Mr Deputy Speaker, I found the remarks offensive and I ask that the minister withdraw them.

The DEPUTY SPEAKER—I will not ask the minister to withdraw them.

Mr Melham—Mr Deputy Speaker, I rise on a point of order. Mr Deputy Speaker, perhaps you might rein in the minister so that he is relevant to the debate before the House. The comments he made are not relevant to the matter of public importance before the House.

The DEPUTY SPEAKER—The member for Banks would know that an MPI is a fairly wide-ranging debate.

Mr Rudd—Mr Deputy Speaker, if a member finds remarks by another member offensive, is it not the custom of this House for the Deputy Speaker or the occupant of
the chair to ask the member who has made those rude remarks to withdraw them?

The **DEPUTY SPEAKER**—No. The member for Griffith should know that that is up to the chair.

Mr **ABBOTT**—What I am attempting to do is to explain some of the context in which this matter of public importance debate has taken place. There was a marvellous metaphor for the state of the contemporary ALP today. The Leader of the Opposition did not want to wait to be run over by the proverbial bus, he went to the Belconnen bus depot; but there were just two problems—there was no-one on his bus and his bus was going nowhere. This is the absolute metaphor for the Leader of the Opposition and for the contemporary Labor Party.

What we have seen from the member for Griffith is the old ‘Either you’re a fool or a knave’ thesis. ‘The government knew that AWB was giving kickbacks and it did nothing, in which case it was corrupt,’ or, ‘It should have known, in which case it was incompetent.’ I say again: does anyone seriously believe that a government that was contemplating military action against Saddam Hussein would have knowingly funded that regime or would not have investigated any accusations that it was so doing? There is no significant evidence, despite all the bluster and bluff that we have heard over the last two months from members opposite, that the government has been either knowingly complicit in corrupt conduct or negligent in its pursuit of any such conduct.

Let us go back to the period in question. Who were the AWB’s greatest cheerleaders? None other than members opposite. They put out press releases publicly congratulating the AWB for selling wheat to Iraq. Who were the greatest critics of the sanctions regime, the breach of which they now wax so indignantly about? Members opposite. They said that the sanctions regime was killing the Iraqi people.

Let us take the precise point that the member for Griffith has alleged today. The member for Griffith alleged that there is no power, as things stand, for the Cole inquiry to inquire into misdeeds by the Commonwealth. Let me quote paragraphs 7 and 8 of Commissioner Cole’s statement issued on 3 February:

7. It necessarily follows that the knowledge of the Commonwealth of any relevant facts is a matter to be addressed by this Inquiry, and is within the existing terms of reference in the Letters Patent.

I would suggest to the member for Griffith that, rather than forming an unholy alliance with his rival, the member for Lalor, he actually listen. Instead of this odd unity ticket that we see forming now on the opposition front bench, he should listen to the words of Commissioner Cole. Why is he scared of listening to Commissioner Cole? Why does he raise his hand in horror at hearing the words of Commissioner Cole thrown back at him? The statement continues:

8. That means that this inquiry will address and make findings regarding at least the following:

a. the role of DFAT in the process of obtaining United Nations approval of AWB wheat contracts within the United Nations Oil-for-Food Programme;

b. the knowledge of DFAT in relation to such contracts;

c. what AWB told the Commonwealth, and in particular DFAT, relating to the Iraqi wheat contracts; and

d. Whether the Commonwealth, and in particular DFAT, was informed of any knowledge AWB may be found to have had, regarding payments by AWB to Alia.

So the existing terms of reference allow Commissioner Cole, should he think such findings justified, to make critical findings of the Commonwealth, its agents and its agen-
cies. That is what is clearly apparent from the commissioner’s statement of 3 February.

As I said, members opposite know that there is no foundation whatsoever in the charge that underlies this MPI. It is a complete smokescreen to hide the rancour that exists inside the Australian Labor Party right now. We all know that they are desperately hoping that the mounting leadership challenge will go away. I quote the member for Hotham in the Weekend Australian of 11 March:

I’m not saying you can’t have factions. I’m saying you can’t have leaders as dud as the current ones that are in control.

We have the former leader of the party claiming that the current leader of the party is a dud. That was Crean on Beazley. Then we have Beazley on Crean in response.

Mrs Irwin—Mr Deputy Speaker, I rise on a point of order. It is quite obvious that the minister is not aware of what the MPI is, and I feel you should draw his attention to it.

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Fowler would know that the member for Griffith made a fairly wide-ranging attack on the government. I call the minister.

Mr ABBOTT—So we had Crean attacking Beazley. Now we have the Leader of the Opposition attacking the member for Hotham. He said:

What Simon wanted was a stitch-up to prevent a challenge. He invited me to participate and I said, ‘No Simon. Trust the party. Trust the preselection process.’

Ms George—On a point of order, Mr Deputy Speaker, I draw your attention to the issue of relevance. The comments being made by the minister in this debate have nothing to do with the issue that was the subject of the MPI. I ask that you call him to order.

The DEPUTY SPEAKER—There is no point of order. I call the minister.

Mr ABBOTT—This MPI is plainly about covering up the tensions inside the Labor Party, because then we had the member for Hotham accusing his leader of being a liar.

The DEPUTY SPEAKER—I ask the minister to withdraw that remark.

Mr ABBOTT—For speaking untruths. I withdraw, Mr Deputy Speaker. Mr Crean told the Australian:

I never asked him for a factional stitch-up. Never. I asked him for one thing, and that’s to repeat what he said 12 months ago, that he needed my experience on the front bench.

So we had Crean on Beazley, we had Beazley on Crean and then, of course, we had Gillard on Beazley.

The DEPUTY SPEAKER—The minister will refer to members by their electorates.

Mr ABBOTT—We had the member for Lalor on the Leader of the Opposition. She said:

I genuinely think Kim is trying. You know the sense in which she said it: very trying indeed! He will not let her ask questions in the parliament. He blocks her in the tactics committee every day. Anyone who watched Australian Story the other day would know he will not even take a bit of paper from the member for Lalor. That is how much he mistrusts her.

Mrs Irwin—On a point of order, Mr Speaker, it is quite obvious again that this has nothing to do with the MPI.

The DEPUTY SPEAKER—There is no point of order.

Mr ABBOTT—Then, having had Hotham on Brand, Brand on Hotham and Lalor on Brand, we then had Brand on Lalor, speaking through his mouthpiece, his former Chief of Staff, Michael Costello, who said of
the member for Lalor: ‘Her prescriptions on policy or the future of the party’—

Mr Rudd—Mr Deputy Speaker, on a point of order: the minister is reducing the proceedings of this House to nothing better than farce. I would ask you to draw this minister back to a level of civility—

The DEPUTY SPEAKER—There is no point of order. The member for Griffith will resume his seat.

Mr Abbott—I am not being uncivil; I am simply quoting members opposite on members opposite. That is where the lack of civility is. (Time expired)

Mr Kerr (Denison) (4.07 pm)—Although we have seen nothing but a crude, ad hominem attack on the opposition by way of defence, this debate actually represents a significant turning point in the government’s exposition on this terrible scandal, because, for the first time, the Leader of the House has explicitly accepted that the funds that were provided through the AWB and through Alia and then derived by Saddam Hussein have actually been applied corruptly to the use of that government and directly against the interests of those who have served in the Australian and other forces that were sent to Iraq.

One of the problems we confront here is essentially a government that is narrowcasting its defence and failing to accept its responsibilities. I think it is fair to say of it, as the Bible says, that there are none so blind as he who will not see. This government has, either resolutely—through its incompetence, negligence or failure to address facts that ought to have come to its attention—or, worse, by some kind of blind-eyed acceptance of the underlying reality, participated in and permitted to occur one of the greatest scandals and acts of corruption that this country has seen since 1901, when the Federation was formed.

We turned blind eyes to what our United Nations and Canadian rapporteurs relayed to us. Can one imagine what would have been the opposition’s response had Labor held government during a period of time in which $300 million was funnelled off to Saddam Hussein and had we then made the decision, as we would have, not to participate in the conflict? It would have been seen as an act of gullibility or of fools—or, worse, as an act of treachery. Imagine how we would have responded to this had it been one of our competitors, either Canada or Russia, that had supplied the wheat to the Saddam Hussein regime and paid $300 million in kickbacks and had we faced as a consequence the prospect of increased risk to our soldiers because of their duplicity.

We learnt of the fact that the government had received warnings at an official level of such directness from so many different accounts in so many different circumstances, and yet the government purport to say, ‘We don’t wish to inquire into whether we were negligent or complicit; we simply want to look at whether the company was guilty of some criminal conduct.’ How would we have responded to that form of conduct?

The Australian today, in its editorial called ‘Credibility crippled’, said of the Minister for Foreign Affairs:

Short of a neon sign flashing “Saddam bribes hidden here” it is hard to imagine what more Mr Downer and DFAT would have needed to comprehensively investigate AWB, long before the Volcker inquiry belled the cat.

It is appropriate to reflect here on the advice that was given to the AWB and not accepted, but it is advice that the government might well have considered also from Mr Sandman, had they sought it—that is, to accept responsibility, to acknowledge mistakes, to apologise for error and to address your underlying responsibilities and not seek to evade them. Instead, what was the response that the AWB
took? It was to pursue a narrowcast de-
fence—and on whose advice?

The person on whose advice they relied is
now the Director-General of the Australian
Security Intelligence Organisation but was
then the principal foreign affairs adviser to
the Prime Minister. What that man advised,
and what the course of conduct of the gov-
ernment undertook, was to ‘keep your re-
response narrow and technical’. Moreover, not
only has that advice been followed but that is
what the government has done in the con-
struction of the inquiry which followed. Its
terms of reference have been kept narrow
and technical.

What is the importance of the terms of
reference? Chief Justice Young in the Equity
Division of New South Wales in a recent
case regarding the Police Integrity Commiss-
ioner cited Hallett’s book on royal commis-
sions and boards of inquiry. I will take the
House to that passage because it is absolutely
crucial to an understanding of what is going
on:
Hallett says (p52) that:
The drafting of terms of reference for an in-
quiry is of importance. If the terms of reference
are carefully drawn, so that the main area of the
investigation is precisely defined, the inquiry will
benefit not only in the time taken to perform its
functions, but also because the report will deal
only with the central issues and not be concerned
with peripheral matters.
It goes on:
An inquiry can be left floundering in a wilderness
of possible avenues of investigation and be forced
by constraints of time to make its own choices—
and then the important words of qualifica-
tion—
which ultimately might not be in accordance with
the desires of the executive which appointed it.
Most tellingly, in this House today the Prime
Minister explained his reason for a refusal to
expand the terms of reference by indicating it
was not his desire to permit the commis-
sioner to move away from the area they had
designed so narrowly for him to inquire into—that is, the criminal conduct and any
associated criminal conduct of entities or
Commonwealth officers. But how narrow is
that?

Let us take the scandal of the immigration
department and the Rau case. Could we pos-
sibly conceive that an appropriate govern-
ment response to that would be to establish
the Palmer inquiry with responsibility only
to look at whether some government minister
or the department had committed a criminal
offence, when we know that they are locking
up people who suffer from mental illness?
When there are scandals or corruption, for
example, that we know a negligent police
commissioner has permitted to grow and
fester under their feet, where there are out-
raged community members because they
know that the police have failed to follow up
effectively some area of great public con-
cern, would we satisfy ourselves to ask
whether the police commissioner was guilty
only of a criminal act? Or would we say, ‘Is
his management capable, effective, not in-
fected by negligence and doing all that is
appropriate and necessary in the public inter-
est?’

That is exactly what Commissioner Cole
is forbidden from reporting on: forbidden
from reporting on whether the government
and its agencies were negligent and forbid-
den from reporting on whether they com-
piled with their statutory obligations under
regulations when they were required to give
approvals for wheat exports. The commis-
sion is forbidden from assessing those mat-
ters and reporting its findings. The important
point I make about this is that, where such
terms of reference preclude such findings,
they simply cannot be made, and that is the
gravamen of the Shaw decision. That was the
outcome of that decision, which we all know
was an enormously controversial matter. It perhaps reflects no credit on the circumstances in which it arose, but the truth is that we know the consequence of narrow terms of reference, we know why the terms of reference were so narrowly cast and we know why the government so resist their expansion.

Is it possible to say, where corruption of this nature has been indicated in an area of public performance, that it is the responsibility of the opposition to make judgments, when we were relying on the advice of government about those facts, as we were on their advice on the invasion on the security background that was later proved to be an error? Negligence, incompetence and poor administration can lead Australia into making bad decisions on the safety and security of troops. The probity of any decision that is so undermined then comes into question, but it questions the probity and judgment of those who make it and those who assert it. It does not affect the credibility of the oppositions that rely on it, when they are briefed to that effect.

In conclusion, I am deeply disturbed by the sense that this government portrays that a matter of such grave importance can be swept under the carpet and not examined as to whether there was negligence, as to whether there was complicity and as to whether some judgments now need to be made about the administration of the department so that we do not have blind eyes turned to corruption under our noses, so we do not act in circumstances blindly in adherence, where we do not wish to see the folly or error of our own acts.

Mr BAIRD (Cook) (4.17 pm)—It is interesting to follow the member for Denison, the Minister for Health and Ageing and the member for Griffith. The member for Denison made the comment that this is an important issue. That is agreed. It is agreed that it is important we do not sweep this under the carpet. It would be an appropriate comment that nothing was being done if the government had not set up the Cole commission, with very significant powers being given to the commission. A large number of companies around the world were named in the Volcker inquiry—some 2,000 companies from 66 countries—and only two countries have set up inquiries. Australia is the only country that has set up an open inquiry. All the huff and puff and bluster that goes on about this inquiry and what the government may or may not be doing is pure rhetoric. If there was basis or substance in what Labor are saying, then you could listen to them, but what they are trying to achieve is very much a hollow argument.

The AWB issue has become for the Labor Party a magnificent obsession. We have had question after question in this House on it and, of course, we now know that some of the heavies in the Labor Party are saying, ‘Enough of the AWB, it’s not cutting through; change your focus.’ Today and yesterday we had nominal questions on IR reform and then we were back to the AWB. For example, ‘The Labor Party has let you down,’ said Barrie Cassidy on the Insiders program, and Greg Combet said:

I haven’t been very impressed with what’s been going on, I have to admit. And what I want to see in coming weeks and months all the way up to the election is everyone in the federal parliamentary Labor Party concentrating on the key priority—the interests of working people and working families in this country.

He said that Labor have been so beguiled by going down the legal route with regard to the AWB inquiry that they have lost their focus of looking after the average working man and woman in Australia. One of the reasons that we on this side of the House—the coalition—are in government is that we have
looked after their interests. Labor more and more look after the chattering classes, but it is this government that is looking after the real interests of average working men and women.

In my electorate I have had one email—no letters, no phone calls—about the AWB inquiry. Why is that? Is it because they think it is not important? They are not ringing because they know there is an inquiry going on. They know that these issues are being brought forward; they know the issues are being addressed. If there were no inquiry, I am sure we would be hearing quite a lot about it. But in fact it is a very open inquiry and almost every day there is some new piece of evidence that the media manages to find that the member for Griffith and those opposite get very excited about.

We have this open inquiry. While talking to some Labor Party people in my area, they said, ‘They are wasting their time on the AWB because the inquiry is going on; it is not cutting through.’ That is why the Leader of the Opposition has to have Karim ring him up and ask these bogus questions. He knows that nobody out there is really interested in the claims that he is making. Labor’s claims are quite clear: the terms of reference of the inquiry should be widened so that any minister can be questioned about their role or their failure to take action on the allegations that have been brought up in the Volcker inquiry and the oil for food program.

Certainly it is appropriate that we look at the terms of reference, but let us particularly look at the statement made by the commissioner on 3 February. He had heard the criticisms that the terms of reference were very narrowly defined and that they restricted what the inquiry could look at and what it could not look at. It is very clear if you look at point 7 of his statement. He said:

7. It necessarily follows that the knowledge of the Commonwealth of any relevant facts is a matter to be addressed by this Inquiry, and is within the existing terms of reference in the Letters Patent. So on a generic basis the Commonwealth is totally included in the areas of inquiry that the commissioner is looking at. That was in paragraph 7. Paragraph 8 says:

8. That means that this Inquiry will address and make findings regarding, at least, the following:

a. the role of DFAT in the process of obtaining United Nations’ approval of AWB wheat contracts within the United Nations Oil-For-Food Programme;

b. the knowledge of DFAT in relation to such contracts;

c. what AWB told the Commonwealth—and that means Commonwealth ministers—and in particular DFAT, relating to the Iraqi wheat contracts; and

d. whether the Commonwealth—which means Commonwealth ministers and DFAT—was informed of any knowledge AWB may be found to have had, regarding payments made by AWB to Alia.

Then, most significantly, because this goes to the core of what is being addressed here today in this MPI, it says in paragraph 14:

14. Accordingly, 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—which clearly means any minister who sits in this front row or in the Senate—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.

I do not know why this creates such a storm among the members opposite. I know that basically they are trying to find air time to talk about what has been found and the vari-
ous issues that have been raised within the 
open inquiry set up by the government for all 
to come along to and clearly for the media to 
listen to. That is open. It can be changed. 
Any minister’s behaviour can be investigated 
by the Cole inquiry. That is set out in para-
graph 14 of his statement, released in Febru-
ary. Nothing could be clearer. However, he 
says:
15. That position has not been reached.
It is not as if he is saying: ‘We haven’t 
reached it and we’re not going to. I didn’t see 
anything.’ He said:
The position may change as inquiries continue 
and evidence is called. There is thus no basis 
upon which, at this time, it would be appropriate 
for me to suggest to the Attorney-General that the 
terms of reference be widened to enable me to 
make findings regarding whether the Common-
wealth, or its officers, might have breached Commonwealth, State or Territory law.
So the power is there to change the guide-
lines. They say they have not reached that position yet, but the position may change. If 
they do, they will approach the Attorney-
General.
They already approached the Attorney-
General earlier this year to change the terms 
of the inquiry, and the Attorney-General, Philip Ruddock, broadened the inquiry. He 
said, ‘The terms of reference variations make 
it very clear that he’—that is, Commissioner 
Cole—‘can inquire into internal investiga-
tions of the company concerning activities 
not specifically related to the Volcker report.’ 
That was in the press release of 17 March 
2006, when Commissioner Cole came to the 
government, asked for a widening of the in-
quiry and clearly got it. Nothing would make 
all the alarm bells ring.
If the commissioner clearly found evi-
dence—and it is available to everybody, 
every day, to trawl through the Cole in-
quiry’s evidence as it is being given, as I 
have noticed the member for Griffith has 
done in his bid for the leadership, and cer-
tainly there is a need for some leader over 
there—he could come forward with the evi-
dence and say, ‘It is now time that the guide-
lines were widened.’ This is not the case. It is 
simply a blow-up to bring out the facts that 
they feel are important rather than being 
based on the legal requirement. The position 
can be changed. The guidelines can be 
changed. That position has not been reached 
but, if it is needed, the commissioner has 
made it very clear that this can happen.

We all regard this inquiry as important. 
That is why the government established it, 
that is why it is an open inquiry and that is 
why the commissioner has said that he is 
prepared to change the guidelines as re-
quired. What we have opposite is none other 
than a leadership stunt by the member for 
Griffith. (Time expired)

The DEPUTY SPEAKER (Hon. IR 
Causley)—The discussion has concluded.

Mr Melham—I’m jumping to speak on 
the discussion, Mr Deputy Speaker, and the 
time limit hasn’t been reached.

The DEPUTY SPEAKER—Sorry. I call 
the honourable member for Banks.

Mr MELHAM (Banks) (4.27 pm)—I am 
rising to speak on the matter of public impor-
tance, which is the failure of the government 
to provide the Cole commission of inquiry 
with terms of reference which would em-
power it to investigate and make findings 
about whether ministers have properly dis-
charged their duties under Australian law to 
enforce US sanctions against Iraq. That is the 
thing that is missing from the current terms 
of reference of the inquiry. The government, 
despite all their huff and puff, have not been 
able to argue against that proposition. What 
they have done is to put up a smokescreen. 
What the opposition has done is to obtain a
legal opinion from an eminent senior counsel, Bret Walker. At paragraph 18 he says:
I advise that the royal commission, as presently restricted by its terms of reference, does not have full power to investigate whether there has been any relevant wrongdoing on the part of the Commonwealth or its officers.

That comes at the end of an extensive legal opinion that the opposition forwarded to Commissioner Cole together with a submission. That was by way of a letter from the member for Griffith dated 10 March 2006. The member for Griffith respectfully submitted that there should be an expansion of the terms of reference.

But the real cruncher came back in a letter from the inquiry, dated 13 March 2006, from Glenn Owbridge, solicitor assisting. He says:
The Commissioner always values and respects the opinions of Mr Walker and, indeed, his submissions.

He is not alone. Mr Walker is well regarded by the High Court and every court in which he appears. His opinions are valued and he has a high success rate as well. He then goes on to say in the letter:
As Mr Walker correctly states in his opinion, it is not the function of a commissioner to determine his terms of reference. Seeking amendment to clarify terms of reference, or to address peripheral and anomalous circumstances which arise during the course of an inquiry may be regarded as appropriate conduct by a commissioner.

And that has been done once already. He then goes on to say:
However, it would not be appropriate for a commissioner to seek amendment of the terms of reference to address a matter ... different to that in the existing terms of reference.

That is where the ministerial stuff comes in. He highlights that. He continues:
The suggestion, implicit and perhaps explicit in the opinion and submission forwarded by you, that the commissioner should seek amendments to the terms of reference to enable him to determine whether Australia has breached its international obligations, or a Minister has breached obligations imposed upon him by Australian regulation falls, with respect, within the latter category.

So what the commission is saying, in effect, is that examining ministers’ conduct does not fall within the current terms of reference or in the category of the commissioner applying for an expansion of those terms of reference. The government knows this and it has been using weasel words to basically protect its ministers from the commission. That is what this is all about. That is why, in many respects, this is a deficient inquiry, because there is not going to be a proper examination of Minister Downer or the Minister for Trade or other people associated with this government. The commissioner said that in the letter to the honourable member for Griffith. The cat has been belled. The letter continues:
It is of course open to the executive government to change the terms of reference.

Why doesn’t this Prime Minister expand the terms of reference or seek an extension? Because he knows that what that will do is show up his ministers who, as it is with the limited terms of reference of the inquiry, are being exposed so much that the editorial in today’s Australian states:
The wheat-for-weapons scandal has claimed its first scalp—Mr Downer’s credibility is crippled.

So it is quite wrong for the government to say that if the commissioner wants an expansion of his terms of reference he will ask for it and the government will respond. That means that, if it is about ministers or other people, then it will be recommended. The commissioner, in his letter to the member for Griffith, has basically ruled that out as something coming from him, and the government have not been able to refute that. Instead they are using weasel words. The only thing the commissioner will seek an extension on, frankly, is the terms of the reference as they deal with ancillary matters. He has already
done that in relation to the so-called Tigris matter. That is not good enough for the Australian people. The Australian people deserve better. They deserve to see their minister front the inquiry. The Minister for Foreign Affairs and the Minister for Trade should front the inquiry with expanded terms of reference. The government can then say that they have a clean bill of health, because they do not have a clean bill of health under the current terms of reference.

The eloquent opinion in the submission of Bret Walker SC laid it all out. We have not had any rebuttal of that, because there can be no rebuttal. In his statement of 3 February, the commissioner says at paragraph 12:

The present terms of reference permit me to make findings of possible illegality only in relation to the three companies mentioned in the Volcker Report. They do not permit me to make findings of illegality against the Commonwealth or any of its officers.

There was a modest expansion of the terms of reference, but that is coming from the commissioner himself. How do you overcome that? You have to read that paragraph in conjunction with the letter to the member for Griffith to know that this commissioner will not seek an expansion of the terms of reference to look at ministers. The letter says:

... whether Australia has breached its international obligations, or a Minister has breached obligations imposed upon him by Australian regulations falls, with respect, within the latter category—which is, in effect, not a matter for him. Mr Deputy Speaker, don’t you think that, at the same time this inquiry is taking place, those two matters are important matters that should be properly investigated if we are going to argue it is a transparent, open and all-inclusive inquiry? I think the public are entitled to know whether a minister has breached obligations imposed upon him by Australian regulations or whether Australia has breached its international obligations. That is what I think Minister Downer is frightened of with respect to appearing in front of this inquiry. That is the reality of it. That is where I think the member for Griffith has basically outing this government and the narrow terms of reference that are in place.

I say that there can be no clean bill of health for the minister or the government as a result of any findings of the Cole commission of inquiry because of the narrow construction of the terms of reference. That is not being political; that is being legal. The opposition has the legal opinion of Bret Walker SC, which has not been rebutted. Indeed, in his letter, the commissioner’s emissary, the solicitor assisting the inquiry, acknowledges the worth of anything put forward by Bret Walker SC. He is not known as someone who flies a kite or puts up an opinion for the sake of it. The government now have to come to the party. Instead of hiding behind knowing that the commissioner will not seek an expansion of the terms of reference, which we say should occur, they have to do the right thing and provide the commissioner with expanded terms of reference and give him the resources to report on those fundamental questions. I think it is important to Australia, to its people and its farmers, to know whether we have breached our international obligations and whether a minister has breached obligations imposed upon him. The foreign minister has been shown to be a fool from the diary notes that have been tabled before the commission of inquiry, but we need to go beyond that. I commend the matter of public importance to the chamber.

The DEPUTY SPEAKER (Mr Jenkins)—Order! The discussion is now concluded.
Ms GILLARD (Lalor) (4.38 pm)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Minister for Health and Ageing from:

(a) being required to provide this House with a full and proper explanation as to why he claimed:

“I did actually look at the highest safety net benefit payments in NSW. I looked at those on an electorate by electorate basis. Not Wentworth, not Bradfield, not, I regret to say Warringah Mr Speaker, the highest safety net benefits per electorate in NSW were actually in the electorate of Grayndler”,

when this claim is totally untrue;

(b) being required to correct the grossly inaccurate and misleading statement he made in this place during question time today, a statement which reveals his incompetence as Health Minister, and his preparedness to misuse his portfolio for cheap political advantage;

(c) apologise to all Members in this place, for a clear and serious breach of his duties as Leader of Government Business and Minister for Health; and

(d) apologise to the Member for Grayndler and his constituents for falsely claiming the electorate of Grayndler received the highest payments under the Medicare Safety Net when figures released by the Minister himself show that the:

- Electorate of Wentworth received $7.8 million
- Electorate of North Sydney received $7.5 million
- Electorate of Bradfield received $6.9 million
- Electorate of Warringah received $6.3 million

whereas the Electorate of Grayndler received $3.6 million.

It is a disgrace for a minister to come in here and deliberately not tell the truth.

Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (4.39 pm)—Assuming that the honourable member has now finished her motion, I move:

That the member be no longer heard.

Question put.

The House divided. [4.44 pm]

(Ayes—Mr Jenkins)

Ayes……………. 77

Noes……………. 56

Majority………. 21

AYES

**Southcott, A.J.**  
**Thompson, C.P.**  
**Tollier, D.W.**  
**Turnbull, M.**  
**Vale, D.S.**  
**Wakelin, B.H.**  
**Wood, J.**  

**Stone, S.N.**  
**Ticehurst, K.V.**  
**Tuckey, C.W.**  
**Vaile, M.A.J.**  
**Vasta, R.**  

**Tollner, D.W.**  
**Tuckey, C.W.**  

**Thompson, C.P.**  
**Vaile, M.A.J.**  

**Ticehurst, K.V.**  

**Turnbull, M.**  

**Vaile, M.A.J.**  

**Vasta, R.**  

**Wakelin, B.H.**  

**Wood, J.**

That the member be no longer heard.

Question put.

The House divided.  

(4.51 pm)

(The Deputy Speaker—Mr Jenkins)

Ayes.............  

Noes.............  

Majority.........

**AYES**

Abbott, A.J.  
Andrews, K.J.  
Baird, B.G.  
Baldwin, R.C.  
Bartlett, K.J.  
Bishop, B.K.  
Broadbent, R.  
Cadman, A.G.  
Ciobo, S.M.  
Downer, A.J.G.  
Elson, K.S.  
Farmer, P.F.  
Ferguson, M.D.  
Gambaro, T.  
Georgiou, P.  
Hardgrave, G.D.  
Henry, S.  
Hunt, G.A.  
Johnson, M.A.  
Keenan, M.  
Kelly, J.M.  
Ley, S.P.  
Lloyd, J.E.  
Markus, L.  
Nairn, G.R.  
Neville, P.C.  
Pearce, C.J.  
Pyne, C.  
Richardson, K.  
Schultz, A.  
Secker, P.D.  
Smith, A.D.H.  
Southcott, A.J.  
Thompson, C.P.  
Tollier, D.W.  
Tuckey, C.W.  
Vaile, M.A.J.  
Vasta, R.  
Wakelin, B.H.  
Wood, J.  

Anderson, J.D.  
Bailey, F.E.  
Baker, M.  
Barresi, P.A.  
Billson, B.F.  
Bishop, J.I.  
Brough, M.T.  
Causley, I.R.  
Cobb, J.K.  
Draper, P.  
Entsch, W.G.  
Fawcett, D.  
Forrest, J.A.  
Gash, I.  
Haase, B.W.  
Hartsukeyer, L.  
Hull, K.E.  
Jensen, D.  
Jull, D.F.  
Kelly, D.M.  
Laming, A.  
Lindsay, P.J.  
Macfarlane, I.E.  
McArthur, S.  
Nelson, B.J.  
Panopoulos, S.  
Prosser, G.D.  
Randall, D.J.  
Ruddock, P.M.  
Scott, B.C.  
Slipper, P.N.  
Somlyay, A.M.  
Stone, S.N.  
Ticehurst, K.V.  
Truss, W.E.  
Turnbull, M.  
Vale, D.S.  
Wakelin, B.H.  
Wood, J.  

**NOES**

Adams, D.G.H.  
Albanese, A.N.  
Andren, P.J.  
Beazley, K.C.  
Bevis, A.R.  
Bird, S.  
Burke, A.E.  
Byrne, A.M.  
Causley, I.R.  
Corcoran, A.K.  
Danby, M.  
Edwards, G.J.  
Elliot, J.  
Ellis, A.L.  
Ellis, K.  
Emerson, C.A.  
Ferguson, L.D.T.  
Ferguson, M.J.  
Fitzgibbon, J.A.  
Garrett, P.  
Georganas, S.  
George, J.  
Gillard, J.E.  
Girosen, S.J.  
Griffin, A.P.  
Hall, J.G.  
Hatton, M.J.  
Hayes, C.P.  
Irwin, J.  
Kerr, D.J.C.  
King, C.F.  
Lawrence, C.M.  
MacKlin, J.L.  
McClelland, R.B.  
McMullan, R.F.  
Melham, D.  
Murphy, J.P.  
O’Connor, B.P.  
O’Connor, G.M.  
Plibersek, T.  
Price, L.R.S.  
Quick, H.V.  
Ripoll, B.F.  
Roxon, N.L.  
Rudd, K.M.  
Sawford, R.W.  
Sercombe, R.C.G.  
Snowdon, W.E.  
Swan, W.M.  
Tanner, L.  
Thomson, K.J.  
Vamvakinos, M.  
Wilkie, K.  
Windsor, A.H.C.  

* denotes teller

Question agreed to.

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

**Mr ALBANESE** (Grayndler) (4.50 pm)—I second the motion. This is a minister without judgment or—

**Mr PYNE** (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (4.50 pm)—Assuming the member for Grayndler has nothing of any import to add, I move:
Question agreed to.

Original question put:
That the motion (Ms Gillard’s) be agreed to.

The House divided. [4.55 pm]

(The Deputy Speaker—Mr Jenkins)

### AYES

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<td>Noes</td>
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### NOES

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<td>Noes</td>
<td>Majority</td>
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**CHAMBER**
Secker, P.D.  Slipper, P.N.
Smith, A.D.H.  Somlyay, A.M.
Southcott, A.J.  Stone, S.N.
Thompson, C.P.  Ticehurst, K.V.
Tollner, D.W.  Truss, W.E.
Tuckey, C.W.  Turnbull, M.
Vaile, M.A.J.  Vale, D.S.
Vasta, R.  Wakelin, B.H.
Washer, M.J.  Wood, J.
* denotes teller

Question negatived.

COMMITTEES

Treaties Committee
Report: Erratum

Dr SOUTHCOTT (Boothby) (5.00 pm)—by leave—On behalf of the Joint Standing Committee on Treaties, I present an erratum to the committee’s Report 72, which was presented to the House yesterday.

AGED CARE (BOND SECURITY) BILL 2005
AGED CARE (BOND SECURITY) LEVY BILL 2005
AGED CARE AMENDMENT (2005 MEASURES No. 1) BILL 2005
FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (No. 2) 2005
TAX LAWS AMENDMENT (2006 MEASURES No. 1) BILL 2006

Returned from the Senate

Message received from the Senate returning the bills without amendment or request.

COMMITTEES

Intelligence and Security Committee
Membership

Message received from the Senate informing the House that Senator McGauran has been discharged from the Parliamentary Joint Committee on Intelligence and Security.

National Capital and External Territories Committee
Membership

Message received from the Senate informing the House that Senator Crossin has been discharged from the Joint Standing Committee on the National Capital and External Territories and that Senator Carr has been appointed a member of the committee.

STANDING ORDERS

Mr NAIRN (Eden-Monaro—Special Minister of State) (5.01 pm)—On behalf of the Leader of the House I move:

(1) That standing order 11, up to and including paragraph (h), be amended to read:

11 Election procedures

When electing a Member to fill a vacant office the routine shall be as follows:

Nominees proposed
(a) The Chair shall invite nominations for the vacant office.
(b) A Member shall propose the nomination of a Member to the vacant office by moving, without notice, that such Member ‘do take the Chair of this House as Speaker’.
(c) The nominated Member shall inform the House whether he or she accepts the nomination.
(d) The Chair shall ask:

Is there any further proposal?

and shall ask this again after any further proposal and acceptance.
(e) If no further proposal is made the Chair shall state:

The time for proposals has expired

No further nominations may be made.
(f) If only one nominee—nominee elected

If only one nominee—nominee elected

If a nominee is unopposed, the Chair, without question put, shall declare the
Member, who has been proposed and seconded, to have been elected to the vacant office.

If two or more nominees—debate then ballot

(g) If there are two or more nominees, when the time for proposals has expired, Members who have not yet spoken as mover or seconder may speak on the election, however:

(i) debate must be relevant to the election; and

(ii) no Member may speak for more than five minutes,

(h) At any time during debate, and whether any Member is addressing the Chair or not, a Minister may move without notice—

That the ballot be taken now.

The question shall be put immediately and resolved without amendment or debate. If the votes are equal the question shall be negatived, and debate may continue. If the question is carried, or when debate ends, the House shall proceed to a ballot.

(2) That standing orders 141 and 142 be amended to read:

141 First reading and explanatory memorandum

(a) When a bill is presented to the House, or a Senate bill is first received, the bill shall be read a first time without a question being put. A Member presenting a bill during private Members' business may speak to the bill, before it is read a first time, for no longer than 5 minutes.

(b) For any bill presented by a Minister, except an Appropriation or Supply Bill, the Minister must present a signed explanatory memorandum. The explanatory memorandum must include an explanation of the reasons for the bill.

142 Second reading

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

That this bill be now read a second time.

At the conclusion of the Member's speech the debate on the question must then be adjourned to a future sitting.

After the first reading of a bill presented during private Members' business, the motion for the second reading shall be set down on the Notice Paper for the next sitting.

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

Mr PRICE (Chifley) (5.02 pm)—I do not think the alacrity with which the Leader of the House has responded to the report tabled this week should go unremarked. The proposed changes, I must say, are not of great moment; nevertheless, they are worth while. I wished that the leader responded to all reports with such alacrity. For example, I notice that the Special Minister of State, a former distinguished chairman of the Procedure Committee, himself brought down a report, which I totally supported, entitled Balancing tradition and progress: procedures for the opening of parliament. That only took three years and 10 months to be rejected.

Mr Deputy Speaker Jenkins, I know your interest in the standing orders. Changed arrangements that were initiated by a distinguished predecessor in the chair—Speaker Andrew—have yet to be responded to even though the committee reported back in 2003.

I have always given the member for Mackellar credit for her enthusiasm about House estimates committees. Again, the report entitled House estimates: consideration of the annual estimates by the House of Representatives was brought down in October 2003, and we still do not have a response.

The first of these two changes permits a debate about the election of a Speaker by the
nominators of the Speaker in the circumstances where there is no ballot or contest. We have placed the Clerk of the House in the unenviable position of needing to enforce the standing orders and thus members who nominated, for example our current Speaker, and the person who seconded the nomination, were not, according to the standing orders, able to speak. Mr Deputy Speaker, I know that you would be pleased, as I am, that the standing orders were not so rigidly enforced that they were not able to make a contribution. Nevertheless, that aspect has been tidied up.

The other matter refers to the presentation of explanatory memoranda simultaneously with the beginning of a second reading speech. It is a relatively small matter but one, again, that needed to be tidied up.

The reports of the Procedure Committee are unanimous reports reflecting the efforts of the coalition members and the opposition members on that committee. To the Special Minister of State moving these changes to the standing orders I indicate on behalf of the opposition that we too will be supporting these changes.

Question agreed to.

COMMITTEES
Public Works Committee
Approval of Work

Mr NAIRN (Eden-Monaro—Special Minister of State) (5.05 pm)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Redevelopment of post 1945 conflicts galleries and discovery room for the Australian War Memorial, Canberra, ACT.

The Australian War Memorial proposes to redevelop its post-1945 conflicts galleries—the Korea, Vietnam, peacekeeping and recent conflicts galleries—and Discovery Room at a potential total estimated cost of $17.8 million. In its report the Public Works Committee has recommended that the proposed works should proceed. Subject to parliamentary approval, construction will begin in July this year and be completed by October 2007. On behalf of the government I would like to thank the committee for its support and I commend the motion to the House.

Question agreed to.

Public Works Committee
Approval of Work

Mr NAIRN (Eden-Monaro—Special Minister of State) (5.07 pm)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Fit-out of an extension to leased premises for IP Australia in Woden.

IP Australia proposes to undertake the fit-out, at an estimated cost of $14.451 million, of an extension to existing leased premises in Woden in the Australian Capital Territory. An additional $2 million has been allowed for work on the existing premises for workstation reconfigurations. In its report, the Public Works Committee recommended that these works proceed subject to the recommendations of the committee. IP Australia accepts and will implement those recommendations. Subject to parliamentary approval, the proposed fit-out will be undertaken concurrently with the later stages of the base building construction. Both are due for completion in early September 2007. On behalf of the government, I would like to thank the committee for its support and I commend the motion to the House.

Question agreed to.
Ms KING (Ballarat) (5.08 pm)—Whilst I support the motion, I do want to draw to the House’s attention again that many women—and in fact many men—in this place are finding it somewhat frustrating each time a Public Works reference comes up that sees us spending public moneys on facilities that are within the Parliamentary Triangle we still are not able to see a commitment to funding child care in this place. It is somewhat frustrating to continually be voting on a number of Public Works bills for things which are obviously very important, yet we still cannot get funding in this building for a child-care centre for women and men with children.

Question agreed to.

Public Works Committee
Reference

Mr NAIRN (Eden-Monaro—Special Minister of State) (5.09 pm)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Australian Institute of Police Management redevelopment, North Head, Manly, NSW.

The Australian Federal Police proposes to undertake a redevelopment, at an estimated out-turn cost of $16.224 million, of the Australian Institute of Police Management at North Head, Manly, in New South Wales. Subject to parliamentary approval, construction is planned to commence later this year, with a construction period of approximately 26 months. I commend the motion to the House.

Question agreed to.

Public Works Committee
Reference

Mr NAIRN (Eden-Monaro—Special Minister of State) (5.10 pm)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Fit-out of new leased premises for the Australian Securities and Investment Commission at 120 Collins Street, Melbourne, Vic.

The Australian Securities and Investments Commission, ASIC, proposes to undertake a refit of new leased premises at 120 Collins Street, Melbourne, Victoria at a cost of $9.85 million, which includes $6.9 million for fit-out and $2.95 million for infrastructure and security. Subject to parliamentary approval, the fit-out procurement process could begin in May this year. I commend the motion to the House.

Question agreed to.

Public Works Committee
Reference

Mr NAIRN (Eden-Monaro—Special Minister of State) (5.11 pm)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Tactical Unmanned Aerial Vehicle, Facilities Project, Enoggera, Qld.

The Department of Defence proposes a facilities project, at an estimated out-turn cost of $17.45 million, to support the introduction of the new tactical unmanned aerial vehicle capability and the establishment of 20th Surveillance and Target Acquisition Regiment at Gallipoli Barracks, Enoggera, Queensland. Subject to parliamentary approval, the works would be committed late this year, for completion by October next year. I commend the motion to the House.

Question agreed to.
proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Provision of facilities for Project Single LEAP—Phase 1.

The Department of Defence intends to deliver new single residential accommodation, associated facilities, infrastructure and services on three bases, at Enoggera and Amberley in south-east Queensland and Holsworthy in New South Wales. The strategy being adopted by the Department of Defence is to engage a strategic partner for a number of components. The overall out-turn estimated cost of the project is $406 million at net present value over 30 years, including buildings, infrastructure, service of the facilities, maintenance and life cycle costs. Subject to parliamentary approval, construction is planned to commence in early to mid 2007 and to be completed in 2009. I commend the motion to the House.

Question agreed to.

HEALTH AND OTHER SERVICES (COMPENSATION) AMENDMENT BILL 2006

GENERAL INSURANCE SUPERVISORY LEVY IMPOSITION AMENDMENT BILL 2006

Referred to Main Committee

Mr BARTLETT (Macquarie) (5.14 pm)—by leave—I move:

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

Question agreed to.

BANKRUPTCY LEGISLATION AMENDMENT (FEES AND CHARGES) BILL 2006

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that the bill be considered immediately.

Bill agreed to.

Third Reading

Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (5.16 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

MARITIME LEGISLATION AMENDMENT BILL 2005

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that the bill be considered immediately.

Bill agreed to.

Third Reading

Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (5.16 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

OHS AND SRC LEGISLATION AMENDMENT BILL 2005

Report from Main Committee

Bill returned from Main Committee with an amendment; certified copy of the bill and schedule of amendments presented.

Ordered that the bill be considered immediately.

Main Committee’s amendment—

(1) Schedule 1, page 5 (after line 20), after item 3, insert:

3A Section 4

Repeal the section, substitute:
4 Act excludes some State and Territory laws

Exclusion of State and Territory laws

(1) Subject to subsection (2), this Act is intended to apply to the exclusion of any law of a State or Territory (other than a law prescribed under subsection (3)) to the extent that the law of the State or Territory relates to occupational health or safety and would otherwise apply in relation to employers, employees or the employment of employees.

Note: For the meaning of employer and employee, see section 5.

State or Territory laws not excluded from applying to situations not covered by this Act

(2) If, because of section 14 or 15, provisions of this Act do not apply in relation to a particular situation, subsection (1) is not intended to affect the application of State or Territory laws to that situation.

Allowing certain State or Territory laws to apply

(3) If a State or Territory law deals with a matter relating to occupational health or safety that is not dealt with by or under this Act, the regulations may prescribe the law as not being intended to be excluded by this Act.

Interpretation

(4) In this section, a reference to laws of a State or Territory includes a reference to such laws as they have effect as applied provisions within the meaning of the Commonwealth Places (Application of Laws) Act 1970.

(5) In this section:

law includes a provision of a law (including, for example, a formula or a component of a formula).

The DEPUTY SPEAKER (Mr Jenkins)—The question is that the amendment be agreed to.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (5.18 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

JURISDICTION OF THE FEDERAL MAGISTRATES COURT LEGISLATION AMENDMENT BILL 2005

Report from Main Committee

Bill returned from Main Committee having been considered up to and including the second reading; certified copy of the bill presented.

Ordered that the bill be considered at the next sitting.

JURISDICTION OF COURTS (FAMILY LAW) BILL 2005

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that the bill be considered immediately.

Bill agreed to.

Third Reading

Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Health and Ageing) (5.19 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

CANCER AUSTRALIA BILL 2006

Second Reading

Debate resumed.
Mr HENRY (Hasluck) (5.20 pm)—It is without exaggeration that I say that Australians are currently fighting a war right here at home—a war that rarely makes the headlines yet claims more than 36,000 Australian lives each year and rates as newsworthy only when someone famous finds themselves in the fight. I am talking about cancer. I use the metaphor of war deliberately, although with the utmost respect to those who have literally experienced battles between humans. One in three Australian males and one in four Australian females will battle at the cancer frontline before the age of 75. Among the rest of us, virtually everyone is affected. It kills more Australians than any other single cause of death. It accounts for 28 per cent of deaths overall and, tellingly, 35 per cent of all deaths under the age of 75. Many of these are slow, progressive, painful deaths that undermine the strength of untold numbers of families.

There are many Australians who have stepped up to fight this war. As a nation we are blessed with quiet armies of people who have the talent, care and commitment we need in the battle fronts of cancer prevention, cancer treatment and cancer care. One such quiet army is Silver Chain, founded in Western Australia in 1905. Today, over 100 years later, Silver Chain is a name of trust and compassion in our Western Australian communities. Silver Chain is a non-sectarian charitable organisation, which established an extension of its service deliveries in 1982 as a hospice care service, which is one of Australia’s largest community based palliative care services. Through this service, Silver Chain provides a holistic approach to home care for people who are terminally ill, for their families and for their carers. We should applaud its activities and offer our congratulations for the efforts of over 500 volunteers and 2,300 staff who provide this much-needed and caring service.

Another very much in the front line of cancer prevention is the 2006 Australian of the Year, Professor Ian Frazer. He has been on the front line in this battle for some 20 years, researching the link between papilloma viruses and cancer, seeking ways to treat these viruses in order to reduce the incidence of cancer. The professor has now developed vaccines to prevent and treat cervical cancer, which affects some 500,000 women, with some 300,000 losing their lives each year. In 2002 alone, 227 Australian women lost their lives to cervical cancer. A vaccine based on his research has been shown in worldwide trials to prevent papilloma virus infection and reduce pap smear abnormalities by 90 per cent. It has the potential to virtually eradicate cervical cancer within a generation. This vaccine will revolutionise women’s health across the globe.

Professor Frazer’s commitment to the fight includes his work as Chairman of the Medical and Scientific Advisory Committee of the Queensland Cancer Fund. He advises the World Health Organisation and the Bill and Melinda Gates Foundation on papilloma virus vaccines. Dr Frazer teaches immunology to undergraduates and graduate students of the University of Queensland. Professor Frazer also founded and leads the University of Queensland Centre for Immunology and Cancer Research. He was recently made a Fellow of the Australian Academy of Science and was awarded a Eureka Prize in recognition of his development of the vaccine.

It is a war and, while we recognise and acknowledge the great work and efforts of organisations like Silver Chain and people such as Professor Frazer, to fight this war we need a war office. That is where I believe this bill to establish a new national body known as Cancer Australia is a progressive initiative, and that is why I rise to speak to the Cancer Australia Bill 2006 today.
The National Cancer Control Initiative, or NCCI, put in place by the Hon. Michael Wooldridge, has battled well on behalf of us all since 1997. It has devised national strategies, informed government policy and done important work on diagnosis, prevention, patient care, research and knowledge sharing. But, with 462,000 new cases being diagnosed each year and more than 100 types of cancer together stealing around 260,000 potential life years from Australians each year, we need an agency with more power for the battle ahead. In fact, the NCCI itself realised this need for a national coordination, communication and strategic cancer agency. The NCCI worked actively to ensure the successful establishment of Cancer Australia. The government was pleased to respond by including the establishment of Cancer Australia in the Strengthening Cancer Care policy package we presented to the Australian people at the last election.

Cancer Australia will give us many tactical advantages as we fight against cancer. Most importantly of all, it will provide the national leadership and coordination we need to make the best from our resources and efforts. This leadership will focus on improving all three battle fronts: prevention, treatment and care. It will also coordinate, link and strengthen the wide range of health-care providers and community agencies connected to the battle. Some of these agencies are large and broad in scope; others are local and highly focused. We need all their efforts, and we need to do everything we can to help them be as effective as possible. To this end I can only endorse the mention by the Minister for Health and Ageing and member for Warringah, the Hon. Tony Abbott, that a national audit of cancer efforts is a key priority.

Cancer Australia will also guide government cancer policy and priorities and help with implementation, turning policies into action. This will include overseeing a special budget dedicated to cancer research. I was very pleased earlier today to hear the member for Prospect supporting the main thrust of the bill and much of the activity of Cancer Australia. Among the key work fronts for Cancer Australia will be efforts to facilitate and implement expanded support for Australians living with cancer; enhanced professional support for cancer care workers; improvements to screening and prevention services, especially for bowel, skin and cervical cancer; and enhanced research into the disease itself, as well as research into how we care for those who battle it.

The importance of these government initiatives is hard to overstate. Cancer is already our single biggest killer and steals far more potential life years than any other health issue. But our population is ageing and, as cancer occurs four times more often in people over 65, we are facing a dramatic rise in the number of cancer cases we fight each year. Yet, according to the Cancer Council of Australia, evidence suggests that even with current knowledge we can prevent up to half of all cancer deaths. I think that bears repeating: half of Australia’s cancer cases are already preventable.

Research now clearly links obesity, diet and physical inactivity with many types of cancer. Although the exact nature of these links is unclear, we do not need further research to tell us that Australia’s increasing body weight and decreasing physical activity levels are not good news for cancer statistics. And we do not need research to motivate us to respond now in the interests of the future health of all of us, including our fellow Australians who are more at risk of so-called ‘lifestyle’ cancers. Indeed, I cannot help asking myself whether perhaps it would help national discussions about this if we stopped calling them ‘lifestyle factors’ and started calling them ‘cultural factors’.

CHAMBER
I was struck recently by Cancer Council figures which estimate that not only can we prevent 7,700 deaths each year from cancers caused by cigarette smoking and 1,300 from skin cancers but also we can already prevent around 6,000 cancer deaths caused by inadequate intake of fruits and vegetables, obesity or lack of physical activity. A recent estimate that 60 per cent of Australians over the age of 25 are overweight or obese therefore makes for sobering thought for those concerned with our long-term health care needs.

It is important to note that, among the reasons driving the need for Cancer Australia to be established, it is often forgotten that the burden of cancer is not shared equally across the Australian community. Australians who already experience relative social and economic disadvantage have far higher rates of cancer diagnosis and tragically have higher rates of mortality. Indigenous Australians, for example, have by far the worst rates of cancer incidence and survival, dying from cancer at twice the rate of non-Indigenous Australians. Overall, cancer patients in remote parts of Australia are 35 per cent more likely to die from their disease than their fellow Australians living in major cities. Wherever we live, the evidence indicates that people with lower levels of education and less socioeconomic opportunity develop cancer and die from it at higher rates, which only reinforces the educational and economic disadvantages their families already experience.

But we must not think that all the news on cancer is bad—far from it. Overall, we have improved cancer survivability by 30 per cent even including the most lethal forms. We have made major progress in reducing certain cancers like those caused by smoking. We are performing much better at early detection of many cancers such as prostate and cervical cancers. Our ability to treat many cancers, including childhood, breast and colon cancers, is world-class and light-years away from just generations ago. Even more important for the long term is the progress we have made towards understanding how to reduce and manage risk factors.

In fact, this is perhaps our most exciting opportunity in the cancer war. We must continue to progress our treatment and care efforts, but now we have the capacity to match that with advances in prevention. This bill to establish Cancer Australia will go a long way to achieving that. Make no mistake: Australia is not alone in this war. In fact, every nation on earth is fighting with us. Cancer is a major problem for all humanity in the 21st century. Bird flu may grab the headlines but cancer already kills millions around the world each and every year. It hits without fear or favour—especially without favour. Read even a few reports on cancer in the developing world and the heartbreaking figures on incidence, access to treatment and survivability are salient reminders that we already have one of the world’s best cancer care systems in the world, from prevention to treatment to palliative care. There is so much to be grateful for and proud of.

But we cannot yet say that we are winning the war, only that we have had some successes and are currently at a kind of stalemate or detente of disease. Age and lifestyle issues loom large. Age, in particular, is cancer’s greatest advantage. It is great news that we are living longer, but this advantage brings with it the reality that our cancer rates will increase. In all likelihood this increase will be dramatic in the coming decades. The imperatives for this bill could therefore not be clearer. Already cancer directly costs us about $2.8 billion or six per cent of our national health budget. Indirectly it costs us far more in lost productivity, social capital, emotional health and missed opportunity. Yet even this cost is dwarfed by the immeasurable cost of losing 36,000 of our children,
parents, siblings, spouses, friends, colleagues and neighbours each year.

The thinking and legislation behind Cancer Australia has already received broad support across the medical research and health care sectors as well as from the cancer sector itself. This bill should receive strong and unqualified support from all parties and political persuasions. It is one of those bills that show how things should work: sensible, well-informed policy guiding well-considered legislation that is responded to by all on its merits and capacity to benefit Australia and Australians. Between this moment as we sit in this chamber and Christmas Day, when we celebrate that occasion with our families, more than 27,000 Australians will lose their fight with cancer and another 340,000 Australians will be diagnosed. On behalf of them all, those who care for them and those who care about them, I commend this bill to the House. Foreseeing the bill’s passage into legislation, I wish the incoming staff and advisory board members of the new Cancer Australia all wind to their sails.

Ms MACKLIN (Jagajaga) (5.34 pm)—I am very pleased to have the opportunity to speak tonight on the Cancer Australia Bill 2006 to particularly highlight the outstanding services being provided at the Austin Health service, a major teaching hospital in my electorate which serves not only the north-eastern suburbs of Melbourne but many people throughout Victoria and parts of Tasmania—and there are some specialised services that provide very important cancer relief to people in other parts of the country.

One of the terrific initiatives under way at the hospital is the Olivia Newton-John Cancer Centre. It is proposed that this be a unique, comprehensive and integrated cancer centre that will bring together research, patient care, cancer support and training. I particularly want to indicate my very strong support for this initiative. I know that a large number of people are barracking for it, but the most important person who is doing that is in fact the patron of this new initiative, Olivia Newton-John.

We expect that the total cost of this new centre will be $75 million for a new building at Austin Health. We anticipate that the private fundraising for this initiative should raise about $25 million, but that leaves the new service about $50 million short. We certainly have had some positive signals from other sources, and we hope that both the state and the federal government will see fit to come to the party to make sure that this outstanding service will get the funding it needs so that we can get this building under way.

It is already the case that the Austin Hospital is one of our nation’s busiest cancer centres, not only treating many people but also having a very significant partnership with the International Ludwig Institute for Cancer Research. The Austin is, in fact, the largest international clinical research site for the Ludwig—that is worldwide—and is the major international production centre for new reagents to be used in clinical trials. One of the very important good news stories from this relationship between the Ludwig and the Austin is that we get more than $US30 million of Ludwig money coming in from the United States for this partnership. It is the case that these biological reagents are produced for countries around the world. I think we can see what a significant contribution this hospital and the International Ludwig Institute are already making.

The Austin Hospital also houses a major research centre for positron emission tomography, otherwise known as PET scanning, and many people will be aware that this technology is now very important in investigating many cancers. We are very fortunate to have this technology at the Austin and for
it to play a critical role not only in investigation but also in research. It is also the case that the Austin is a very big training centre for clinicians and researchers in oncology and in a large number of related specialties—cancer nursing, radiation therapies and other cancer and allied specialists. That is another reason why so many people at the Austin are very keen to get this new integrated cancer centre built on site, which will be called the Olivia Newton-John Cancer Centre.

We already have the north-east Melbourne integrated cancer centre program providing outreach radiation oncology and medical oncology services to Ballarat. I am sure that the member for Ballarat, who is here with me today, knows how critical that service is to her constituents. There are many other rural centres, particularly in Victoria, that also get the benefit of these outstanding services. There is a very large palliative care service, which is integrated with community providers to make sure that people who are dying of cancer are able to do so in the most homely environment but with the highest level of care available to them. I certainly know, from people who have spoken to me, about the very sensitive way in which that palliative care service does its job.

So we have at the Austin a very large cancer treatment service. It plays a national leadership role already in cancer research and the training of cancer health professionals. It certainly promotes and is intent on expanding integrated cancer treatment across the community and, as I said, in rural areas as well. That is why I particularly want to take this opportunity today to indicate to the government how worthy I think this project is of federal government support. I am sure that it will have support across the political spectrum. I do not imagine that anyone in this parliament would look at this issue from a political point of view. These are important services that are being provided to people, no matter where they live.

I certainly hope that, with support from the Victorian government and the Australian government as well as from those private donors who have already indicated their support, we can see this Olivia Newton-John Cancer Centre established, built and operating at the Austin Hospital in the very near future. I thank the House for the opportunity to indicate what an important initiative I think this will be and I hope that it will receive a very positive hearing from the government.

Mrs HULL (Riverina) (5.41 pm)—It gives me great pleasure today to rise to support the Cancer Australia Bill 2006. As all other speakers in the House have mentioned, this is a fantastic initiative that is long overdue and widely welcomed right across Australia. Cancer Australia will be an umbrella organisation for various cancer groups to provide leadership, vision and support to consumers and health professionals and to make recommendations to the government about cancer policies and priorities. As the co-convener—along with the member for Franklin, Harry Quick—of the parliamentary cancer network, it gives me much pleasure to be able to stand here today and recognise that this national body will be of great benefit to all Australians. It will include new approaches to mentoring regional cancer services, a grants process targeted at building cancer support groups, a national awareness campaign for skin cancer, a new dedicated budget for research into cancer to be administered in conjunction with the National Health and Medical Research Council and funding for clinical trials infrastructure for cancer patients.

With one in three men and one in four women in Australia now directly affected by cancer in the first 75 years of their life, it is
imperative to have as many support services available as possible, especially in regional areas. Support services have come a long way, particularly in regional areas, since I was first exposed to family cancer many years ago. When my brother aged 28 was diagnosed with melanoma, limited support services were available in country areas. We spent months and months in the Sydney Hospital trying to assist and do all that we could in research and in trialling drugs to save my 28-year-old brother’s life. Unfortunately, that did not happen and he passed away. I remember feeling at that time that there had to be something better in the system to assist him and the many other patients who came from regional Australia to confront this terrifying disease and to assist them to have a quality of life, no matter how short it was, while they were being treated. May I say that, with the grace of God and an enormous amount of work from people right across Australia and successive governments, we have seen that happening: we have seen the system change dramatically. With this organisation, we will now see a central point for managing services and support centres.

I congratulate the New South Wales Cancer Council and the Cancer Patients Assistance Society because they have done a magnificent job. I would like to make mention of the fact that the Riverina people decided to take charge of their own destiny. I have mentioned it many times in the House here, and I will mention it again today because I am extremely proud of the efforts made by the Riverina constituency, and those just beyond the Riverina as well, to establish the Riverina Cancer Care Centre. Through the great work and huge generosity of people across my electorate, we were able to launch a fundraising campaign to build a cancer care centre in order to attract a service provider to come into that centre and provide much-needed radiotherapy, and now public chemotherapy, in a quality environment.

Some really significant people have, along the way, put in much effort on behalf of cancer sufferers and their families. Sometimes that effort can be forgotten, because somebody will take on an issue and drive it, and the people with the vision, the passion and the dream sometimes get left behind. There is a lady who has had such passion and drive for over 25 years for all the patients in the Riverina. As a nurse, her commitment to her patients in administering chemotherapy and many treatments was absolutely outstanding and deserved reward. I speak of Ann Aichroy, a sister at the Wagga Wagga Base Hospital, who supported fly-in, fly-out cancer support services and provided the most extraordinary care above and beyond the call of duty. She came to me many times with a vision and a dream of having a cancer care centre dedicated in Wagga Wagga to the Riverina people that would provide the best treatment available.

Thankfully, in the honours list on Australia Day this year, I was successful in having Annie recognised for her enormous contribution to patients with cancer long before it became fashionable and long before it became an industry with so much help and assistance. She was out there striving and driving to deliver quality of life to people when their lives were short, and making every day a winner and every day count. She is an amazing recipient of that order. I am very proud of her and very proud to have nominated her for this award, to remember what she put in when others took this forward.

We built our cancer care centre as a testament to the dream and vision of people like Annie Aichroy and many people who have gone before us with this hideous disease. We are now servicing the Riverina and Canberra.
and many people beyond. We have some international people coming in for treatment.

I also thank the minister, the department, the minister’s office and Terry Barnes for assisting me through a process at the moment that will see even better and more reliable services delivered to far more people out of the Riverina Cancer Care Centre. Those negotiations are at the current time going along really nicely. I am hoping that they will lead to a fruitful end.

We had a significant amount of involvement when we raised the $3 million in 18 months to build our cancer care centre for our region. We did walks and dinners. We had great benefactors and great donations from people who had experienced cancer, but the community commitment was beyond belief. Then, when we had finished building that centre and had operators, providers, radiation and oncology services et cetera in that centre providing a fabulous treatment, there was the desire to build an accommodation facility. Through the combined efforts of the Cancer Patients Assistance Society, the Cancer Council of New South Wales and, again in the electorate of Riverina, the incredible drivers from the local wine clubs, Rotary and Apex clubs and general community members, we have built Lilier Lodge, which has 24 brand-new units. It is the most beautiful set of units. When you stay there, you are able to have your family with you at a very troubling time, when you are receiving the expertly and excellently delivered services and treatments of the Riverina Cancer Care Centre, with its staff absolutely committed to these treatment processes.

The one little glitch is in relation to IPTAAS, the Isolated Patients Travel and Accommodation Assistance Scheme, which is run by the New South Wales state government. It is a great scheme, a fabulous scheme, but the glitch was that you did have to travel in excess of 200 kilometres to qualify. That has now been reduced to 100 kilometres. I thank the New South Wales government for putting their attention to this. However, there is still a problem in that people from, say, Temora or surrounding areas just under those 100 kilometres need to travel to have treatment and need to stay over for their treatment. As we all know, when you are a cancer sufferer and you are getting treatment, it has a significant impact on your energy and health, and you are unable to travel much of the time during your treatment process. It would be great to see some sort of resolution that enabled people or gave them assistance to utilise Lilier Lodge so that they could experience a far better treatment, rather than having to hop into the car and go back to their homes of a night and travel back the next day. It is an enormous strain on them; otherwise, they have to attend Sydney before they can qualify for IPTAAS.

I commend the New South Wales government for lowering the distance, but it would be great if we could come to another resolution so that those people who are having treatment—because it is certainly impossible for them to travel after treatment—benefit by being able to claim IPTAAS to utilise facilities to make the treatment a little bit easier on them.

Moving to some of the issues where we have people travelling from more remote areas: it has been an absolute boon for patients, their families and friends to have such great services established in the Riverina—as I said, with the assistance of this government. We never, ever, thought it would be possible, but it has been made possible and we thank them enormously.

When someone is diagnosed with cancer, it is a difficult time for their family and friends. They need as many support services
as possible. This bill is a vital step in ensuring that this is the case. Cancer Australia will translate into a new national voice with more research funding for cancer care, better support for those living with cancer, strengthened palliative care services and better support for cancer professionals. As I said, I have a lot of experience with cancer. Some years ago my 28-year-old brother became a victim of cancer—melanoma. Shortly after he died, my very best friend was diagnosed with breast cancer and lost her life. She was very young and had three babies. Shortly thereafter, my father was diagnosed with cancer and I lost him. Then I lost my mother with cancer shortly after that. It was a chain of events that has led me to feel that this bill is the best thing that could happen for those people who need support services nationally right across Australia, as they may not be as lucky as we are to have what we have developed in the Riverina.

I am aware that there will be an advisory council that will be appointed by the minister. I would appeal to the minister to ensure that consumers are represented on this council. All too often we get an enormous number of medical experts, particularly in cancer, because there are so many fields that require representation. With all the representation across the board from the various fields of cancer and the treatment, services, add-ons and ancillaries that are needed for cancer patients, consumers are often forgotten. I would urge the minister to ensure that consumers are represented on this advisory council, because, believe you me, nobody knows better about what is needed than a person who has been diagnosed and is living with cancer. It is not just a matter of being diagnosed and then being treated. We are so fortunate; we really have seen such a difference in the way in which we treat cancer. So many more people now do not have a death sentence; they often have a life sentence to a good life. That is due to the amount of money and expertise, commitment and passion that has been invested.

There are so many issues that confront patients and their families, because so many new challenges come into play after you are diagnosed, even if you are successfully treated—and thankfully many people are. There is now a greater percentage who are saved than who lose their lives. But, even if you have been diagnosed and treated successfully, you often have other conditions that come into play as a result of having had cancer in the first place. It is an ongoing management and maintenance task. There are a whole host of things we do not look at outside the initial treatment of this disease and the support whilst treatment is being made available. So I would urge the minister to include on this advisory council consumers who are across the whole host of long-term management problems and challenges for patients and families. It is absolutely essential.

Cancer Voices Australia is a cancer support group for people who have been affected by cancer. This is the sort of thing we have needed for so long. It often takes a group of passionate people to bring such a support group together. It is enormously needed, because it is a very lonely journey—a lonely journey with thousands of people around you, but enormously difficult in the steps that you need to take.

I would also ask the minister to consider a palliative care process when we are looking at how we take advice. Palliative care is an enormously important part of cancer management, particularly for the patient. Having cared for my brother, my father and my mother right through the palliative care stage to death, I really believe that palliative care has to comprehensively engage the family
and provide hands-on advice on the day-to-day experience of a terminal patient.

While this is a fabulous bill and I support it entirely, I do seek to have as much influence as I possibly can to ensure consumers are not forgotten, because to me consumers are the experts. With respect to palliative care deliverers, far too often we take advice from those at high levels rather than from those involved in on-the-ground activity on a day-to-day basis. It is good to have grass-roots people on expert advisory boards and councils because they bring us back to reality. Nobody could be more in touch with reality than consumers who have been faced with a diagnosis of cancer and those who provide palliative care services.

I commend this bill to the House. I commend the support that this government will make available to everybody across Australia in providing a national voice that can better coordinate treatment for cancer sufferers and the provision of additional services to them and their families now and in the future.

Ms VAMVAKINOU (Calwell) (6.01 pm)—I am pleased to speak in the debate on the Cancer Australia Bill 2006. It pertains to an issue of great public importance not only to my electorate of Calwell but also to the broader Australian community. As many of my colleagues have indicated, cancer profoundly and personally affects almost every Australian family. There are very few people who have not come into contact with the effects and the consequences of this disease, which are felt in our homes, neighbourhoods, schools and suburbs. Cancer is a disease that cuts across age, gender, ethnicity and social groups. It has replaced heart disease as the biggest single cause of death among Australians, with some 36,000 deaths per year. Each week, an estimated 88,000 Australians are diagnosed with some form of cancer. That is almost 3¼ million cases a year.

Fortunately—and there is good news—cancer control in Australia is a largely positive story, with our survival rates being second only to those of the United States and the number of deaths falling every year. I understand that some 60 per cent of patients who will be diagnosed with cancer manage to go on and live long and happy lives. This significant progress is due to new and more effective treatments becoming all the more available and also to better and more targeted detection and screening procedures and a greater understanding of this disease and its symptoms.

This better understanding is the result of years of excellent and dedicated research by the medical and scientific community. We have brilliant scientists in this country who have been at the forefront of many breakthroughs in the treatment of cancer. They deserve our unqualified and unequivocal support because they have the potential and the capacity to help Australians and even, hopefully one day, to find the very cure that at this point alludes them.

However, the benefits of these improvements are not necessarily shared equally across the community, with disproportionate rates of cancer still occurring in disadvantaged groups including Indigenous Australians and those living in rural and regional areas. Reforms are also needed to ensure more efficient and effective use of resources and to ensure greater coordination between our talented and dedicated research community and those who are entrusted with the treatment of people suffering from cancer and also the many wonderful support organisations that the member for Riverina spoke so passionately about. This bill is an important step in this direction.

The bill seeks to establish a new national agency, Cancer Australia. Its stated aims include providing national leadership and co-
oordination of cancer control in Australia to guide improvements in cancer prevention and care, helping to provide better support to those living with cancer and to cancer professionals and improving and strengthening palliative care services. Cancer Australia will also oversee a dedicated budget for research into cancer. It will make recommendations to the government about cancer policies and priorities and coordinate and liaise between the wide range of groups and providers who have an interest in cancer.

I support the government’s initiative in this bill, as I think would many members of the House. It is an initiative that has the potential to improve cancer care in Australia and to significantly ameliorate the quality of life for so many Australians. For too long, the lack of coordination of cancer funding, programs and councils has prevented Australia from reaching its full potential in delivering the best possible cancer care, treatment and research. However, it would be remiss for me not to make some criticisms of the manner in which the government has delayed the implementation of this essential agency.

Mr Hartsuyker—Criticise the government—surely not!

Ms VAMVAKINOU—When the government is doing the right thing, we praise it; when it is doing the wrong thing, we criticise it. The government announced the establishment of Cancer Australia in a policy statement prior to the 2004 election and my understanding is that it was due to be implemented last year.

We in the Labor opposition recognise the immediate need to address and improve Australia’s efforts in cancer research and treatment. Our cancer policy announced prior to the last election includes $64 million for cancer prevention programs, $36.2 million to establish new multidisciplinary care for cancer, $12 million for the management of co-operative clinical trials to help develop new and better information about cancer treatments and patient care, and a nationally dedicated program to fund breast prostheses for women who have had mastectomies.

This was an issue in which I was particularly active in my first year as a member of parliament. It came to my attention that many women around the country who had had mastectomies were unable to get appropriate prostheses and were, in many cases, forced—and you may remember this: the famous ‘birdseed in the bra’ line that I used in my speech—to use alternative methods. In some cases, women were given the prostheses of women who had died from breast cancer. These things were actually happening in various places in Australia.

There is a problem with the funding of breast prostheses because it falls into the funding for general prostheses. I was involved with the many women in the various cancer support networks who were urging the government to either rebate the cost of prostheses on Medicare—something that the government refused to do—or look at alternative ways in which state hospitals allocate their funding—and once you have had a mastectomy obviously there are lots of other issues—to ensure that women who needed prostheses actually got them when they needed them. The government refused at that time to address this issue. It remains an issue and the opposition has a policy which will see us implement a nationally dedicated program to fund breast prostheses for women who have had mastectomies.

To return to the bill that we are discussing here today: we are pleased to see that the government has finally gotten around to implementing this aspect of its election policy. We do, however, condemn it for its delay and I understand that the delay in setting up Cancer Australia has had some unfortunate con-
sequences. I refer to the untimely demise of the National Cancer Control Initiative, the key expert reference group which had been set up to advise government on all aspects of cancer prevention, detection, treatment and palliative care.

The work of the NCCI and its staff was originally planned to be subsumed into the new Cancer Australia when it was established. But the government’s failure to set up Cancer Australia in time has meant that the NCCI was forced to disband because funding ceased prior to the establishment of the new agency. Therefore, the staff at the NCCI and the expertise that had been developed there, which should have been seamlessly incorporated in Cancer Australia, have now been lost, given that many people have had to move on elsewhere.

The government’s shortcomings do not end here. Most of the government’s other commitments to cancer made before the last election, including programs to stop pregnant women from smoking and to enhance skin cancer awareness, have yet to be fully implemented. Other commitments, including the national screening program for bowel cancer, I understand have been discarded.

This is particularly regrettable, given that bowel cancer is the second most common cancer afflicting both men and women. All doctors and research experts will tell you that one of the fundamental keys to surviving cancer is its early detection. For many cancers—and there are some 200 of them—early detection is a matter of life or death for most people. Screening procedures are central to early detection and to wider cancer control and management, of course. In this context, the government’s retreat from the national screening program for such a common and dangerous cancer does not appear to make any sense and I think it seriously compromises the wellbeing of Australian men and women. Labor’s inquiries through questions on notice and Senate estimates have failed to reveal any reason for these delays and policy retreats. I would like to take this opportunity to ask the government, on behalf of my constituents, why this is the case.

Many government speakers have spoken very stridently about the government’s commitment to cancer treatment but there are still many outstanding matters that need the government’s attention and response. One example of an outstanding matter is the Senate Community Affairs References Committee report The cancer journey: informing choice, chaired by our colleague the late Peter Cook, himself a victim of cancer. This report, which offers a comprehensive analysis and appraisal of current cancer care and provides many concrete and critical recommendations, has languished on Minister Abbott’s desk since July last year. The government’s failure to act on these recommendations is a great loss to patients, to their families, to the many researchers and health care professionals, to support groups and generally to the Australian community.

As members of parliament we often come into contact with constituents who are dealing with many issues associated with a cancer diagnosis. As I said earlier, cancer affects virtually every Australian family in the country. Today I want to mention my constituent Sonia Barker, a young mother who was recently diagnosed with breast cancer. Sonia’s story is all too familiar; I am sure many members have heard similar stories from constituents or have come into contact with women like Sonia. One day she discovered a lump in her breast and within days was diagnosed with a malignant tumour, underwent a mastectomy and is now preparing for chemotherapy.
Sonia came to see me as a last port of call because she needed my assistance. She is one of the many women that we have recently been hearing about who are victims of the aggressive breast cancer type HER2. Sonia, like many of the other women who have this particular type of cancer, would benefit greatly from the very successful drug Herceptin.

Unfortunately for Sonia, Herceptin is not, as yet, listed on the Pharmaceutical Benefits Scheme. The only way Sonia can access this potentially lifesaving treatment is if she forks out some $60,000 to pay for the medication. It is a big ask for a woman who has just had a significant thing happen to her. And it is certainly a big ask for her family and, in particular, for her husband, the only person in the family who is working. This is not an unusual occurrence. Like many other families who want their loved ones to have the best possible chance of survival, Sonia and her husband will do whatever it takes to ensure that they raise the $60,000 needed for Herceptin. Sonia has a 15-year-old son, and she said to me that she wants to live to see him grow up.

At the end of the day, these are the real-life cancer stories. Behind the policies and the legislation—and I guess behind even the banter of opposition and government members and even the squabbling between the states and the federal governments on matters of health—lie real Australians with immediate and urgent concerns. It is our responsibility to respond swiftly and effectively to these concerns.

None of us is immune. Cancer strikes indiscriminately. I know that many of our colleagues have been diagnosed with this disease. Certainly in the time that I have been here a great number of our colleagues have been diagnosed with this disease. There may be genetic predispositions and environmental or dietary factors, but at the end of the day cancer does strike indiscriminately across all groups. As our population ages, it will strike more and more.

In conclusion, I would like to say that we need to be prepared to meet these challenges. I know that we in the opposition certainly are. I call on the government to respond to the needs of Australians. I know that in the establishment of Cancer Australia it is doing that. It is a first step in the right direction. I urge the government to look at the considerations of the Senate report and consider adopting and implementing the recommendations of the report.

Mr HARTSUYKER (Cowper) (6.16 pm)—The Cancer Australia Bill 2006 sets up a new national agency to oversee and coordinate all aspects of government policy on cancer. I welcome this measure. There are few families in this country which have not been affected by cancer. It does not respect age, race, colour, creed or status.

We all know that there are steps that can be taken to minimise the likelihood of contracting the disease, but, sadly, that provides no guarantee. One in three men and one in four women are likely to contract some form of cancer before the age of 75. If you play rugby union, look around the field next time you play. Five of your team-mates are likely at some stage to suffer from cancer. If you play netball, two or three of your squad may ultimately contract the disease.

This year alone, it is expected that more than 462,000 new cases of cancer will be diagnosed in Australia. The most common form of cancer in Australia is non-melanoma skin cancer, with 374,000 cases annually. More than half of us will develop at least one of these cancers, which can be fatal. There are more than 36,000 deaths from all kinds of cancer each year. Age standardised cancer incidence and mortality are falling in Austra-
lia. Australia is one of a small number of countries in which this is true. The age standardised mortality rate for men has been falling by about one per cent per year since 1990.

While survival rates are improving, there is still a particular sense of dread connected with this terrible disease. As a community we believe that cancer patients deserve our support and that we should minimise the impact of cancer on any sufferer. However, there is an added burden for those living outside major centres of population if they contract the disease. They and their families are often faced with long and expensive journeys to receive treatment, with long periods away from home at a time when they most need the support of their nearest and dearest and things familiar. Coping with this needs a certain kind of fortitude on the part of the individual and his or her family. It also needs resources. Many families, I know, worry about the money when all they should have to concern themselves with is the health problem and the survival of a loved one. Sadly, as a result, too many people in regional and rural areas are not receiving the treatment that would be typically received if they were in a metropolitan area. This result can, regrettably, be fatal.

I welcomed the release of the Baume report on radiation oncology, *A vision for radiotherapy*, which examined a range of issues relating to the provision of radiotherapy services, an important element in the fight against cancer. The report noted that only 80 per cent of the desirable numbers of people with a new diagnosis of cancer are receiving radiotherapy. It further noted that the waiting times to receive treatment are too long and that in Australia there are shortages of critical staff and modern radiotherapy machines. The report stated:

Cost shifting between levels of government is occurring. Many formerly public patients are being reclassified as private to gain Medicare benefits. Some of this money is being used to cover capital costs of equipment. Some is going into the pockets of people or institutions.

The report went on to note that in many places extra money is required and that governments must work together to ensure that things change for the better.

I was delighted to see that when the Baume report was released the need for radiotherapy services on the North Coast of New South Wales was recognised. The report noted that, according to the research conducted, radiotherapy usage by patients from the North Coast of New South Wales was low compared to other areas, including other regional areas. The North Coast of New South Wales is an area where many senior Australians have chosen to spend their retirement years. Age being a major risk factor for cancer, the resultant demand for radiation oncology services by this large, growing and aged population is obvious.

I welcomed the decision of the New South Wales government to locate two new radiotherapy units on the North Coast of that state. One was located at Port Macquarie and the other at Coffs Harbour. These facilities will be financially supported by the federal government through the provision of the Medicare rebate. The people of the North Coast are eagerly anticipating the opening of the radiotherapy units next year. That will mean that many patients will be spared the need to spend six or eight weeks in Sydney, Newcastle or Brisbane while they receive treatment. This will make a significant difference to those patients and their families.

Also of significance is the way in which the community has rallied behind this project to provide a patients and carers lodge next to the radiotherapy unit on the Coffs Harbour Health Campus to assist those travelling to the unit at Coffs Harbour from the surround-
I pay tribute to the Rotary Club of Coffs Harbour, which was the driving force behind this $1.4 million project. With local Lions clubs, it raised the bulk of the money, with some help from the federal government’s Regional Partnerships program. There were other contributions from organisations such as the New South Wales Cancer Council, the North Coast CWA clubs, the Quota Club and the Pink Ladies. There were also a number of substantial private donations. I would like to commend Mr Allen Hogbin and Mr Colin Scully for their substantial personal contributions. We have a priceless asset in the energy, enthusiasm and commitment shown by these local groups and individuals in supporting the work of fighting cancer.

I would like to take a moment to highlight another vital issue relating to the provision of cancer treatment—that is, the training and education of health professionals and specifically radiation therapists. This is another issue that was highlighted in the Baume report. In the report Professor Baume notes that Australian educated radiation therapists are amongst the best trained in the world. However, the professor highlights that our workforce in this area is not large enough to meet the needs of the Australian community. Recruitment is increasingly difficult, and high attrition rates are creating an ongoing problem. Indeed, Professor Baume makes the point that the size of the radiation therapy workforce is restricting our capacity to deliver improved and expanded services across the nation.

The report notes the following five key recommendations in relation to the radiation therapy workforce: the workforce must be highly trained and qualified; it must be of sufficient number, quite obviously, to operate machines and perform services to an optimal level and standard; the workforce must have high morale and be offered appropriate remuneration and career opportunities; it must be able to meet the needs for ongoing study and professional development; and it must be able to treat 50 per cent of people newly diagnosed as having cancer and to treat them without undue delay.

Professor Baume acknowledged at the time of handing down his report that there were enough radiation oncologists to meet current needs but that an ageing workforce was going to mean real challenges in the workforce over the next decade. However, in relation to radiation therapists the workforce shortage was more acute. The rate of attrition, an increase in the number of cancer treatment facilities and issues relating to remuneration, recognition and overseas opportunities had caused significant challenges and had led to a vacancy rate in that occupation of around 10 per cent.

Following the tabling of the Baume report, the coalition government provided a positive response to a number of these recommendations. Importantly, the Australian government committed to increase the number of radiation therapists by supporting additional training places. Whilst these measures are to be commended, I would like to note that the challenges associated with having an adequate workforce are ongoing. In addition to the challenges in relation to radiation therapists, there are challenges in relation to other health professionals that also require attention. We have a workforce shortage in relation to pathology. Pathologists are vital in the diagnosis of such diseases as cancer and provide invaluable information which monitors the effects of treatment.

I am sure all members of the House understand that, when it comes to cancer, the diagnosis and the subsequent treatment are the two fundamental elements to managing the disease in an effective manner. In that
sense, the current workplace shortage in pathology is very relevant to cancer treatment. There is a serious shortage of pathologists in Australia, and they are in an ageing demographic also—as is the case with many other professionals. And that shortage is not only in Australia; it is also worldwide. If this trend continues, it is highly possible that pathology services may become a limiting factor in the capacity to undertake a range of clinical activities.

In 2003, the Australian Medical Workforce Advisory Committee recommended that an additional 100 registrar positions needed to be created in Australia each year in order to address this shortfall. This is a large number, particularly when you consider that there are only 260 trainees presently training in Australia. As all members would be aware, the responsibility for funding training positions rests with state and territory governments. Whilst the lack of training by most of our state governments is a source of tremendous regret, I believe this is an issue which goes beyond highlighting the inadequacies of our state governments. It is essential that the Commonwealth works with the states to ensure these workplace shortfalls are addressed. The number of people who will be diagnosed and treated for such diseases as cancer is unlikely to decrease, so it is essential that we start working towards a solution now.

When we consider the impact that cancer has on hundreds of thousands of Australian families, it is important that governments at all levels work together to ensure there is an integrated strategy towards cancer treatment. The example which I have just mentioned in relation to pathology and radiation therapists highlights why there is a need for a more coordinated approach to cancer treatment. I therefore welcome the establishment of Cancer Australia, taking in research, support for carers, palliative care, prevention, policy recommendations and support for health professionals. I hope prevention and education will figure prominently in the agency’s work.

In light of the figures I quoted earlier on the incidence of skin cancer, it is clear that we need to go some way further than our current campaigns. I note that one of the initiatives in which the agency will be involved is a national awareness campaign on this issue. Clearly, the major cultural shift involved in changing Australians’ relationship with the sun and the outdoors still has some way to go. Organisations currently working in this area have, I understand, strongly supported the establishment of Cancer Australia, and greater coordination and communication can only enhance the good work done to date.

The advisory council of the new body has an impressive membership with a wide range of expertise. However, I hope it will be possible for the views of cancer sufferers themselves to be heard. The views of those directly affected may not differ from those of the health professionals, but they can often give us a different perspective, a different sense of priority and perhaps a deeper insight. Despite the recent advances in medical technology, there is still much work to be done in the fight against cancer and Cancer Australia has a major role to play. I commend the bill to the House.

**Ms Hall (Shortland)** (6.28 pm)—Before the member for Cowper leaves the chamber, I would like to tell him that I visited the Coffs Harbour Health Campus as recently as last week or the week before. It is a fine facility, and I congratulate the New South Wales state government for building that facility. I think it is one of the highest quality regional hospitals, and I think the people of Cowper are very fortunate to have such a facility servicing the Coffs Harbour area. I hope the member for Cowper appreci-
ates the health campus and the services that are available to the people in his area.

I would also like to pick up on the points the member for Cowper made about the training of radiotherapists and pathologists for the workforce and encourage him to take up in his party room the cause of getting the government to make more places available at university so that more radiotherapists and pathologists can train. I know that in every public hospital throughout this country we have an enormous shortage of allied health professionals. The way to get around that, and the way to get around our shortage of doctors and nurses, is to have more of those positions created. I wanted to make that comment in relation to the Coffs Harbour Health Campus while the member for Cowper was still in the House and, in doing so, to acknowledge the contribution made by the state government to that fine facility.

This legislation establishes Cancer Australia as a new statutory agency for cancer policy and coordination as well as research. As I am sure many members in this debate have pointed out, cancer is the leading cause of death in Australia, with over 36,000 Australians dying each year from cancer of one type or another. One in three men and one in four women will be directly affected by cancer before the age of 75. Like I am sure every member of this House, I have had members of my family who have been affected by cancer. I think it would be a very rare family that has not had cancer affect them in one way or another.

There are 88,000 new cases of cancer diagnosed each year in Australia. The good news is that more than half of those are successfully treated. The survival rate for most common cancers has increased by more than 30 per cent in the last two decades. Whereas once a diagnosis of cancer was an immediate death sentence, it now has some hope associated with it. That is why decisions that we make in relation to cancer can reflect on the overall wellbeing and further gains in the survival rates of people who suffer from cancer. That is why our decisions are so important.

The most common cancers in Australia are bowel cancer, breast cancer, prostate cancer, melanoma and lung cancer. Cancer costs $2.7 billion in direct health system costs, which is about 5.7 per cent; and $215 million is spent on cancer research. The figures for that come from 2000-01. That is about 18 per cent of all health research expenditure in Australia. That is what makes it so important that research is targeted and properly supervised and that all research into cancer is coordinated properly. That goes to the role of Cancer Australia, and I will talk a little bit about that in a moment.

Cancer incidence in Australia is higher than in the United Kingdom and Canada but lower than in the United States and New Zealand. However, Australia’s mortality rates are lower than in all those four countries. That shows that there has been fine work done here in Australia, and we want to make sure that that continues. The melanoma incidence rates in Australia and New Zealand are around four times higher than those found in Canada, the UK and the United States. I do not think there would be any member of this House who would be surprised by that. However, the mortality rate for melanoma is quite low compared to other countries. Once again I think we can attribute that to the fine work that is being done by the Cancer Council, by the cancer specialists and by all those dedicated researchers and people who work in the field.

The incidence of colorectal cancer in Australia is higher than in the US, Canada and the United Kingdom but lower than in New Zealand. The thing that I find quite disturb-
ing, though, is that Australia’s mortality rate for colorectal cancer is high by world standards. It is higher than those of Canada, the US and the UK. These figures were released in December 2004—just to put them into the right time frame so members and people listening to or reading this debate will be aware of where those figures fit into the spectrum. The importance of governments ensuring that policies and promises that are made and delivered in relation to cancer is evident. It is also really important that there is proper coordination to ensure that the delivery is timely.

In speaking to this legislation, I would like to spend a little bit of time on the establishment of Cancer Australia. I have to say that I am quite disturbed by the unconscionable delay in the implementation of this election commitment. What that means in relation to the National Cancer Control Initiative of the Cancer Council is that the work and staff that were originally planned to be subsumed into Cancer Australia have been disbanded because the funding has ceased. Rather than a seamless move from the NCCI into Cancer Australia, what we have had is a situation where expertise has been lost and there has been a hiccup, a stalling, of the process. This can only be detrimental to the way Cancer Australia operates and to the way cancer services and policy are implemented in Australia. I also believe that it will have an impact on research.

Given the delay and the loss of expertise, the government should hang its head in shame. Something that could have happened with no problem at all has happened under a poor process that has caused problems for people involved in the fight against cancer, people involved in the treatment of Australians suffering from cancer, people involved in developing the policies and implementing those policies, and people involved in research projects. They have not had the certainty of knowing where they are going and how to get there.

There is a need for improved access to cancer services for people living in rural and regional Australia. There is no commitment in the establishment of Cancer Australia to specific initiatives to address this issue. We previously heard from the member for Coffs Harbour. He spoke about initiatives within his health campus at Coffs Harbour, where they are bringing on line cancer services. It is very sad that this is happening only now, even within an area such as Coffs Harbour. In Newcastle, the Hunter and the Central Coast services are still wanting. This delay has not helped. Where there is delay, where there is failure to implement policy, there are groups of people that suffer: the people who are fighting battles with cancer, their families and those researchers who are developing the new techniques, technologies and cures that could be operating and that could give certainty.

Unfortunately, even the establishment of Cancer Australia has not met the test that I referred to earlier. Its implementation should be properly coordinated to ensure the timely delivery of services, programs, policy and research. It is very sad that it has taken so long to establish Cancer Australia, with the incidence of cancer as high as it is in Australia, with the figures like those I presented to the House just a moment ago. One in three or four women will be directly affected by cancer before the age of 75. It is sad that we have a situation like that here in Australia, where we have so many highly qualified people who are interested in being involved and working with these people that are suffering from cancer. There are so many researchers who would like to have their work funded. Problems have eventuated because of the slow start. There has been a loss of expertise caused by the fact that it has taken the government so long to establish it.
This has also had impacts on individuals and families. There are both social and financial costs associated with this. Whilst the person is not having that treatment, their level of illness is increased. Whilst the research is not taking place, the human cost and suffering is enormous. That also leads to economic costs, such as loss of working hours. It is very sad that it has taken so long. Because of the demise of the National Cancer Control Initiative, as I mentioned before, key expertise in the areas of cancer prevention, treatment and palliation has been lost. It is going to take some time before we can manage to make up for that loss.

I would like to spend a little bit of time discussing what I hope Cancer Australia will achieve in Australia: providing national leadership and coordination for cancer control; providing coordination and liaison between a wide range of groups and providers with an interest in cancer; making recommendations to the Australian government about cancer policy and priorities; overseeing a dedicated budget for research into cancer; assisting with the implementation of the Australian government’s policies and programs in cancer control; and undertaking the functions that the minister delegates to them. They are supposed to provide a national voice, with more research funding for cancer care.

Because of this delay and because of the government’s failure to demonstrate adequately to me and those of us on this side of the House that it will achieve its goals—goals that I believe are important—we have some doubts as to whether those very noble goals will be achieved. The government gives a lot of lip-service to supporting cancer and to the need for better management of dollars that are going into cancer, for better research and for more money for research. But that lip-service does not achieve results in a timely manner. If ever there was an example of something not happening in a timely manner, it is the establishment of Cancer Australia.

I will now turn to the Howard government’s cancer policy, which was put together just prior to the last federal election. I am very sad, because the government has not delivered the promises it made to the Australian people back then. I have before me the Howard government’s 2004 election policy document, Strengthening Cancer Care. This document contains a costings summary in relation to fighting cancer and talks about bowel cancer. I find it very disturbing that, once again, the government has failed to deliver on its promise. The government promised to introduce bowel screening, which has been costed in this document at $8.5 million for the year 2005-06. I cannot see the government spending that amount of money in the time that is left. The government has also failed to deliver on a cancer prevention program for women that would help women to stop smoking when they are pregnant.

It is pleasing to see the Minister for Health and Ageing in the House. I sincerely hope that he will ensure the implementation of the program to help pregnant women quit smoking. I would also like the minister to give some reassurance that he will implement a bowel-screening program and that the $8.5 million that he promised the Australian people will be spent accordingly.

Finally, as many members on this side of the House have done, I would like to mention the Senate Community Affairs References Committee inquiry that the late Senator Peter Cook was involved in when he was in the end stages of cancer. The inquiry’s report was called The cancer journey: informing choice. When Peter died, we acknowledged the fine work that was involved in that document and his amazing legacy is contained in those recommendations. Right up until the end, he fought to see that that
report’s recommendations were implemented. Minister, I would like to see your response to that report. I would like to see some move towards implementing the recommendations in that report. I would like to see the minister make a real commitment to cancer rather than a half-hearted attempt that is fraught with delays and procrastinations, as has been the case with the establishment of Cancer Australia.

Mr ABBOTT (Warringah—Minister for Health and Ageing) (6.48 pm)—I wish to thank members who have participated in this debate for their contributions of varying quality. Nevertheless I thank all who have spoken on the Cancer Australia Bill 2006, even those who have just read out the speaking notes which others have provided for them. I wish to simply respond to some of the criticisms which have been made of the government in the course of this debate. I thought that the shadow minister, the member for Lalor, was a little more partisan and bad tempered in her contribution today than I have come to expect from her. Perhaps she was stung by Michael Costello’s criticism of her contribution to policy. Perhaps she was stung by Glenn Milne’s report that she was not so much ‘missing in action’ as ‘media in attendance’, rather than getting on with the hard work of developing policy.

Nevertheless, let me deal with some of the specific criticisms that have been made. I want to assure the House that this government will fully deliver on all of the commitments that were made as part of our Strengthening Cancer Care policy at the last election, and many of these commitments have already been acted upon. The sum of $10 million has been provided to the Royal Children’s Hospital in Melbourne and $7 million has been allocated for the first round of local palliative care grants. We have entered into a grant agreement with the Peter MacCallum Cancer Centre to provide $3.5 million for nurse training over coming years. We are in the process of finalising a $5 million grant to support clinical trials and a $4 million grant for the Mentor in Regional Hospitals component of that election program and, of course, we have allocated $5 million for an MRI scanner at the Sydney Children’s Hospital.

I was surprised to hear the member for Lalor claim that all the government had done was to appoint a chairman of Cancer Australia. In fact, we have announced the board of Cancer Australia. It is a very distinguished board. One of its members is the Hon. Johnno Johnson, a fine former member of the New South Wales parliament who represented the Australian Labor Party. I think he will make an outstanding contribution to the board of Cancer Australia. I can only assume that the member for Lalor had not noticed this press release because she was perhaps preparing for her Australian Story interview or preparing some of the speeches she has been giving recently that have undermined her leader.

The government has been criticised for rolling the National Cancer Control Initiative into Cancer Australia. I want to make it very clear that the government recognises the valuable contribution of this initiative but, for the benefit of members opposite, let me just point out that the NCCI management committee made a decision to wind up the initiative as of the end of May. So we are not terminating it—we are not abolishing it—we are simply incorporating its functions into Cancer Australia, and we are doing so with the support of the members of that initiative.

The government was also criticised for an alleged delay in responding to Senator Cook’s inquiry by the Senate Community Affairs References Committee. Again, I was a little surprised to hear this because, if members opposite had been paying the atten-
tion that they should have to the Council of Australian Governments initiatives announced by the Prime Minister and the premiers in February, they would have noticed a new Medicare Benefits Schedule item for case conferencing for cancer patients. This was actually the principal recommendation of the Cook inquiry. It is being implemented, and it has already been announced as part of the COAG process. Again, if the member for Lalor had been paying more attention to health policy and less attention to pushing her own barrow, she might have noticed that.

Finally, the government has been criticised for what is claimed to be a lack of any substantial commitment to improving cancer care in Australia. It is very hard to deal with that kind of grab bag, catch-all, rhetorical condemnation, but let me simply quote from the Cancer Council Australia’s press release about the government’s Strengthening Cancer Care policy, where the press release described it as:

... the most comprehensive set of government-funded cancer control priorities ever announced in a Federal budget.

So I think this particular initiative is a very good initiative, and I commend it to the House.

Before sitting down, I would like to pay tribute to my friend and colleague the member for Robertson and Minister for Local Government, Territories and Roads, who has been a particular advocate for better cancer care, particularly better care for people with prostate cancer. He knows from practical experience what this is like, and he has quite rightly dedicated a significant part of his energies to doing more for cancer victims and prostate cancer victims in particular. I really appreciate the encouragement he has given to the government.

I know he is a little disappointed that there is not a specific advocate for prostate cancer on the Cancer Australia board. I probably should point out for his benefit and, I suspect, the benefit of the member for Lilley that people from the National Breast Cancer Centre board have been appointed to the board of Cancer Australia not because they are experts in breast cancer as such but because they are expert in the kind of work which Cancer Australia is doing—that is, bringing together research, education, advocacy and clinical standards in cancer generally, to do for all cancers what the NBCC has been able to do for one particular cancer.

This is an important development. It has taken a little longer to finalise than I would have liked, but it was important to get the governance arrangements right. It was important to have full consultation with the sector, and I think any fair-minded observer who looks at the quality of the advisory board would say that the government has done a pretty good job under all the circumstances.

The DEPUTY SPEAKER (Hon. BK Bishop)—The original question was that this bill be now read a second time. To this the honourable member for Lalor has moved as an amendment that all words after ‘That’ be omitted with a view to substituting other words. The question now is that the words proposed to be omitted stand part of the question.

Question agreed to.

Original question agreed to.

Bill read a second time.

Third Reading

Mr ABBOTT (Warringah—Minister for Health and Ageing) (6.56 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
ELECTORAL AND REFERENCE AMENDMENT (ELECTORAL INTEGRITY AND OTHER MEASURES) BILL 2005

Second Reading

Debate resumed from 8 December, on motion by Dr Stone:

That this bill be now read a second time.

Mr Griffin (Bruce) (6.57 pm)—The Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005 represents one of the most outrageous attacks on Australian democracy since 1901. While we are supportive of some of the minor clauses of this bill, its most substantial sections make it completely unacceptable. I therefore move:

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

“this bill be withdrawn until undemocratic provisions that:

(1) reduce the period of time Australians have to enrol to vote and update their details on the electoral roll;
(2) introduce new proof of identity requirements;
(3) increase the disclosure thresholds to $10,000; and
(4) increase the tax-deductibility of political donations are removed”.

The Deputy Speaker (Hon. BK Bishop)—Is the amendment seconded?

Mr Sercombe—I second the amendment.

Mr Griffin—This bill will essentially make it far harder to vote but much easier to secretly donate to political parties. Labor is opposed to provisions in this bill which will see the electoral roll close early, introduce new proof of identity requirements, increase the various disclosure thresholds to $10,000 and increase the size and scope of the tax deductibility regime for political donations.

Labor believes that the Australian electoral system should enfranchise as many eligible Australian voters as possible and be as transparent as possible. Substantial sections of this legislation are in complete contradiction to these goals.

The government has been unable to find any credible witnesses or experts to support the proposed changes I have just outlined. This is probably not that surprising, given that the only real reason for this bill is that the coalition government believe it will give them some sort of partisan political advantage at future elections. This bill is yet another example of an irresponsible, out of touch and arrogant coalition government abusing their control of the Senate to pass laws that benefit their interests and objectives while disadvantaging thousands of ordinary Australians.

Of the changes outlined above, three will make it far harder for Australians to participate in federal elections. These changes include reducing the time which citizens have to enrol to vote or to update their details on the electoral roll, introducing new proof of identity requirements for those enrolling to vote or updating their details on the roll and introducing new proof of identity requirements for those lodging a provisional vote.

Let me begin by rejecting outright the government’s justification for these provisions. In his speech to the Sydney Institute on 4 October last, the then Special Minister of State, Eric Abetz, claimed that these changes were designed to ensure the integrity of the electoral roll. This claim is rubbish, given that there is little to no evidence of electoral fraud in Australia. Even Senator Abetz in his speech agreed that there is ‘little evidence of fraud in our electoral roll’. But do not take his word for it. During the Senate Finance and Public Administration Legislation Committee’s inquiry into this bill, Pro-
Professor Brian Costar, a noted expert on electoral matters, stated:

I think that this conspiracy theory ... that there is out there a vast army of villains who want to take advantage of every nook and cranny of the law to sign up phantom voters ... to rort the system is not based on evidence.

The Joint Standing Committee on Electoral Matters conducted a thorough investigation into the integrity of the electoral roll in 2001. During that inquiry, the AEC testified that it had compiled a list of all possible cases of enrolment fraud for the decade 1990 to 2001, a list which included 71 cases in total or about one per 200,000 enrolments. Between 1990 and 2001 there were five federal elections and a referendum. At each of these about 12 million people voted, a total of about 72 million votes. The 71 known cases of false enrolment amounted to less than one vote per million being cast by a person who had knowingly enrolled at a false address. Importantly, at this time, the AEC also noted that these false enrolments were not deliberate attempts to corrupt or unduly influence electoral results.

The true motivation behind these changes is to try to secure the coalition government an electoral advantage. Both the current Special Minister of State, Gary Nairn, and the former minister, Senator Eric Abetz, quote comments made by former Labor minister Graham Richardson in relation to 1984 amendments to the Electoral Act to justify altering the electoral system to gain a political advantage. These comments only highlight the fact that this is a politically motivated campaign by the government. What both the minister and Senator Abetz failed to note is that in 1984 Labor sought to enfranchise the 90,000 voters who missed out on the opportunity to vote because of the early closure of the rolls in the 1983 federal election. Their changes, on the other hand, have the potential to disenfranchise thousands of Australian voters. I completely reject the argument of Senator Abetz and the minister; it is completely unacceptable to amend the electoral system and in the process disenfranchise thousands of Australians to gain a political advantage.

The first set of regressive changes embodied in this bill that I wish to address relates to the proposed early closure of the electoral roll. The government plans to close the roll at 8 pm on the day that an election writ is issued, except in two special cases: where a person will attain 18 years of age between the day the writ is issued and polling day or where a person will be granted Australian citizenship between the day on which the election writ is issued and polling day. In these instances, enrollees will have three days in which to enrol. People wishing to change their details on the electoral roll will also be given only three days to do so.

Current legislation allows for a seven-day period of grace after an election writ is issued for people to enrol to vote and update their existing details on the electoral roll. The government justifies these changes by contending that the AEC does not have time to adequately process the details of people enrolling to vote or updating their details in the period between the issue of the writ and polling day, hence leading to more errors on the electoral roll.

The AEC has not said that this is the case. The AEC has said that the current seven-day arrangement does not prevent it from taking adequate steps to prevent fraudulent enrolment—in fact, quite the contrary. In relation to proposals to close the rolls early, the AEC, in a year 2000 submission to an inquiry into the integrity of the electoral roll, stated:

... the AEC expects the rolls to be less accurate because there will be less time for existing electors to correct their enrolments and for new enrolments to be received.
According to figures provided by the AEC, at the 2004 election over 280,000 people enrolled to vote or changed their enrolment in a substantive way in the seven days between the issuing of the writs and the close of the roll. This figure includes approximately 78,000 new enrollees, 78,000 people changing or updating their existing details, 96,000 people transferring intrastate and 30,000 people transferring interstate. So, under this government’s proposed changes, the ability of over 280,000 Australians to vote, going on the figures from the 2004 election, could be jeopardised.

History also tells us that closing the rolls on the day that an election writ is issued will see tens of thousands of Australians excluded from voting. In 1983 the electoral roll was closed on the day that the election writ was issued. As I alluded to earlier, on polling day approximately 90,000 people found themselves unable to vote because they had not enrolled in time. An AEC official who recalled the 1993 election said:

It created a lot of confusion and a lot of provisional votes, and a lot of people go in to vote, find they are not on the roll and just walk out.

The people most affected by these regressive provisions will be those in our community who already face the greatest disadvantage and the most difficulty accessing our country’s decision makers. There is a wide consensus amongst experts in this area that closing the rolls early will have the greatest impact upon those who do not have a complete understanding of our political system.

In the JSCEM inquiry into the 2004 election, leading electoral commentator Antony Green asserted:

If suddenly the election is called two or three months early, people will not have regularised their enrolment. You will cut young people off, as the numbers show ...

It has been clearly established in a report by the AEC, titled Youth electoral study, that young people are disengaged from the electoral process. A key point of the report is that, generally, ‘young people do not understand the voting system’. In addition, the report asserts that young people ‘do not perceive themselves, generally, as well prepared to participate in voting’. Given the lack of understanding and preparedness of young people, closing the electoral roll early will serve only to ensure that even fewer of them are enrolled to vote and hence able to vote in federal elections. In his submission to the JSCEM inquiry into the 2004 election, Professor Costar emphasised:

Good reasons would need to be adduced to justify the denial of the vote to such a large cohort of citizens; especially the new enrollees, most of whom would be young people, who need encouragement to become civically engaged.

No good reason to disenfranchise thousands of young Australians has been produced by the government.

At the last federal election almost 1.7 million people between the ages of 18 and 25 enrolled to vote for the first time. This bill will exclude a significant proportion of these young Australians from lodging a vote, stripping them of their democratic right to participate in a federal election. This has serious implications not only for the next election but also for future elections. How can we expect young people to develop respect for parliamentary processes when the government works so hard to exclude them at the first available opportunity?

Australians from non-English-speaking backgrounds will also lose out as a result of this bill. In a submission to the JSCEM inquiry into the 2004 election the Public Interest Advocacy Centre pointed out that this group is disproportionately represented in the group of citizens who register to vote in the period of seven days after the issue of the
writ. This is hardly surprising given that many Australians from non-English-speaking backgrounds may not be familiar with the Australian electoral system or have the language skills to properly understand information with regard to their electoral obligations. While the government has provided increased funds to the AEC for various purposes, including advertising, an advertising campaign cannot offset the number of people who would have enrolled to vote in the additional seven days after the issue of the writ.

During the Senate legislation committee inquiry into this bill, Professor Costar and former Electoral Commissioner Professor Colin Hughes were keen to assert that no amount of publicity could make up for the current seven-day period of grace. Professor Costar stated:

Let us remember that, at that period, lots of other noise is going to crowd out an election advertising campaign. Who is interested?

Ironically, the government majority report from the JSCEM inquiry into the 2004 federal election provides compelling evidence supporting this conclusion in terms of advertising campaigns directed specifically at Australians from non-English-speaking backgrounds. Paragraph 54 of chapter 6 states:

The Committee recognises the efforts of the AEC to target electorates with high percentages of constituents from non-English speaking backgrounds. However, it is evident that, by and large, the programs such as those in the ethnic media and the election information sessions did not have a significant effect on informal voting figures.

If advertising campaigns to raise awareness of voting procedures amongst these constituents have been unsuccessful, there is no reason to think that attempts to inform this group about changes to enrolment time lines are likely to be any more successful.

The changes proposed by this bill also threaten to increase unnecessarily the administrative pressure on the AEC. According to former Electoral Commissioner Professor Hughes, the AEC staff working in polling places on election day will be placed under increased pressure. During the Senate legislation committee inquiry into this bill, Professor Hughes asserted:

What you are looking at is a large number of concerned people turning up at the polling place and trying to get their affairs sorted out. This will produce a great deal of congestion.

When asked about the effect of these changes, Professor Hughes stated:

I think the answer, if you want it summarised in a word, is shambles. I think it would produce shambles at a large number of polling places …

This government’s assertion that people will not be disenfranchised as a result of closing the roll early only demonstrates how out of touch it is with respect to the lives of ordinary Australians. Unfortunately, people are leading increasingly busy and hectic lives and, while enrolling to vote may be an important activity, it is unlikely to be at the forefront of people’s minds. Labor understands these realities and will continue to oppose unnecessary government changes that only increase pressure on all Australians.

The second set of changes contained within this bill that threaten to disenfranchise thousands of Australians relates to new and unnecessary proof of identity requirements for new enrollees and those updating their details. Once again, these changes are based on the government’s spurious claim that these changes are necessary to ensure the integrity of the electoral roll—a claim that, as demonstrated earlier, is purely fictional. Provisions set out in the bill require that someone enrolling to vote or updating their details must provide one or more of the following types of identification: a drivers licence; a prescribed identity document to be shown to a person who is in a prescribed class of electors and who can attest to the identity of the person; or an application for
enrolment signed by two referees who are not related to the applicant, whom they have known for at least one month and who can provide a drivers licence number. Once again, young Australians will be severely disadvantaged as a result of these changes. In New South Wales alone, approximately 104,000 people aged between 16 and 19 did not have a drivers licence in 2004—a figure equating to approximately 30 per cent of young New South Wales citizens. The proposed provisions in this bill will make enrolling to vote a far more difficult and burdensome exercise for a large proportion of these young Australians.

The minority report from the JSCEM inquiry into the 2004 election points out that, in all the states and territories, between 10 per cent and 20 per cent of adults do not have a drivers licence. In his speech to the Sydney Institute, Senator Abetz claimed:

I am attracted to the view that production of identification is not burdensome …

The figures provided above make a mockery of this statement and confirm that a large proportion of the Australian population will find it more difficult to enrol to vote or update their details on the electoral roll as a result of these changes. These claims once again demonstrate how out of touch this government is, as all the statistics point to the fact that significant numbers of people will be affected.

The ability of homeless Australians to lodge a vote in a federal election will also be compromised by the introduction of the proof of identity requirements proposed in this bill. The 2001 census, which provides the most up-to-date figures on homelessness in Australia, revealed that there were approximately 100,000 homeless Australians. These people already are hugely disadvantaged in general terms; they now will be disadvantaged in their ability to enrol to vote. The changes proposed by this bill with respect to new proof of identity provisions will make it even harder for them to exercise their democratic rights.

The government’s bill will require that someone enrolling as an ‘itinerant voter’ must meet the proof of identity provisions outlined above. This is a completely unrealistic requirement to impose upon these people. How many homeless people do the government believe have a drivers licence or access to the types of documents that this bill will require? Numerous studies conducted by interest groups and the AEC point to the fact that homeless Australians already find it difficult to participate in the electoral process. These changes will do nothing more than deter 100,000 of Australia’s most disadvantaged citizens from enrolling to vote.

This legislation also introduces a new, and unnecessary, proof of identity regime for those required to lodge a provisional vote in a federal election. Under the proposed changes, an elector will have to show an official their drivers licence or another form of prescribed identity document at the time of casting a provisional vote. If they do not have the appropriate identification with them, they must provide the information to the AEC by the close of business on the Friday following polling day. According to figures provided by the AEC from the 2001 federal election, over 100,000 people lodged a provisional vote. The AEC points out that, as a proportion of the total vote, this number did not change between the 2001 election and the 2004 election. Had the government’s new laws been in place in 2001, over 100,000 Australians would have been adversely affected or deterred from voting. In the 2004 election, the same proportion of Australian voters would have been adversely affected by these changes.
The early closure of the electoral roll could see even more provisional votes cast because more people will not have had the chance to regularise their enrolment. This could see these figures escalate and even more pressure being exerted on the AEC. In a briefing I received from the Department of Finance and Administration and the AEC on this bill, AEC officials admitted that they could not give an estimate of how many people would be likely to have the appropriate identification with them on polling day. These people will be required to present the appropriate identification to the AEC by the Friday following polling day for their vote to be included in the count. One can only imagine the extra work this scenario will create for the AEC between polling day and the Friday following polling day. Under the proposed scheme, the AEC will have an increased administrative burden on polling day and any number of cases to administer by the Friday following polling day.

Another important point is that a provisional voter who does not have the required information on polling day must have the documents required to verify their identity to the AEC by the Friday following polling day—not sent by the Friday. This requirement will severely disadvantage those in regional and rural areas who are not within reasonable proximity of an AEC office, who do not have access to a fax machine or the internet and who are located where postage services are not as frequent. Given their attempt to assert their independent role within the coalition, the National Party should be outraged by this requirement and should stand against their senior coalition partners on this issue. When the provisional votes lodged in Australia’s five biggest regional divisions—which include Grey in South Australia, Kalgoorlie in Western Australia, Lingiari in the Northern Territory, Maranoa in Queensland and Parkes in New South Wales—are tallied, we can see that over 3,000 provisional votes were lodged in the 2004 election. These individuals from rural and regional Australia may struggle to ensure that their identification details reach the AEC by the Friday cut-off date.

On top of the government’s incompetent handling of the AWB affair, this is just another slap in the face for regional and rural Australians. Mind you, it probably is not surprising that the government would want to disenfranchise wheat farmers after recent events. Labor believes that, given the complete lack of evidence of electoral fraud, there is no justification to amend the existing laws in relation to enrolment time lines or to introduce new proof of identity regimes. These changes will only make it harder for Australians to enrol and to vote in a federal election, arrogantly stripping people of their right to participate in our democracy and, importantly, disenfranchising those in our community who are already the most marginalised.

One final area I would like to touch on regarding the government’s attempt to disenfranchise thousands of Australians is prisoner voting. This issue was raised by Senator Abetz in his speech to the Sydney Institute. Senator Abetz asserted that, once a person had committed an offence which resulted in full-time detention, he or she should not be able to participate in the democratic process. This bill amends the existing legislation so that, although prisoners serving a term of full-time detention of three years or less may stay on the electoral roll, they will not be permitted to vote.

Labor does not support this amendment. We believe the current arrangement whereby prisoners serving a full-time sentence of three years or less retain the right to vote in federal elections is adequate, for the simple reason that, as these people may well re-
enter society during a government’s term, they should have their democratic say in who will be in government at that time. We believe this a logical approach and a far better one than the one proposed by the government.

While this bill will disenfranchise thousands of Australians for no good reason, it also proposes to make it easier to secretly donate funds to political parties. The government’s bill will introduce large increases in the disclosure threshold for political donations and increase the level and scope of tax-deductible contributions to political parties. These changes will dramatically reduce the transparency of Australia’s electoral system and represent nothing more than a greedy grab for cash by the coalition government.

Labor is strongly opposed to the provisions in this bill that increase all the various disclosure thresholds to above $10,000 and index this amount to inflation. Of particular concern are changes which increase the disclosure threshold for donors and political parties from $1,500 to above $10,000 and increase the threshold at which political parties can receive anonymous donations from $1,000 to above $10,000. The current threshold of $1,500 is a good benchmark which does not place overly burdensome administrative obligations on political parties and donors. It ensures that the Australian public have access to information on who provides substantial funds to political parties. This information is vital to ensuring that voters can hold governments and political parties accountable.

Both former Special Minister of State, Senator Eric Abetz, and Brian Loughnane, the Federal Director of the Liberal Party, have claimed that, if the threshold level were raised to $10,000, based on the 2003-04 AEC figures, 88 per cent of the total dollar value of all donations received by the major parties would still be publicly declared. This statement amounts to some very selective accounting by Mr Loughnane and Senator Abetz. Both fail to acknowledge that this 88 per cent is arrived at by only including ‘donations’ in their analysis. What they fail to do is include amounts received by way of other receipts, subscriptions and other unspecified payments.

In short, this means that the 88 per cent referred to by these two senior Liberal Party figures only refers to approximately 36 per cent or about $21 million of the nearly $82 million received by the major parties in private contributions for 2003-04. When applied to the full list of 2003-04 figures, the sources of only 57 per cent or $47 million of the $82 million received by the major parties in private funding would have been revealed. This is down from the 72 per cent or $59 million that was revealed under the $1,500 threshold. When the proposed threshold is applied to the 2004-05 figures, the results show that the sources of only 58 per cent or $60 million of the $103 million received by the major parties in private funding would have been revealed. This is down from 75 per cent or $78 million under the existing $1,500 regime.

Both Senator Abetz and Mr Loughnane also miss the point on disclosure. They are only talking about the proportion of the total monetary value of donations to be disclosed under the proposed regime, rather than the total number of receipts that will be removed from public scrutiny as a result of these changes. Labor believes that, for the electoral system to be transparent, the public need to see who has contributed to a party’s funding and not just those who donated the largest amounts. The current $1,500 threshold helps ensure this level of transparency. The AEC’s release of the annual disclosure returns for 2004-05 revealed that the major political parties received over $143 million
in funding. Eighty per cent of the receipts listed by the major parties were $10,000 or less; so, had the government’s planned changes been in place in 2004-05, 80 per cent of the receipts for the $143 million may not have been exposed to public scrutiny. Put simply, the cumulative effect of the increase in disclosure thresholds could see tens of millions of dollars received by political parties disappearing from public view.

Another point worth noting is that disclosure thresholds apply separately to each registered political party. In the context where the national, state and territory branches of the major political parties are each treated as a registered political party, this means that a major party constituted by the nine branches has the cumulative benefit of nine thresholds. The increase to $10,000 will mean that a donor can give a total of up to $80,000 to the Liberal Party and $70,000 to the National Party by simply donating 10 grand to each of the separate branches of either political party. Given the current coalition arrangements, the governing parties could receive undisclosed donations of up to $150,000 in funds from a single donor that they would not have to publicise.

As a result of this legislation, the political parties could receive multiple donations of $10,000 from inappropriate sources such as big tobacco companies and from sources that the AEC cannot effectively investigate, such as overseas donors, without having to provide a return to the AEC. In the 2004-05 financial year, the Liberal Party received a total of approximately $1,180,000 in donations from overseas. This of course included a $1 million donation from Lord Michael Ashcroft. Under the proposed changes the sources of over $34,500 in overseas donations will not require disclosure. The Labor Party have argued that the law in relation to overseas donations needs amending because it is too hard to trace the sources of the funds received by political parties. The changes outlined in this bill will only magnify the problems identified previously by Labor, making it even easier for the Liberal Party to hide the true source of its income.

A number of the government’s arguments for increasing the threshold limit were raised by Senator Abetz in his speech to the Sydney Institute in 2005. These arguments included the adverse effect of inflation on the current $1,500 threshold, the right to privacy of individuals and organisations who donate, that amounts of $10,000 and below were not enough to improperly influence political parties. These changes are not a simple case of the government adjusting the threshold to reflect changes in inflation. Increases in the CPI certainly would not have increased the current thresholds to $10,000. Independent research conducted by the Democratic Audit of Australia clearly demonstrates this. In fact, their report asserts that, when the effect of inflation is calculated into the existing $1,500 thresholds, it does not even come close to accounting for a third of the increase to $10,000.

Further, the government’s proposal that the thresholds should be indexed to inflation will only add unnecessary confusion for donors trying to work out whether or not they are required to disclose a donation. As the JSCEM minority report on the last election asserts:

This would see the amount increasing at around 2-2.5% a year. This is a fundamental break with the traditional way the disclosure of political donations has been regulated, and an annual measure could lead to confusion from donors as to whether their donation falls within, or outside, the disclosure limit.

The argument that these restrictions invade the privacy of donors ignores the fact that, when they donate to political parties, individuals and organisations are actively seeking to participate in the very appropriately
public domain of Australian political life. When considering the right to privacy of these individuals and organisations, we must weigh these claims up against the right of Australians to know who contributes to political parties. Once again, Labor contends that the $1,500 threshold strikes a good balance between the privacy rights of donors and the right of Australians to know who donates to political parties.

Senator Abetz’s claim that amounts of $10,000 and below are not enough to improperly influence political parties is a notion that has been widely disputed by leading academics. Joo-Cheong Tham from the Democratic Audit of Australia states:

… the observation that a $10,000 sum does not carry risk of undue influence or corruption is implausible.

Senator Abetz’s assertion completely ignores the fact that, as explained, a party can receive multiple donations from the same donor. This fact clearly increases the chances of corrupt behaviour; you would not have to be Einstein to work out that as the amounts of money increase so do the chances of inappropriate, or even corrupt, behaviour. The long and short of these changes is simple: more money will be donated to political parties and less of it will be open to public scrutiny.

The second part of this bill which makes it easier to donate to political parties pertains to an increase in the scope and size of the tax deductibility of political donations. Labor believes that the proposed increase from $100 to $1,500 for individuals or corporations and independent candidates is a completely inappropriate way to spend taxpayers’ money. It is just another example of the coalition government looking after themselves and their mates at the expense of ordinary Australians. According to the government’s own figures, it is estimated that these changes will slug Australian taxpayers to the tune of $22 million over four years.

Millions of dollars will flow from the pockets of hardworking Australians into the pockets of wealthy individuals and corporations. It is outrageous to think that the Australian taxpayer will be subsidising the donations of companies like Philip Morris, a company whose product already costs the Australian taxpayer millions every year. These changes have once again been roundly criticised by the experts. Mr Tham asserts:

If enacted, the proposal will entrench a blatantly unfair subsidy in the tax system. These changes are designed to do nothing more than to encourage large donations to the coalition parties. As I stated earlier, this amendment is nothing more than a greedy grab for cash by the Howard government.

A final concern I would like to address relates to sections of the bill which seek to amend the financial disclosure obligations of third parties. Currently, third parties are required to submit a return to the AEC for any money spent on, or received to allow them to spend on, an electoral matter during an ‘election period’—defined as the period of time between the day on which the election writ is issued and the latest time on polling day that a person could lodge a vote. The bill proposes to change this reporting requirement so that a third party who comments on an ‘electoral matter’ at any time throughout any given year will be required to file an annual return with the AEC. An ‘electoral matter’ is defined extremely broadly and encompasses just about any comment or reference to current or past government or opposition policy and/or actions.

During the Senate legislation committee inquiry into this bill, it was revealed by the National Roundtable of Nonprofit Organisations, acting on legal advice, that, given the broad definition of an electoral matter and
the proposed reporting obligations, this could
mean that charity and community groups
would be unable to even make passing refer-
ence to past or present public policy issues—
greatly restricting their free speech; donors
and the public would be scared away from
donating to charities and community groups,
because the bill would see them labelled as
partisan political players; and the administra-
tive burden on charities and community
groups would be increased by requiring them
to file annual financial returns with the AEC.

It was conceded by government senators
during the inquiry that these were unintended
consequences of the bill—in other words, the
result of careless and sloppy drafting by the
government. These mistakes provide yet an-
other reason for the withdrawal of this bill.
The minister should, at the very least, with-
draw this bill until the careless mistakes of
his government, which threaten to jeopardise
the invaluable work of charity and commu-
nity groups, are fixed.

Let me conclude my comments by reiter-
ating why the Labor Party stands firmly op-
posed to this bill. If passed, this completely
unjustified legislation will do nothing more
than ensure that thousands of Australians
will be unable to vote or deterred from vot-
ing at future federal elections and that mil-
lions of dollars will secretly flow to political
parties. The government’s proposed changes
are nothing more than a plan to make it a lot
easier to secretly donate to influence the de-
mocratic process but a lot harder for Austra-
larians to actually exercise their democratic
rights. The bill ought to be condemned. The
amendment ought to be passed. The govern-
ment should take this back to the drawing
board. The minister should move away from
the movements of the previous minister in
 politicising the electoral system. (Time ex-
pired)

Mr TUCKEY (O’Connor) (7.27 pm)—I
refer to the second reading amendment that
the opposition proposes, which says:
(1) reduce the period of time Australians have to
enrol to vote ...
The period of time available to Australians to
enrol under legislation approved and man-
aged by the previous Labor government is 21
days. It is an offence under section 101 of the
Electoral Act to not enrol once you become
eligible within 21 days of that date of eligi-
bility and, similarly, to not report the fact
that you have moved. That is what the legis-
lation says. All these crocodile tears about
rounding up all your mates to enrol and con-
fuse the system after the declaration of the
writs is rubbish. What about:
(2) introduce new proof of identity requirements
...
Doesn’t the member for Bruce remember
when the ALP in Queensland were going
around to get themselves union votes and
enrolling themselves all over the blooming
country? And they say you don’t need identi-
fication! You certainly don’t when you want
to rort the system like that. Every kid who
wants to go to a disco carries identification
today and does not consider it onerous. So
much for the crocodile tears on that.

Then we were told that we are all going to
have multiple donations. I have advice here
that five unions made 183 multiple donations
valued at $1,632,885 to the Labor Party. Talk
about the pot calling the kettle black! Every-
thing that the shadow minister has said is
refuted by the actions of the Labor Party and
their supporters—more particularly when it
comes to disclosure, they know how their
union heavies went around. The average
small business, the average truckie, was to-
tally afeard of making a declarable donation
to a party other than the Labor Party for fear
of disruption to their business and other mat-
ters that were done by their union heavies—
they might have sent Tom Domican around or something.

The fact of life is that it is ridiculous for these people to claim that the measures the government have introduced are inconvenient. Their arguments about enrolment are contrary to the law as it exists and they are encouraging people to break the law and putting an argument that says 50,000 or 80,000 of them should line up when they all should have done their enrolment months if not years before.

Debate interrupted.

**ADJOURNMENT**

The DEPUTY SPEAKER (Hon. IR Causley)—Order! It being 7.30 pm, I propose the question:

That the House do now adjourn.

**Whaling**

Ms GEORGE (Throsby) (7.30 pm)—Recently I had the privilege of meeting an impressive and courageous young man, Shane Rattenbury. Shane was Greenpeace’s expedition leader in their recent campaign against the slaughter of whales in the Southern Ocean. Two Greenpeace vessels, the *Arctic Sunrise* and the *Esperanza*, spent 28 days in the rugged seas documenting and intervening in the barbaric slaughter of whales by the Japanese whaling fleet. Dramatic images of the confrontation on the high seas were beamed across the globe, bringing these wanton acts of cruelty to the attention of the world and placing Japan under an uncomfortable spotlight. Without the courage and commitment of the crews of these two vessels, the slaughter would have been undertaken in secret and without public scrutiny. I want to place on the public record my congratulations to Shane and Greenpeace for their endeavours.

To date, international diplomacy and efforts to halt vote buying at the International Whaling Commission have failed to stop the Japanese government’s continued support of whaling. Indeed, we are now faced with an expansion of their so-called ‘scientific’ whaling program. In the 2005-06 whaling season the Japanese have actually doubled their quota of minke whales to 935 and there are plans to add 50 endangered fin and humpback whales in the next two years.

Greenpeace are now appealing to the Australian community to assist them in applying further pressure on the Japanese fishing companies to cease this so-called scientific program. Their ongoing campaign is now focusing on the three Japanese fishing companies whose funds underpin the whaling operations. Nissui is one of those companies and it has a 50 per cent stake in Sealord, which markets products here in Australia. Sealord’s frozen and canned products are sold in our supermarkets, fast food outlets and restaurants. Though Sealord has publicly stated their opposition to commercial whaling, the reality is that 50 per cent of their profits go to Nissui, a company whose business it is to slaughter whales. Greenpeace are urging consumers to contact Sealord, based in Nelson, New Zealand, to outline their concerns about this company’s involvement in these barbaric practices.

In my view, diplomacy in itself is not the solution to this major problem. Diplomacy has to be coupled with strong legal action. The Howard government must take Japan to the International Tribunal for the Law of the Sea to stop the slaughter of whales once and for all. Interestingly, after the IWC meeting in June last year, the Minister for the Environment and Heritage declared somewhat prematurely:

Australia and pro-conservation nations have today won a massive victory for whale conservation. This is a fantastic outcome because it reinforces Australia’s determination to ensure all
commercial and so-called ‘scientific’ whaling is consigned to the dustbin of history.

These statements were premature because tragically, as we know, whaling has not been consigned to the dustbin of history. There are now real fears that Japan is on the brink of winning the right to resume commercial whaling at the next IWC meeting scheduled for the Caribbean in June this year.

Yesterday I was interested to read the release from the environment minister which pointed to findings from research undertaken in the Antarctic showing the importance of whales to the ecosystem. The minister argued:

There is absolutely no scientific basis for the slaughter of whales.

It seems to me that the minister’s comments were stating the obvious. Beyond that, I have very little faith that the research undertaken will deter the Japanese and other whaling nations at the next scheduled meeting of the commission.

The government wants to give the impression that it is being tough on the Japanese but, were it not for the actions of Greenpeace, the world would not have known what is occurring in the Australian Whale Sanctuary, because the government refuses to monitor the slaughter and refuses to enforce its own laws in its own territories. The government recently opposed the attempt by the Humane Society International to enforce Australian laws to stop the slaughter of whales in our waters, arguing that it would be likely to give rise to an international disagreement with Japan. Too right it would.

We have a profound disagreement with Japan on this issue. (Time expired)

Hillsong Emerge

Mrs MARKUS (Greenway) (7.35 pm)—Elected office is nothing to be taken lightly. It calls for people with dedication to the community and a willingness and desire to make a positive contribution. What is disappointing for the Australian people is those members who are more interested in malicious and false personal attacks. Today in the Senate this ugliness manifested itself again through Senator Hutchins’s comments about me. Once more those members of the Australian Labor Party in Western Sydney who resent the choice made by the people of Greenway at the last election resorted to gutter politics and unsubstantiated attacks—attacks so malicious that the senator was forced to withdraw them.

Senator Hutchins cannot understand why Labor did not win Greenway in 2004. It was supposed to be ‘safe’. Well, guess what? It is exactly that brand of arrogance and complacency that is one of the core reasons that seats like mine fell to the coalition. Comments alleging that I had somehow corrupted the process of government, that ‘my guilt grows thicker’ and that I ensured a Hillsong Emerge project and other Community Partners projects received National Crime Prevention Program funding are plainly defamatory. It is an abuse of parliamentary privilege. He knows that should these comments be made outside the chamber they would be treated with the contempt they so richly deserve. But as long as the ALP continue these tactics in Western Sydney they will continue to be disappointed.

So let us get a few facts straight. Firstly, I will always fight for outcomes for my community. I did write a letter of support for that particular project—as I did for many other projects from Greenway that applied for funding, including a successful project from the Blacktown MRC. Secondly, as much as the ALP would like to blame an extravagant bankrolling from Hillsong for their loss in Greenway it is simply not the case. No funding was given to my election campaign by the Hillsong Church—none whatsoever. I urge the people of Greenway to look very
closely at the tactics employed by the ALP. These tactics are used because they cannot come up with anything else—no positive policy debate, just ugly personal attacks.

Thirdly, I had no undue influence over the passage of this application. Time and again I have rebutted this accusation. I was at one stage employed by Hillsong Emerge as a social worker. I worked at the Blacktown centre providing services for the broad community. It is wrong to suggest that services were solely provided to members of the Hillsong congregation. Moreover, I have served my community for 23 years in government and non-government organisations, working closely with families and community members to achieve real outcomes and solutions. This is something that I have brought to my role as an elected representative with absolute commitment.

Finally, the senator, in his attempts to wrest the seat back, has even tried to suggest that I wrote a letter of support for an entirely different project—a project for which no such letter was written. His facts are wrong, his accusations are false and the people of Greenway deserve better. And ‘better’ is what I am delivering. I have achieved real outcomes for my community—outcomes such as: $716,000 in Investing in Our Schools funding, $3.2 million for one public school alone in capital infrastructure, an Australian technical college to foster the skills of our young people, a family relationships centre to work side by side with local families, community water grants, crime prevention funding for Sudanese refugees, transport infrastructure—the list goes on. And I will keep fighting for these outcomes.

But, if the senator wants to talk about service delivery for the people of Greenway, let us talk about the impact that political stunts such as this one—that he has perpetrated with Leo Kelly and Ian West—have. Let us talk about the community program that has been lost for the people of Riverstone and Blacktown. Let us talk about the Indigenous community members that have expressed their real concern at this loss. Important grassroots projects have been lost for the sake of political gain. But this gain is questionable. Even members of the ALP have recognised that this dirty brand of politics does not work. NSW Secretary Mark Arbib rang Leo Kelly to urge him to pull back on the baseless criticisms. Well, Mark, it is time for a phone call to Senator Hutchins.

The people of Hillsong and Hillsong Emerge are good people with real community interests in mind. They want to help. It is a trait commonly held by faith based organisations. Does this mean that the senator will extend his attacks to the Anglican Church, who have Anglicare; the Salvation Army; the Catholic Church, who have Centacare; the Uniting Church, who have Uniting Care; and Wesley Mission? But we should not be surprised by these antics. This is a man who has risen to the position of senator thanks to union deals. Mark Latham, in his diary at page 295, writes:

> The union hacks and branch-stackers in Kingsford Smith are frustrated that their tireless work in rorting the books has not been rewarded. … Do we really need another Steve Hutchins in Caucus? It is this kind of backroom deal that means the ALP is rarely able to field candidates who have an actual connection with their communities. (Time expired)

**Mr Clinton Starr**

Mr KELVIN THOMSON (Wills) (7.40 pm)—Why has neither ASIC nor the Australian Wheat Board acted to disqualify Clinton Starr as a director from Australian Wheat Board International? Mr Starr is a non-executive director on AWBI who was elected on 4 November 1998 and re-elected on 14 March 2002 and again on 10 March 2005.
On 22 March last year—a year ago—Mr Starr pleaded guilty to 25 charges of failing to notify the Australian Stock Exchange of changes in his shareholding of the listed company Multiemedia, of which he was a director at the time. Mr Starr sold 28,750,000 and bought 10,052,089 shares in Multiemedia between December 2002 and 2003. As a director and substantial shareholder, he was required to notify the ASX of the sales and acquisitions within 14 days and of changes in his substantial shareholding within two days. Mr Starr was fined $7,500 and ordered to pay costs of $6,052 in the Melbourne Magistrates Court.

At the time, in March last year, the Deputy Executive Director of Enforcement of the Australian Securities and Investments Commission, Mark Steward, said investors had a genuine interest in trading by company directors. He said:

Information about a director’s holdings must be up-to-date and when these holdings change, investors must be able to understand the nature of the change. ASIC will prosecute directors who flout their obligations.

This is quite correct but, given the sums of money that can be involved in such deals, one has to wonder whether the penalty was adequate. Mr Starr had pleaded guilty to 22 charges of failing to notify the ASX within 14 days of any change in his interests in Multiemedia Ltd and three charges of failing to notify within two business days of the changes in his substantial holdings of Multiemedia securities. The maximum penalty under section 205G of the Corporations Act 2001 for these offences is 10 penalty points, three months imprisonment or both. Furthermore, under section 206E of the act, ASIC may apply to the court to disqualify a person who has contravened the act at least twice. The court may disqualify if satisfied that it is justified in so doing. No such application appears to have been made in respect of Mr Starr.

I believe that these offences should have constituted a warning to the other directors of AWBI and to the Australian Securities and Investments Commission. The fact that there was no other punishment of Mr Starr, other than the quite modest fines handed out by the court, means that the signals we send out about corporate law are that we are not very serious about it.

Indeed, we have seen a series of incidents which suggest the Howard government has very low standards, if indeed it has any standards at all: its appointment of the senior Liberal Party figure, Rob Gerard, to the board of the Reserve Bank, despite his tax avoidance issues; the government’s awarding of lucrative advertising contracts to the Liberal Party’s own advertiser, Ted Horton; its failure to investigate allegations of tax avoidance through the use of offshore tax havens; and the cowboy culture at AWB, in which bribes, kickbacks and cover-ups have been the order of the day. AWB’s CEO, Mr Lindberg, has gone, but the directors have not yet accepted responsibility for their role in this debacle. I believe that ASIC should start with Mr Starr.

Hillsong Emerge

Mr CADMAN (Mitchell) (7.44 pm)—Some time ago, an excellent proposal was put to the federal government by Hillsong Emerge. Hillsong Emerge is an organisation similar to Anglicare or Centrecare and is an outreach program of the Hillsong Church. The Hillsong Church is a large church in my electorate with a large attendance, including many young people.

The proposal was to use the crime prevention program announced by the federal government during the election campaign to bring some support to the community of Blacktown. Under the Greater Blacktown
Community Partnership Youth project, the strategy was to promote community enhancement, including building a positive rapport with young people, particularly Sudanese and Indigenous young people, in a safe and positive environment; encouraging and empowering young people to progress in their school education and employment; and encouraging and empowering young people to take responsibility for their own lives and contribute to the broader community and to relate positively to authorities and the broader community. They are excellent goals and objectives which are sorely needed and greatly desired by the residents of the greater Western Sydney area.

In Blacktown, the proposal was that partners would work together with leaders of the Sudanese migrant community, police, high schools, community organisations and families in building relationships with Sudanese and other young people through sporting competitions, social events, life skills training, vocational training and employment opportunities to promote their integration into the multicultural Western Sydney community. That is an excellent goal, supported by six organisations coordinated by Hillsong Emerge.

The proposal, which was put to the federal government and adopted, was spearred by the Mayor of Blacktown. In a fit of pique, and because of political prejudice, the mayor drew aside one of the partners in this proposal and said that they should not be involved because Hillsong Church was behind it. That is the fact of the matter. Leo Kelly, the mayor, said, ‘You shouldn’t be involved, because Hillsong Church is behind this.’

Hillsong Emerge is a fine and reputable organisation with a great goal and purpose for the people of Western Sydney. For a political purpose alone, a selfish and envious political purpose, a mayor spearred this program by drawing out one of the partners separately from the others so that the project could not go ahead.

The member for Greenway has 23 years experience in working with people who are disadvantaged—those who are disenfranchised, the poor, single mums and families who do not receive attention. That has been her whole life commitment, in government agencies and non-government agencies—a range of organisations. She thought—and rightly so—that this program, instigated by the federal government, would be an excellent program for the people of Blacktown and her electorate. The citizens wanted it. Surely the Australian Labor Party would recognise that. Even by tuning into radio programs, they would know about the concern that these problems are resolved.

But not so the Mayor of Blacktown. This project was to find solutions—solutions that would be beneficial to the community. In intensive questioning in Senate estimates committee hearings about the use of these funds, the Australian Labor Party was not able to find one single abuse of funds, one misdirection, one lack of goal or one lack of purpose in any of these programs. Rather, in order to get at the member for Greenway, it has sought to use Hillsong Emerge to do that.

The government is sure that these programs are sound. In fact, in a letter to the press in Blacktown, the minister’s office stated:

... the Minister and the Federal Government are entirely satisfied with the way Hillsong Emerge has conducted itself in these enterprises. Much of the criticism that has been made seems to be politically motivated against Hillsong itself. As far as the Australian Government is concerned Hillsong Emerge is entitled to tender for any pilot or programme, just like any other organisation.

The Senate estimates committee hearings prove that. I repeat:
Much of the criticism that has been made seems to be politically motivated against Hillsong itself. As far as the Australian Government is concerned, Hillsong Emerge is entitled to tender for any pilot or programme, just like any other organisation.

I reject the spurious claims of the Mayor of Blacktown as being self-seeking and politically motivated. (Time expired)

**Border Protection**

Mr PRICE (Chifley) (7.49 pm)—I want to appraise the work of Labor’s Maritime Security Task Force, headed by the honourable member for Chisholm and including the member for Bendigo, the member for Lyons and Senator Glenn Sterle. I am part of that task force as well.

I do not think the people of Australia understand just what a diabolical, serious, calamitous position we are in. In Senate estimates, it was revealed that last year there were some 13,000 sightings of illegal fishing boats on our northern borders. Some penetrate 350 kilometres into our waters. We can roll off the tongue the words ‘13,000 illegal sightings’; it does not say much. But let me tell you this, Mr Deputy Speaker. On a very conservative estimate, it means that in the year 2005, a year which saw a 35 per cent increase in these sightings, there were some 78,000 illegal fishermen entering our waters. I am not talking about people accidentally getting into the 200-mile economic zone; I am talking about 78,000 illegal fishermen entering our waters. Lest some coalition members say that this could be double sighting, let me say that it would still mean 34,000 illegal fishermen entering our waters. I use the figure of 78,000. That is actually more than we have regular service men and women in our Army, Navy and Air Force combined. It is almost an extra 50 per cent. It is a most calamitous problem.

We are not doing very much about it. I know that the Minister for Foreign Affairs went to Jakarta and said that there will be joint patrols. It sounds very good. But when will these patrols commence? No-one can tell me. What I can tell the House is that our current patrol boats cannot go into our coastal creeks and rivers. The new ones will be able to. In fact, I can say to the House that Navy and Customs boats are not permitted to go there because so much of our northern coast is uncharted and they are not allowed to go into uncharted waters.

I specifically want to speak about a fisherman in the Northern Territory, Bruce Davey, a good Aussie. There is nothing flash about him, but he is a good Aussie. Do you know what he did? He is a fisherman, his livelihood is at threat and he intercepted an Indonesian fishing boat. He disabled the motor, hauled in the kilometre lines that were out—two of them—and rang Customs and said, ‘Come and take this boat.’ Do you know what our authorities said? After 10 hours of waiting and hauling in those lines, he was told to release the boat. In releasing the boat, they practised the John Howard method of catch, kiss and release: he kept the fishing lines but was forced to release the boat. The authorities said that if he did not release the boat he would be charged with piracy, with illegal detention and with a customs violation. I think on the eve of Anzac Day it is just an abomination that the government of the day, through its departments, would threaten an ordinary Australian fisherman—whose livelihood was being threatened—with piracy, with illegal detention and with a customs violation.

Mr Deputy Speaker Causley, I know you take a great interest in matters agriculture. These fishermen, who fish for shark, fish and trochus, are landing on our coast. They are not just in the waters but they are landing on our coast. They are actually putting down wells in our coastal land, and what are we doing? There are 78,000 of them and we are
doing nothing. We have the foreign minister going to Jakarta saying that we are going to have joint patrols, and we do not have the ships and we do not have any dates. (Time expired)

Hillsong Emerge

Miss JACKIE KELLY (Lindsay) (7.55 pm)—I rise tonight to also discuss Senator Hutchins’s extraordinary statements in the other place at one o’clock this afternoon. He made an extraordinary attack on our very good member for Greenway, Louise Markus. This senator has a history of going into the other place and bucketing members under privilege, saying things that he would not say outside this place and abusing the very privileges given in this place. For 10 years I have been on the receiving end of the buckets from Steve Hutchins. My local media just ignore his media releases. His media releases are so puerile, vindictive, mean, nasty and downright defamatory that they are completely ignored.

I wish to send the same warning to anyone thinking of printing anything that the senator has to say in the other place: the allegations he is making against the member for Greenway are totally extraordinary and at odds with the character of the person that the people of Greenway elected. This is an extraordinary woman who has given 23 years of community service to the people of Blacktown. She has worked with the Department of Social Security, with TAFE, with the Wesley Mission and, yes, with Hillsong Emerge. Since when has being affiliated with a church been such a public crime that those opposite will smear the reputation of a conservative woman? Yes, I am a Catholic woman. Does that make me so reprehensible and tied up with anything the church does that I must be somehow vilified for it?

Those on the other side of politics have so lost faith that they will attack anything of value and goodness. In the time that I have known the member for Greenway, she has never, ever preached her religion to me. She shows her deep faith, compassion and beliefs by what she does. She never says a thing about her beliefs, but she acts out her beliefs. The same cannot be said of Senator Hutchins. He just buckets people. He lies, he carries on with absolutely spurious allegations—

The DEPUTY SPEAKER (Hon. IR Causley)—The honourable member for Lindsay will withdraw that comment.

Miss JACKIE KELLY—I withdraw that comment, but Senator Hutchins does not tell the truth about the member for Greenway. He does a complete bucket job. This is a hatchet man. The former leader of Senator Hutchins’s party had this to say about him:

He’s a slow-talking, slow-moving Sussex Street clone. His sole claim to high office in the Labor Party was that he ran the truck drivers’ union in NSW. He’s a machine man, so they made him a Senator and President of the NSW Branch.

I did not say that; it was said by the former leader of Senator Hutchins’s party. Mark Latham had this opinion of this senator. And Mark Latham’s derision of Senator Hutchins continues:

Hutchins received just six votes out of seventeen—a terrible outcome, a landslide against the State President, the titular head of the faction. Leo couldn’t believe it. Under pressure, he normally has a red melon, but today he looked like an exploding beetroot.

Senator Hutchins has lost everyone from his faction. Leo McLeay, Senator Forshaw and Michael Lee have all departed the parliament. He is out there on his own, bleating in the wilderness, and he can do nothing but dump buckets of bile on very good members of our House.

Senator Hutchins is a member of the ‘bonehead faction’. I did not say that; it is a
quote from Mark Latham’s book, The Latham Diaries. It is what Mark Latham, the former leader of the party, actually said about the senator; it did not come from our side of the chamber. This book is the most extraordinary account of how pitiful the machine mechanics of Senator Hutchins are. His attack on the extraordinary member for Greenway is just further evidence of what a tawdry effort this man can come up with. This man was president of the TWU, but he has never held a truck driving licence, let alone driven a truck. When he had the opportunity to do something really great for the trucking industry with the GST—removing wholesale tax from people’s rigs, spare tyres and fuel and improving the diesel fuel rebate—what do you think he did? Senator Hutchins voted against the GST—the best thing that ever happened to truckies in our country. This is the character of the man. I back the member for Greenway all the way.

The DEPUTY SPEAKER (Hon. IR Causley)—Order! It being 8 pm, the debate is interrupted.

House adjourned at 8.00 pm

NOTICES

The following notices were given:

Mr Vaile to present a Bill for an Act to amend the law relating to the Australian Trade Commission, and for related purposes. (Australian Trade Commission Legislation Amendment Bill 2006)

Mr Vaile to present a Bill for an Act to amend legislation relating to export market development grants, and for related purposes. (Export Market Development Grants Legislation Amendment Bill 2006)

Mr Ian Macfarlane to present a Bill for an Act to repeal the Petroleum Retail Marketing Franchise Act 1980 and the Petroleum Retail Marketing Sites Act 1980, and for related purposes. (Petroleum Retail Legislation Repeal Bill 2005)

Mr Brough to present a Bill for an Act to amend the social security law and the family assistance law, repeal redundant housing Acts and make technical amendments, and for related purposes. (Social Security and Family Assistance Legislation Amendment (Miscellaneous Measures) Bill 2006)

Mr Hardgrave to present a Bill for an Act to amend the Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Act 2005, and for related purposes. (Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Amendment Bill 2006)

Ms Julie Bishop to present a Bill for an Act to amend the Australian Nuclear Science and Technology Organisation Act 1987, and for related purposes. (Australian Nuclear Science and Technology Organisation Amendment Bill 2006)

Ms Julie Bishop to present a Bill for an Act to amend the Australian Research Council Act 2001, and for related purposes. (Australian Research Council Amendment Bill 2006)

Mr Baldwin to present a Bill for an Act to amend the law relating to intellectual property, and for related purposes. (Intellectual Property Laws Amendment Bill 2006)

Mr Pearce to move:

That, for the purposes of section 7(3) of the Snowy Hydro Corporatisation Act 1997, the House approve the transfer or disposal of the Commonwealth shares in the Snowy Hydro Company (incorporated under the name Snowy Hydro Limited) that will occur as a result of the Commonwealth participating in the Initial Public Offer process announced by the New South Wales Government on 16 December 2005.

Mrs Irwin to move:

That this House:

(1) notes:
(a) that the South West Women’s Housing Inc in Liverpool NSW, along with other agencies across the country, have been doing an outstanding job in providing services for women and children at risk of homelessness under the Supported Accommodation Assistance Program (SAAP);  

(b) 24,150 clients were supported in NSW under SAAP in 2004-2005; and  

(c) 19,600 children and young people under the age of 24 sought assistance through SAAP and that nearly 5000 of those were aged between 0-4;  

(2) recognises:  

(a) that the need for SAAP services have been increasing over recent years;  

(b) the Federal Government’s own evaluation supported the need for a 15% increase in funding levels for NSW to “sustain service viability”; and  

(c) the Commonwealth funding component has remained static, apart from indexation, in the latest five year funding agreement; and  

(3) calls on the Government to:  

(a) urgently reassess the funding arrangement for SAAP services; and  

(b) provide growth funds to adequately meet increased demand for SAAP services.

Ms King to move:  

That this House:  

(1) acknowledge that:  

(a) it is now 42 years since the HMAS Voyager and HMAS Melbourne disaster;  

(b) Australian defence force personnel who served on the HMAS Voyager and HMAS Melbourne have suffered ongoing psychological stress and trauma as a result of their experiences;  

(c) many survivors from HMAS Voyager and HMAS Melbourne have sought compensation for psychological stress and trauma that has manifested itself in later life;  

(d) the delays in settling these cases is causing further stress to survivors of HMAS Voyager and HMAS Melbourne disaster; and  

(e) in some cases the delays in settling the case have lead to the cases being heard after the survivor of the HMAS Voyager and HMAS Melbourne collision has died; and  

(2) call on the Government to do everything within its power to expedite the legal proceedings of the survivors of the HMAS Voyager and HMAS Melbourne.

Mr Beazley to move:  

That this House:  

(1) notes that Commissioner Cole has stated (in correspondence to the Shadow Minister for Foreign Affairs and Trade) that any amendments to the terms of reference for the Commission of Inquiry into the Wheat for Weapons scandal are a matter for executive government; and  

(2) calls on the Government to use its powers to amend the Commission of Inquiry’s terms of reference to allow for a full and proper inquiry into the payment of kickbacks to the Iraqi regime under Saddam Hussein by adding the following provision to Commissioner Coles letters Patent:  

“Investigate and make findings on the performance and discharge of duties by any Minister or officer of the Commonwealth including under the Customs (Prohibited Exports) Regulations 1958 and UN Security Council Resolution 661 in relation to the use by Australian companies of the Oil for Food Program.”
The DEPUTY SPEAKER (Hon. IR Causley) took the chair at 9.30 am.

STATEMENTS BY MEMBERS

Harmony Day

Mr GARRETT (Kingsford Smith) (9.30 am)—I rise to commend to the House the activities that took place in Kingsford Smith around Harmony Day during the past week. Harmony Day, which was celebrated on 21 March this year, is an opportunity for Australians to celebrate our cultural diversity and multiculturalism, to recommit to our common values of respect and goodwill and, most importantly, to say no to racism.

Harmony Day, as members would know, coincides with the International Day for the Elimination of Racial Discrimination, and it calls on the world’s people to work particularly hard at eliminating all forms of racial discrimination. Harmony Day emerged from the terrible events of the Sharpeville massacre in South Africa in 1960. I am extremely pleased that the Australian government has taken Harmony Day on board and has worked reasonably assiduously to ensure that Harmony Day is enjoyed, experienced and promoted throughout the Australian community.

It is certainly true that we have a proud history of accepting people from many races and creeds into this country. There is occasionally some unfocused and negative comment concerning multiculturalism and the level of tolerance that exists in the community. But I can assure the House that the events that took place in Kingsford Smith in particular, the activities by students and staff at Randwick Girls High School on 24 March, where everyone gathered to celebrate the school’s richness and diversity, were a very tangible rebuttal to those who are uncertain of how diverse communities in Australia can exist in harmony.

The Randwick Girls High School Harmony Day celebration featured a dazzling parade of nations where girls from more than 60 nationalities that were present at the school presented themselves in national dress. There was outstanding dance, an international feast and a range of other activities. I want to commend the school for the display of harmony that it presented on that day. The school staff were ably led by principal Heather Emerson and the students put a great deal of work into the day.

Additionally, I was able to attend a function on 25 March at Randwick Town Hall, organised by the Indonesian Community Council of New South Wales, featuring, amongst other guests, the Indonesian Consul General, Mr Wardana. The Indonesian community, presenting its culture and its dance, along with members of the local council and people from around Sydney and New South Wales, gathered together in an expression of harmony, and in a way which, given the recent events that we have witnessed in terms of international affairs with the West Papuan people coming into Australia, showed the capacity we have, where there are occasional differences between the two countries, to recognise that ours is an ongoing relationship that we will continue to build. On days such as Harmony Day there is a great opportunity to make note of the levels of racism that should not be— (Time expired)
Community Water Grants

Mr JOHNSON (Ryan) (9.33 am)—Water is amongst our most precious assets. It is a source of life for every living organism on the planet and it is indispensable to our very humanity. Therefore, I was pleased to announce in the Ryan electorate funding to a range of very worthwhile recipients who can be credited for doing their bit to encourage water conservation, to promote water preservation education and the efficient use of water.

I congratulate the Ashgrove Golf Club, who have received $50,000. They will do their bit by improving their irrigation practices. I congratulate the Glenleighden school in my electorate, which is a special school which caters for young children with learning difficulties. They are educating young children in the Ryan electorate about the value of water. I congratulate the Chapel Hill State School P&C. They received $47,800 for the installation of rainwater tanks. Jamboree Heights State School, in the centenary suburbs, received $44,000 for implementing a range of water-saving initiatives, including special taps, as well as replacing inefficient toilets and sealing leaks. These are all very important methods of preserving water.

Kenmore South State School, a very fine school in the Ryan electorate, received $24,000 for rainwater collection, irrigation and toilets. Save our Waterways Now Inc., a not-for-profit community organisation, received $21,000. Their project will restore and revegetate a natural wetland in the Ryan electorate. I also want to praise the University of Queensland. They received $50,000 for a project that will improve water efficiency at their university. The Australian government has now announced 1,750 successful projects funded under round 1 of the community water grants. This represents an investment of $61.6 million in practical community water based solutions to protect Australia’s valuable water resources.

For my part, as the federal member for Ryan, I have put out a calendar which encourages my constituents to be very conscious of saving water. One of the little blurbs on my calendar reminds Ryan constituents that if they spend two minutes less in the shower they will save over 425 litres of water a month, a very important reminder and announcement. I congratulate the people of Ryan for their support of the government’s water initiative. (Time expired)

Mr Liam Flanagan: Australian Youth Ambassador for Development

Ms KATE ELLIS (Adelaide) (9.36 am)—Today I rise to speak about and congratulate a wonderful young South Australian on a great achievement and to extend to him the very best for what will be an amazing experience over the coming months. Liam Flanagan has been chosen as an Australian Youth Ambassador for Development. He recently left Adelaide to work in Vanuatu as a sports marketing officer for the Vanuatu Association of Sports and National Olympic Committee. I wish him all the very best on the coming adventure. The Australian Youth Ambassadors for Development Program is funded through AusAID. I am very pleased to see that not only Liam but two young South Australians have recently been chosen to take part in such a program.

Liam went to and completed year 12 at Mercedes College, where he was sports captain. He then went on to complete a Bachelor of Commerce, majoring in marketing, at Adelaide University as well as a certificate in market research. He is a highly motivated and resourceful young man, although I am told by his father that his cooking skills still need a bit of work. Hopefully, he can work on these skills while he is away.
The opportunity for Liam to contribute to this program and to go to Vanuatu and gain skills, expertise and experience will benefit not only Liam personally, although it is a great opportunity for him, but many within our community. He will come back and contribute to our community and show the leadership skills he has picked up on his overseas posting. In this way, this program is investing in the skills of young Australians, which will eventually be of benefit to all Australians. As someone who regularly talks about the need for this government to invest in skills, particularly in the skills of young Australians, I am pleased on this occasion to congratulate Liam and to wish him all the best.

The Australian Youth Ambassadors for Development Program aims to strengthen mutual understanding between Australia and countries of the Asia-Pacific region and to make a positive contribution to development in countries within the region. It aims to skill up Australians aged between 18 and 30 on short-term assignments in developing countries. These chosen youth ambassadors work in their host organisations with overseas counterparts in a broad range of areas that include health, environment, rural development, gender, governance, education and infrastructure. It is my hope that the skills that they will pick up—in particular, Mr Liam Flanagan, resident of Adelaide—will, for many years to come, offer very positive experiences for them in their chosen careers.

I would like to finish by wishing Liam all the very best. I congratulate him and wish him and his family the best of luck. I hope that we get to hear what he is up to and see the results of this wonderful experience within the electorate of Adelaide upon his return.

Passeggi Family: Citizenship

Mr SLIPPER (Fisher) (9.39 am)—I wish to place on record in the parliament this morning my absolute personal pleasure and satisfaction in relation to the citizenship obtained recently by three members of the Passeggi family who reside at Buderim in my electorate of Fisher. Mr Horacio Passeggi, his wife, Stella, and their son, Tomas, became citizens at a ceremony held at the Stella Maris Catholic Church at Maroochydore on 12 March. I represented the minister and performed the official part of the proceedings on behalf of the government.

It was a very emotional occasion, with many in the congregation unable to hold back the odd tear as this family publicly expressed their allegiance to Australia. I have to say that I also found this matter very emotional. I do not know of very many citizenship ceremonies that take place within the context of a mass in a church, but there was a very large congregation, and it was an appropriate place for the ceremony to take place because of the very strong support that the Stella Maris Catholic community had given to this family during their journey towards citizenship. It was uplifting to hear the rousing applause for the family when I was able to officially declare them to be citizens of this great nation.

The ceremony marked a very sweet end to a campaign that has lasted for many years. The Passeggi family arrived in Australia from their former homeland, Uruguay, in 1997, looking for a better life for their children in a country that offers some of the best living conditions in the world. We are free, we have low unemployment, we have good living standards, and we are a relatively safe nation. The Passeggi family initially were unable to meet the immigration criteria for permanent visas, and they feared deportation.

As the local federal member, I became involved in a widespread public campaign that was very strongly supported by the congregation of the Stella Maris Catholic Church. This cam-
campaign got under way in 2003. I was able to organise several meetings with the then Minister for Immigration and Multicultural and Indigenous Affairs and later on the current Minister for Immigration and Multicultural Affairs to ensure that there was a successful outcome to this campaign, and I want to commend and thank both ministers for their very strong support.

After meetings and correspondence, the family finally got the news that they were hoping for, and I was able to announce in November 2003 that they would be granted permanent residency visas. The youngest members of the family, Rosina Passeggi and Mariana Passeggi, will become eligible for citizenship later this year, because they have been travelling abroad, and another citizenship ceremony will be held. It was a wonderful event at the Stella Maris Catholic Church. I commend Michael Bull from Musgrave Lawyers, Peter Shadforth and of course Father Joe Duffy and the Catholic Church for their wonderful support of this family. 

(Time expired)

Chifley Electorate: Public Education

Mr PRICE (Chifley) (9.42 am)—On Saturday I read Ramsey’s column, surprised to find that I was its subject. Good manners, if not the journalists code of conduct, should have meant that Mr Ramsey contacted me. I have attempted to get a letter to the editor published in the Sydney Morning Herald but to no avail, so I take this opportunity in the Main Committee to set the record straight.

I totally reject the theme of the article that I have failed to represent my constituents in the area of public education. Prior to being a member of parliament, I was on the initial advisory committee of the Mount Druitt TAFE. I have seen it grow through eight expansions, and I am very proud of the contribution that that TAFE makes to my constituents. For the record, I was at the forefront of the campaign that resulted in the establishment of the University of Western Sydney, and I savour the memory of a Labor minister who, seven seconds into a conference on the matter, said that we would never get a University of Western Sydney.

Together with my state colleague Richard Amery and the then Deputy Premier, I campaigned in my electorate to establish a senior high school. I very much regret that the Labor government did not implement it. The Greiner government did. It established the first-ever senior high school at St Marys. It is a wonderful institution that has reversed the drift from public to private and receives twice the number of applicants for the positions available. When the Daily Telegraph ran the notorious front-page story on Mount Druitt High School, again a campaign was relaunched for a senior high school with my colleagues Richard Amery, the state member, and the late Jim Anderson, state member for Londonderry. It resulted in the Chifley College with its five member campuses—and it is doing very well.

The Teachers Federation has viciously fought and resisted these initiatives, which have proved to be an outstanding success. Notwithstanding Mr Ramsey, I will continue to fight for education reform until such time as student outcomes match the potential of the youth in my electorate and I will not kowtow to the Teachers Federation. Whilst I would like to see more resources go to public schools in my electorate, I totally reject the Teachers Federation’s proposition that this should be at the expense of private schools in my electorate. Teachers unions in other states abandoned such ideas decades ago.
Flinders Electorate: Roads

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (9.45 am)—I take this opportunity to set out an agenda for roads within the electorate of Flinders. Over the last few years we have had many successes in acquiring Commonwealth funding for roads, and we have worked assiduously with local members Martin Dixon, Robin Cooper and Ken Smith and the various councils to achieve certain outcomes at the state level. It is now time to set out a five-year agenda for the key local and arterial projects within the electorate of Flinders.

Although there are many projects of importance, there are six priorities at the local level. Firstly, there is the intersection of Truemans Road and Point Nepean Road in Tootgarook. For some time the state government has promised to provide lights at this corner, and it is time that it delivered on that promise. This year is an election year, and I would imagine that there will be some pressure on the Victorian government to make good on its promise, which is now three years overdue. Secondly, one of the worst intersections in Victoria is the intersection of Queens Road and Western Port Highway, between Pearcedale and Somerville. Recently a decision was made to remove the right-hand turn. It was a quick fix and a cheap approach to avoid having to create a traffic island. It is a priority for local residents that they do not lose access into Queens Road. The way forward is a combination of traffic-calming measures and the installation of a traffic island.

Thirdly, for many years the Fultons Road and Baxter-Tooradin Road intersection, in Baxter, has been a major congestion point. Very simply, a major traffic island is needed. Off his own bat, local businessman Stuart Wilson has paid for a traffic plan but the state has not acted on it. It needs to be done rapidly. The intersection of Bentons Road and the Moorooduc Highway in Mount Martha is another major problem, which was created by closing off the intersection rather than redesigning it. It is a major inconvenience to traffic users. A traffic island is needed urgently.

The Gurdies-St Hellier’s Road, which is in Bass Coast area, is in need of an upgrade and we are pushing for that. Robinsons Road in Pearcedale is desperately in need of sealing—at least at the edges, if not the entire road. All of these local projects are priorities. They fit with the two major arterial projects which I have previously spoken about: a Koo Wee Rup bypass to bring the major traffic out of the heart of Koo Wee Rup and a Frankston bypass, particularly now that the Scoresby Freeway-cum-tollway is to be developed. That is our agenda, and I commend it to the House.

Dental Health

Mr MELHAM (Banks) (9.48 am)—This government abolished the Commonwealth Dental Health Program in 1996. Since then, thousands of the most vulnerable Australians have been denied dental care and have been forced to suffer pain because of that retrograde step. Latest figures indicate that there are 625,000 Australians queued on waiting lists for basic dental care. Mr Larry Ciantar is a part pensioner in my electorate who is over 80 years old. Mr Ciantar has been forced to use private dentists. He informed my office that at a seniors meeting he attends every week, dental problems are a significant source of complaint. In 1994 the Labor government introduced the CDHP to provide coverage for adults covered by the various concession cards. The scheme provided both emergency and general dental services. The
CDHP built on existing state and territory dental schemes. The then federal government worked cooperatively with those governments to provide a service to those in need.

There have been arguments that dental services are not the responsibility of a federal government. This is clearly not the case: section 51(xxiiiA) of the Constitution includes the provision of dental services, with pharmaceutical, hospital, sickness and medical benefits, as part of the powers of the Commonwealth government. Given the expansive interpretation of the Constitution taken by this government on industrial relations matters, you would think they could embrace the plain English view when it comes to dental treatment.

A Senate committee in 2003 estimated that 1.5 million services were provided under the CDHP during the period 1994 to 1996. The Australian Institute of Health and Welfare evaluated the CDHP in 1997. The findings showed that, even in a short period of time, there was a slight decrease in emergency care because of preventative dental care. In addition, there was a decreased need for tooth extractions and fillings. Pain associated with dental problems decreased, and waiting times decreased.

I regularly hear from constituents about their dental problems. In 2004, Labor promised a $300 million dental program. This program would have cleaned up the waiting lists and moved us forward in assisting those in need of dental care. Two committee reports, the Senate Select Committee on Medicare in 2003 and the Senate Community Affairs References Committee in 1998, recommended a greater Commonwealth role in the provision of dental services, yet no action has been taken, as the government refuses to acknowledge its responsibility in this matter. The government constantly boasts of its budget surplus, $11.5 billion in December 2005. If $300 million can assist those in constant pain, why does this government not see its way clear to spending that money?

**War Widows Guild of Australia**

_Mrs GASH_ (Gilmore) (9.51 am)—During the recess I had the good fortune to be invited to a luncheon celebration of the 60th anniversary of the War Widows Guild of Australia. Up until that time, whilst I knew many of the women who are members, I had no real appreciation of the organisation. I was mightily impressed by this stalwart band of women who have bonded as a result of the deaths of their husbands through war. Sitting and talking with them, I gained a sense of quiet dignity tempered with a resolve one only finds with survivors: they have done it tough and they have survived.

The movement really started with General Vasey, who was one of Australia’s finest and best-loved soldiers. His concern for his men and their dependants caused him to ask his wife to do all she could to assisting the wives and widows who had been left behind. Mrs Vasey had helped to establish the AIF Women’s Association and was therefore already heavily involved in work of this kind. After the death of her husband, she started to fight for the thousands of war widows who were living in near poverty on a pension which had remained unaltered, save for a total rise of three shillings, from 1916 to 1945. In 1945, Mrs Vasey formed the War Widows Guild in Victoria and, by 1947, the guild became an Australia-wide organisation and a recognised force in the fight for better conditions for war widows and their families.

Today the guild has some 13,000 members, 700 of which are aged 90 or over. They are patriotic Australians but, more than that, they are mothers, grandmothers and wives who have remained loyal to the memories of their departed husbands. The luncheon in Nowra was at-
tended by members from all over the Shoalhaven area and was held at the picturesque Nowra Golf Club on the banks of the Shoalhaven River. The video they showed portrayed just how the years had changed the War Widows Guild. It was thought provoking and humorous and left me feeling a little ashamed that I was not aware of the good deeds done by this organisation. We have groups in Ulladulla, headed by Rona Finch; in Nowra, headed by Marjorie Bear; and in the Bay and Basin area with Anne Wells. Their focus is to work for the betterment of the mutual membership and to gain improved benefits for war widows, especially affordable housing. From the guild grew Vasey Housing, which later went its separate way in providing housing for war widows and later for single male veterans as well.

But, like every other fraternal organisation formed for a common purpose, the camaraderie that grew from the involvement and participation in the guild now bonds these ladies. Their motto is:

We all belong to each other. We all need each other. It is in serving each other and in sacrificing for our common good that we are finding our true life.

This pledge was extracted from an Empire Day message from His Majesty the late King George VI in 1949. Their badge is made of silver and was designed and introduced in 1959 by Andor Meszaros. It features a kookaburra, an industrious and cheerful bird who mates for life and is fearless and aggressive in the defence of its young and of the area of territory it regards as its own. The kookaburra goes for what it wants and fights for its family. ‘Isn’t that what we are doing?’ Mrs Vasey once asked the girls. The bird also has a unique call—not a song but a laugh, a chortle of rollicking mirth. It was a call to win the war widow back to laughter. I suppose that personifies the ladies of the guild. I am very proud to have made their acquaintance on Monday, 13 March. When they celebrate the 60th anniversary formally in June this year, my heart will be with them. I am proud to know them. (Time expired)

Mr GEORGANAS (Hindmarsh) (9.54 am)—I rise to congratulate the South Australian Jockey Club for a fantastic day on Adelaide Cup Day 2006. I was fortunate to have been in attendance at Morphettville racecourse and, blessed with near perfect weather, the running of the Adelaide Cup proved to be a resounding success. As members may or may not be aware, the Adelaide Cup was always run in the month of May, but due to inclement weather over the past few years the SAJC, together with the state government, decided to shift cup day to the earlier date in March. Judging by the bumper crowd of just over 32,000, this proved to be a masterly move.

The SAJC headquarters are situated at Morphettville, within the electorate of Hindmarsh. They do a great job in providing employment for 70 full-time ground and catering staff. The staffing figure was in excess of 600 on Adelaide Cup Day, with extra casual and part-time staff being employed on South Australia’s premier race day.

I also congratulate the connections of Adelaide Cup winner Exalted Time, a locally bred gelding, raced by two South Australians and trained by another, and winning jockey Clare Lindop, who became the first Australian female jockey to win at racing’s elite level. In all, Adelaide Cup Day was a showcase for South Australian racing, and I look forward to next year, when the Adelaide Cup will once again be run and won.
I also take this opportunity to mention a project which is unique within the electorate of Hindmarsh. The South Australian Jockey Club, the Patawalonga Catchment Board and the South Australian government have each contributed approximately half a million dollars to the development of a system of wetlands at the Morphettville racecourse, drawing stormwater from a nearby drain, cleaning it and pumping it underground into the local aquifer. They will eventually pump approximately 500 megalitres of water into the aquifer per year and draw 120 megalitres or so for racetrack maintenance and the like. This is, as I have said, the only project of its kind within the western suburbs, and I think it is absolutely fantastic.

I have heard that the City of Marion may be developing a wetland adjacent to Oaklands Park Army Barracks to trap some water from the Sturt River. Perhaps this will be similar to that of the River Torrens adjacent to Henley Beach Road. But neither of these match the contribution to the area of the South Australian Jockey Club, whose situation, vision and determination have led to an increasing supply of water available for use within the western suburbs and decreasing the amount allowed to be lost out to sea. I hope organisations throughout the Adelaide Plains are able to benefit from their example. Once again, I congratulate the SAJC.

Community Water Grants

Mr BARTLETT (Macquarie) (9.57 am)—Two weeks ago, the government announced the first round of community water grants. I was delighted that a number of applicants, both in the Blue Mountains and in the Hawkesbury parts of my electorate, were successful in receiving a grant. Under round 1 of these community water grants, $443,100 will be spent in my electorate on projects which will annually save millions of litres of water.

Organisations to receive funding include Arndell Anglican College at Oakville, Barker College at Mount Victoria, Blue Mountains City Council, Blue Mountains Grammar School, Carinya Neighbourhood Centre at Springwood, Saint Columba’s High School, Hawkesbury City Council, Katoomba High School, Leura Public School, Wycliffe Christian School, and Vipassana Meditation Centre. I congratulate the proponents of these projects. These projects will undertake quite a diverse range of activities, from collecting and recycling water for irrigation in school grounds to community gardens and bush food projects, recycling treated waste water for toilet flushing, and so on. These are very practical projects which will save water, but they will also help to develop a culture of wiser water use, conservation and recycling, particularly within the schools in my electorate.

Everyone knows that water is a precious resource. This government, through the community water grants, which is part of the $2 billion Australian Water Fund, is showing great leadership in areas such as water recycling, conservation and reuse. The other parts of the government’s Water Fund include the $200 million Raising National Water Standards program, which aims to improve understanding, education and tools for the development of good water management practices. The biggest component, the $1.6 billion WaterSmart Australia program, aims to accelerate the development and take-up of new technologies and innovative approaches to better managing our water recycling and conservation programs.

This government, through the $2 billion Australian government Water Fund, is showing the way in terms of better use of this precious resource in this country. Understandably, I am very disappointed that the New South Wales government is failing to do its part to also show the necessary leadership in conserving and better using our water resources in Australia. Sadly, because of the procrastination and neglect of the New South Wales government, many com-
communities are suffering, particularly those communities in the Hawkesbury part of my elector-
ate. The Hawkesbury River is suffering because of excessively high nutrient levels and low
environmental flows. These are both a direct result of the neglect of the New South Wales
government and its failure to adequately plan for the growing water needs of Sydney. Until it
takes seriously its responsibilities in these areas, our community will suffer. I urge the New
South Wales government to lift its game in this important area.

The DEPUTY SPEAKER (Hon. IR Causley)—Order! In accordance with standing order
193, the time for members’ statements has concluded.

OHS AND SRC LEGISLATION AMENDMENT BILL 2005
Second Reading
Debate resumed from 7 December 2005, on motion by Mr Andrews:

That this bill be now read a second time.

Mr RIPOLL (Oxley) (10.00 am)—Labor opposes the OHS and SRC Legislation Amend-
ment Bill 2005. Like the government’s extreme industrial relations legislation more generally,
this bill has at its heart the stripping away of the terms and conditions of our workforce. Labor
is driven by a desire for genuine improvements in the area of occupational health and safety
across Australian workplaces. Unfortunately, this legislation risks diminishing the occupa-
tional health and safety conditions in our national workplaces. The OHS and SRC Legislation
Amendment Bill 2005 is the latest in a number of amendments made to OHS legislation by
this government. It follows on from previous OH&S legislation introduced by the government
since the election in 2004, which includes the National Occupational Health and Safety
Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 and the Australian
Workplace Safety Standards Bill 2005, which were dealt with together; the Occupational
Health and Safety (Commonwealth Employment) Amendment Bill 2005; and the Occupa-
tional Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Work-
places) Bill 2005. Labor opposed each of these bills, and for good reason. Each of these occu-
pational health and safety bills reduced, compromised or put at risk the occupational health
and safety conditions of Australian workers in their workplaces.

The bill we are debating today is no different. The bill before us is the government’s re-
sponse to recommendations by the Productivity Commission that changes in this area were
needed. Historically, the overriding objective in the evolution of OH&S policy in this country
has been the prevention of workplace injury and illness. This has been a principle that has
historically underpinned state and federal legislation in this area. Of course, over time this has
led to the evolution of different OH&S regulatory regimes and workers compensation
schemes across Australia.

Given that the total economic cost of work related fatalities, injuries and illnesses to the
Australian economy is in excess of $31 billion every year, this should perhaps be of little sur-
prise. We expect that for those employers with operations around the country, complying with
different state based legislative requirements can be a significant cost burden also. It is logical
that national uniformity in OH&S regulation should be a priority objective. Looking at the
existing system, it is understandable that changes in this area are warranted—which brings us
to the detail of the bill itself.
It is worth mentioning the operation of the two acts which this amendment bill seeks to amend. Currently the Safety, Rehabilitation and Compensation Act allows for premium based workers compensation schemes for Commonwealth employees. Importantly, it enables former Commonwealth authorities and eligible private sector corporations to obtain a licence to self-insure under the scheme. Most Commonwealth authorities are covered by both the Safety, Rehabilitation and Compensation Act and the Occupational Health and Safety (Commonwealth Employment) Act. Former Commonwealth authorities can remain covered by the provisions of the Safety, Rehabilitation and Compensation Act by obtaining a self-insurance licence. Failing this, under the current system, they default to coverage under the relevant state or territory workers compensation legislation. In the event that the Commonwealth retains at least a substantial interest in a corporation, that corporation could remain covered by the Occupational Health and Safety (Commonwealth Employment) Act by virtue of its meeting the definition of a Commonwealth authority under that act, whereas a former Commonwealth authority cannot be covered by the Occupational Health and Safety (Commonwealth Employment) Act.

While it is the case that private corporations can currently be licensed under the Safety, Rehabilitation and Compensation Act—and there are currently five, employing approximately 15,000 people, according to figures provided to Comcare—it is also the case that they are not subject to the Occupational Health and Safety (Commonwealth Employment) Act. OH&S obligations for these corporations are provided by the different state and territory OH&S legislative frameworks. Similarly, in the case of privatised former Commonwealth authorities, while they retain Safety, Rehabilitation and Compensation Act coverage there is no scope for coverage under the OHS(CE) Act, therefore preventing former Commonwealth authorities licensed under the Safety, Rehabilitation and Compensation Act from having integrated occupational health and safety and workers compensation arrangements.

Under this situation, the OH&S arrangements directed to the prevention of workplace injury are also subject to state and territory OH&S legislation while rehabilitation and workers compensation arrangements are subject to Commonwealth legislation. In other words, while certain private sector corporations can retain or obtain workers compensation coverage under the Commonwealth scheme through a self-insurance licence, there is no corresponding mechanism for them to obtain coverage under the Commonwealth occupational health and safety scheme itself.

The OH&S (Commonwealth Employment) Act provides the legal basis for the protection of the health and safety of Commonwealth employees. It does not, however, apply to former Commonwealth authorities and private sector corporations that become licensed self-insurers on account of the fact that they are not Commonwealth employers. This has created the situation where former Commonwealth authorities and licensed private sector corporations currently operate under the Commonwealth workers compensation regime but are covered by relevant state and territory occupational health and safety legislation in the jurisdictions in which they operate. In the current circumstances, corporations which could consider applying for Safety, Rehabilitation and Compensation Act coverage but are unable to be covered by the OH&S (Commonwealth Employment) Act are as follows: Commonwealth authorities in the process of privatisation which wish to continue their workers compensation coverage post privatisation through the SRC Act licensing arrangements, former Commonwealth authorities...
that have left the Commonwealth scheme and operate under state or territory schemes but are unable to return to the SRC Act coverage after ministerial declaration and SRC Commission approval of a licence application, and corporations which operate in competition with existing or former Commonwealth authorities.

Under the SRC Act, the minister currently has the ability to declare that corporations carrying on business in competition with an existing or former Commonwealth authority are eligible to apply for a self-insurance licence. In the event that such competitors were to be licensed under the Safety, Rehabilitation and Compensation Act for workers compensation purposes they would still remain covered by state and territory OH&S safety legislation. The Productivity Commission argued in its inquiry report that this situation may place those businesses at a competitive disadvantage where they would be required to comply with up to eight separate sets of state and/or territory occupational health and safety legislation and associated compliance costs, compared to a Commonwealth authority which is subject to the Commonwealth regulatory framework. In other words, the Commonwealth legislation is seen as providing a barrier to competitive neutrality for those corporations. It is of little surprise, then, that in its report National workers' compensation and occupational health and safety frameworks of 2004 the Productivity Commission recommended that the Australian government amend the Occupational Health and Safety (Commonwealth Employment) Act to enable corporations that are licensed to self-insure under the Australian government’s workers compensation scheme to elect to be covered by the Australian government’s occupational health and safety legislation.

The Productivity Commission considered that this would increase the administrative savings for multistate corporations and allow for greater coordination and feedback between the workers compensation and OH&S regimes. Indeed, as the Productivity Commission itself observed in its report National workers’ compensation and occupational health and safety frameworks of 2004, this can make it difficult for business with national operations to develop a national approach to OH&S. The government’s response to this has been to support the Productivity Commission’s recommendation ‘to enable those employers who are licensed to self-insure under the Australian government’s workers compensation scheme to elect to be covered by the Australian government’s occupational health and safety legislation’ with the modification that there should be mandatory coverage under the OH&S(CE) Act for non-Commonwealth employers who gain a self-insurance licence under the SRC Act. As a consequence, the amendment bill before us seeks to extend coverage of the OH&S (Commonwealth Employment) Act to multistate employers while licensed under the Safety, Rehabilitation and Compensation Act 1998 for self-insurance purposes.

The bill also seeks to ensure that Commonwealth authorities licensed under the Safety, Rehabilitation and Compensation Act but not covered under the OH&S (Commonwealth Employment) Act are then covered by that act. The bill makes provision to allow Comcare to charge all Commonwealth authorities an occupational health and safety contribution for the administration of the Occupational Health and Safety (Commonwealth Employment) Act and would also validate payments purported to have been made under the SRC Act by some licensees and Commonwealth authorities for OH&S contributions in the 2002-03 financial year. The OHS and SRC Legislation Amendment Bill 2005 seeks to allow corporations licensed as

The government has also sought to make other amendments. Some amendments seek to correct a drafting oversight in amendments made in 2001 to both the SRC Act and the OH&S (Commonwealth Employment) Act. Those amendments placed the provisions for regulatory contributions for both acts in the SRC Act itself. However, because both those acts contain different definitions of ‘Commonwealth authority’, a regulatory contribution towards the costs of administering the OH&S (Commonwealth Employment) Act cannot currently be charged to some Commonwealth authorities covered by the OH&S (Commonwealth Employment) Act but not by the SRC Act itself. These amendments seek to correct this and certify payments already made for the year 2002-03. The 2001 amendments also reorganised the licensing arrangements under the SRC Act and introduced one generic licence. As a result, some licensees were charged and paid licence fees for the year 2002-03 under the wrong licence provisions. While the amounts were later recalculated under the correct provisions, the amendments will also certify those licence fees as originally paid.

Under the government’s proposal, the costs borne by Comcare to administer the OH&S (Commonwealth Employment) Act in relation to private sector corporations would be covered by an OH&S contribution included in the corporation’s self-insurance licence fee. OH&S contribution costs would not be borne by the Commonwealth from revenue. The government argues that it is preferable to have an integrated approach to workers compensation and occupational health and safety by providing for all organisations covered by the SRC Act through the licensing arrangements to be covered concurrently by the OH&S (Commonwealth Employment) Act.

The government argues that its own OH&S regime should open up access to give those businesses granted a self-insurance licence under the SRC Act scheme a single set of national occupational health and safety rules. Taken in isolation, the government’s amendments seeking to create a uniform national occupational health and safety regime appear to be a sensible housekeeping measure. However, as with all things to do with industrial relations, the effects of the government’s changes are a double-edged sword. There may be significant merit in introducing a simplified national system for occupational health and safety reasons but, as drafted, these changes unreasonably diminish occupational health and safety conditions.

To prove this point, any detailed consideration of this bill must be done in conjunction with earlier government amendments made to the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005, which removed the need for employers—government agencies—to negotiate occupational health and safety agreements with unions and employees through the introduction of so-called management arrangements. Labor opposed those amendments because, firstly, through the introduction of the so-called management arrangements, they removed the need for government agencies to negotiate occupational health and safety agreements with unions and employees; secondly, they removed all references to unions and replaced them with ‘employee representatives’, defined as either a registered organisation or a workplace staff association, who must now be invited into the workplace by an employee; thirdly, they required that an employee invite an employee representative to initiate an occupational health and safety investigation of a workplace, where previously a union could make such a request directly to Comcare; fourthly, they required that employee repre-
sentatives involved in developing OH&S management arrangements be issued with a certificate, valid only for a 12-month period, by the Chief Executive Officer of Comcare; and, finally, they empowered employers to conduct the election of employee health and safety representatives, a role that was previously conducted by a union or a person specified by the National Occupational Health and Safety Commission, which the government has abolished.

On top of these concerns, we on this side are also concerned about a number of negative implications in the government’s actions through this proposed bill. These include the fact that entitlements under Comcare may vary compared to those of other states and territories; that the movement of large, multistate employers to the Comcare administered national system could mean that premium revenue would be lost by the states and territories, leaving employers who remain in state and territory systems facing higher premiums in the future; and that a reduction in premium pools in states and territories, in turn, would place increased pressure on entitlements for injured workers and employees. We are also concerned about the privacy considerations of individual employees. Human resources departments of employers who self-insure will have access to information on employees that, under state and territory schemes, only insurance companies would have access to.

In conclusion, Australian trade unions have a strong and long track record of protecting employees from unsafe work practices and places; in this country, there is a huge need for that to continue. Unfortunately, this legislation takes the same approach followed by the government’s broader approach to industrial relations changes, which is to delegitimise the role of unions in the workplace—the role of workers’ representatives. The combination of the OHS and SRC Legislation Amendment Bill 2005 with the Occupational Health and Safety (Commonwealth Employment) Act 1991, as amended in 2005, has very serious implications for the future involvement of organised labour in occupational health and safety issues at the workplace level.

Taken together with the amendments made to the Occupational Health and Safety (Commonwealth Employment) Act 1991, the OHS and SRC Legislation Amendment Bill 2005 will extend limitations on union participation in occupational health and safety issues to non-Commonwealth, multistate employers who successfully apply for a self-insurance licence under Comcare. This is bad news for Australian workers and, ultimately, it is potentially bad news for Australian workplaces as well. It is clear that health and safety outcomes are dependent on high levels of worker participation and union support; they are also highly dependent on cooperation in the workplace. Simply put, removing the role of unions and replacing it with a management driven process, which will lead to less safe and less healthy workplaces, is just not good.

As I have said in this place when debating the government’s amendments to occupational health and safety legislation, unions have a legitimate role to play in the monitoring and enforcement of occupational health and safety matters in the public sector. However, it is not just the public sector where the role of unions is important. Despite what this government may want to think, unions have a legitimate and very important role to play in occupational health and safety matters also in the private sector. While in many instances the involvement of the union will not be warranted, it is undeniable that they exist as a safeguard for the protection of occupational health and safety terms and conditions. By extending the coverage of the Occupational Health and Safety (Commonwealth Employment) Act to multistate national employ-
ers, the government is effectively seeking to bar union involvement in those workplaces covered by this legislation. That is completely unacceptable and it is why we oppose this legislation.

Mr HENRY (Hasluck) (10.20 am) — The Productivity Commission’s report No. 27, National workers’ compensation and occupational health and safety frameworks, recommended that the Australian government amend the Occupational Health and Safety (Commonwealth Employment) Act to enable those employers who are licensed to self-insure under the Comcare scheme to elect to be covered by the Australian government’s occupational health and safety legislation. The OHS and SRC Legislation Amendment Bill 2005 implements the government’s response to that Productivity Commission report. Corporations licensed under the Safety, Rehabilitation and Compensation Act 1988 will also be covered under the Occupational Health and Safety (Commonwealth Employment) Act 1991.

This bill ensures that all Safety, Rehabilitation and Compensation Act licensees, both corporations and Commonwealth authorities, are covered by the Occupational Health and Safety (Commonwealth Employment) Act for occupational health and safety purposes. At present, Commonwealth authorities and licensed private sector corporations which operate under the Commonwealth workers compensation scheme are covered by state and territory occupational health and safety legislation within the jurisdictions in which they operate. This makes it unnecessarily difficult for many firms to develop a national approach to occupational health and safety and can result in the requirement that they comply with eight separate and quite distinct occupational health and safety jurisdictions.

The amendments in this bill will provide all licensees under the Safety, Rehabilitation and Compensation Act with the benefits of operating under one occupational health and safety scheme, together with integrated prevention, compensation and rehabilitation arrangements. This will produce better health and safety outcomes all round for the employees of the affected bodies. These amendments will enable greater coordination and feedback between the workers compensation and the occupational health and safety arrangements. The time and resources currently expended in addressing jurisdictional boundary disputes caused by multiple compliance regimes can be better redirected to achieve greater overall efficiencies.

Importantly, savings can be devoted to further improving health and safety in the workplace. All Safety, Rehabilitation and Compensation Act licensees will be covered by the Occupational Health and Safety (Commonwealth Employment) Act. These will include Commonwealth authorities and non-Commonwealth licensees. The title of the Occupational Health and Safety (Commonwealth Employment) Act will be amended to the Occupational Health and Safety Act 1991. This will take into account that non-Commonwealth entities will now be covered. It will ensure Comcare’s ability to levy from all Commonwealth authorities a contribution towards the administration of the occupational health and safety act. As it currently stands, the definition of a Commonwealth authority is different in the Safety, Rehabilitation and Compensation Act. This prevents Comcare from levying a contribution from entities not covered by the Safety, Rehabilitation and Compensation Act but covered by the Occupational Health and Safety (Commonwealth Employment) Act.

It is important that this bill be introduced in order to (a) provide certainty to Telstra in the event that they are fully privatised—the Telstra (Transition to Full Private Ownership) Bill 2003 removed Telstra from schedule 1 of the Occupational Health and Safety (Common-
wealth Employment) Act, so it is no longer deemed to be a government business enterprise for the purposes of the act; and (b) provide coverage for Optus, which, although self-insured under the Comcare scheme, does not have coverage under the Occupational Health and Safety (Commonwealth Employment) Act because it does not fit the definition of a Commonwealth authority or government business enterprise.

Recent mischievous campaigns against the Workplace Relations Amendment (Work Choices) Act 2005 have incorrectly asserted that workplace safety will be compromised by promoting greater flexibility in the workplace. While Work Choices will result in more workers moving to the federal industrial relations system, the reforms will not impact on state and territory jurisdiction over workers compensation and occupational health and safety.

Legislation imposes a duty of care on employers to protect the health and safety of their employees. This duty of care includes providing a safe working environment and safe systems of work and encompasses risks associated with fatigue. As is currently the case, employers, employees and their representatives will need to be conscious of their responsibilities under the occupational health and safety legislation in negotiating any change to working hours arrangements, including overtime and rest breaks.

The economic cost of workplace accidents to workers, employers and the community is currently estimated to be in excess of $30 billion annually or some five per cent of gross domestic product. The responsibility for this must be shared by all stakeholders. We must all act to make continual improvements. The answer is not to introduce laws that are punitive and which punish the employer above all else. The best way to address this issue is by promoting a culture where there is greater cooperation between employers and their employees. In this respect, it is the Commonwealth that is leading the way in promoting an environment in which employers and employees are encouraged to take a cooperative approach to identifying and eliminating hazards that may cause injury or death.

The Australian government is strongly committed to improving occupational health and safety outcomes in all Australian workplaces. Improvement in Australia’s occupational health and safety performance can be achieved through governments, employers and employees taking a cooperative and non-adversarial approach to workplace health and safety issues. The coalition—

Dr Emerson—Mr Deputy Speaker, in accordance with the standing orders, I would like to ask the member for Hasluck a question in relation to the legislation.

The DEPUTY SPEAKER (Mr Wilkie)—Will the member for Hasluck accept a question?

Mr HENRY—No, I will not. The coalition has a proud record regarding its commitment to improving occupational health and safety in every Australian workplace. The coalition further demonstrated its commitment in this area by initiating the development of the National Occupational Health and Safety Strategy in 2002. Signatories to the strategy, along with the Australian government, included all state and territory governments as well as the ACTU and the Australian Chamber of Commerce and Industry. The strategy seeks to improve Australia’s occupational health and safety performance over the next decade. In addition, it will foster sustainable and safe enterprises that prevent work related death, injury and disease.
The strategy set down five important national priorities: reducing high incidence and severity risks, improving the capacity of business and workers to manage occupational health and safety, preventing occupational disease more effectively—

Dr Emerson—Mr Deputy Speaker, the point I wish to raise and on which I would like to ask a question is whether the member can assure small businesses of Hasluck that this legislation will not adversely affect them.

The DEPUTY SPEAKER—Does the member for Hasluck accept the question?

Mr HENRY—No, I do not. The last two important national priorities are eliminating workplace hazards at the design stage and strengthening the capacity of governments to influence better occupational health and safety outcomes.

In a country with 10 million workers, many employers ask why there are eight different and quite separate occupational health and safety and workers compensation jurisdictions. This is exacerbated by the fact that there appears to be very little in the way of consistency and uniformity across the various schemes. A number of major national corporations have made their frustrations known. The National Australia Bank has previously complained about the fact that the current state based systems result in the bank dealing with eight different pieces of legislation which provide eight different levels of benefit and eight different definitions of injury.

In order to improve national frameworks for occupational health and safety and workers compensation consultation, the government undertook to establish the Australian Safety and Compensation Council—the ASCC. The ASCC includes representatives from Commonwealth, state and territory governments as well as employer and employee groups. It provides a new opportunity to coordinate workers compensation on a national level. Unlike the National Occupational Health and Safety Commission, which it replaces, the ASCC will consider both occupational health and safety and workers compensation matters. Its main role will be to coordinate research and provide policy advice to the Workplace Relations Ministers Council. This is a national council comprised of the federal workplace relations minister and the state and territory counterparts. The ASCC met for the first time in October to discuss the council’s future priorities for moving Australia towards a more nationally consistent workers compensation framework.

Labor will oppose the bill for the sake of opposing it. They will do the bidding of the Labor states and territories, who are opposed to any corporations being able to self-insure under the Commonwealth’s Comcare scheme.

It is to be acknowledged that the unions have played an important role in the promotion of health and safety in the workplace. The ACTU played a central role in the National Occupational Health and Safety Commission and will continue to do so through the ASCC. However, I do not agree with comments made by the previous speaker, the member for Oxley, about the responsible involvement of unions in occupational health and safety. It has been very disappointing to see that the union movement has attempted to cynically exploit the grief and misfortune of people who are injured or killed in workplace accidents. I refer to the ABC’s Late-line, where the President of the ACTU, Sharan Burrow, was filmed at an ACTU campaign meeting saying:

I need a mum or a dad of someone who’s been seriously injured or killed. That would be fantastic.
Does that really demonstrate a responsible approach to occupational health and safety? I think not. Unfortunately, this demonstrates that the ACTU’s disregard for the wellbeing of workers even extends to taking advantage of family tragedies. What does it say about the union movement’s concern for workers and their families when its president states that a grieving family would be fantastic for her campaign?

The New South Wales government recently passed the Occupational Health and Safety Amendment (Workplace Deaths) Bill, where employers face up to five years jail and a $165,000 fine if they are convicted of causing the death of an employee through recklessness. It is of considerable concern that breaches of such serious and punitive laws, be they civil or criminal, are dealt with by the New South Wales Industrial Relations Commission and not a court. This state of affairs will continue, given that the New South Wales Court of Appeal recently found that there was nothing to prevent the New South Wales Industrial Relations Commission from hearing such matters.

It is even more disturbing that, under the New South Wales occupational health and safety laws, unions can prosecute employers for workplace occupational health and safety breaches and, if successful in their action, receive up to half of the fines awarded and have their legal bill paid by the employer—a great state of affairs! The New South Wales Industrial Relations Commission has fined the ANZ Bank over armed robberies at their branches, after action brought by the Financial Services Union. Patrick Stevedores were subject to an MUA prosecution for work practices that risked repetitive strain injury. New South Wales coalminers have been hit for using misleading maps prepared by the New South Wales government.

The New South Wales Labor Party is financially beholden to the union movement and relies on substantial donations from unions. When we look at this, we see that it is no coincidence that the Financial Services Union and the MUA have donated over $350,000 to the New South Wales Labor Party since 1995. This perverse situation exists only in New South Wales. In every other jurisdiction, only the relevant workers compensation authorities can prosecute for alleged breaches of work safety laws.

The Victorian government has also introduced the offence of reckless endangerment in its Occupational Health and Safety Act, carrying a potential prison sentence and large financial penalties. These states are essentially using occupational health and safety legislation to introduce industrial manslaughter laws by stealth. At least the ACT government has been more upfront in its intentions and has introduced the criminal offence of industrial manslaughter, which singles out employers for punishment despite the fact that some factors influencing occupational health and safety may be outside the employer’s control. This will serve only to discourage employers and employees from developing appropriate workplace relations and partnerships to address safety issues to ensure a benefit for all. Employers and employees will focus on defending themselves rather than progressively moving to cooperatively ensure safer workplaces.

Governments at all levels must be wary of seeking to amend or impose legislation which only serves to create uncertainties for employers. This government has introduced the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005 to exclude Commonwealth employers and employees from the application of the ACT industrial manslaughter laws or similar laws enacted in the future by other states and territories.
The Commonwealth Safety, Rehabilitation and Compensation Act allows eligible non-government corporations which meet stringent criteria to self-insure through the Commonwealth workers compensation scheme administered by Comcare. Self-insurance through Comcare enables businesses to be covered by one set of workers compensation regulations across all of Australia. For companies that employ staff across a number of jurisdictions, this is an understandably attractive prospect. The Australian government workers compensation scheme is the only scheme that provides single self-insurance arrangements, reducing costs and their compliance burden. This benefits employees by giving them access to a consistent benefit regime irrespective of their work location across Australia.

Optus were granted a self-insurance licence allowing them to self-insure through Comcare. This was in spite of considerable opposition and obstruction from the Victorian government, which tried on several occasions to stop Optus from self-insuring through Comcare and has most recently mounted a challenge on constitutional grounds which has now headed inextricably to the High Court. South Australia and Queensland will also join Victoria in this action.

If the states have an objection to companies seeking to leave their schemes and self-insure through Comcare then the onus is clearly upon the states to work together with the Australian government through the ASCC to put in place consistent and uniform self-insurance arrangements. The states and territories have to face up to the fact that, while there are eight separate workers compensation jurisdictions that provide little if anything in the way of consistency and uniformity, more and more multistate employers will seek to move to the Commonwealth scheme. I therefore support the amendment bill.

Dr Emerson (Rankin) (10.37 am)—The OHS and SRC Legislation Amendment Bill 2005 allows corporations licensed to self-insure under the Safety, Rehabilitation and Compensation Act to be covered under the Occupational Health and Safety (Commonwealth Employment) Act, which is administered by Comcare. The legislation was discussed in the last term of the parliament. I well recall the Productivity Commission making recommendations along these lines, but the small business community had severe reservations about this. It is to that matter that I will confine my remarks today.

Obviously, on the face of it, you can certainly mount an argument about this legislation moving towards a uniform national occupational health and safety regime. But really it specifically provides for businesses, multistate employers, to opt out of the state regimes and move into the federal regime that is administered by Comcare. When this Productivity Commission report was brought down, I well recall the small business community being very concerned about this, and I share those concerns. It is interesting that the legislation has now come forward in this parliament, and I do wonder about the extent of consultation with the small business community that was done by the relevant minister.

I would be surprised if the small business community at large thought this was a good idea, because, by large multistate employers opting out of state workers compensation regimes, the likelihood is that premiums will need to rise for those businesses that remain in the schemes. That would have two consequences: firstly, an obvious consequence for smaller businesses that premiums will go up, and, secondly, it would put pressure on those state schemes to reduce the compensation paid to those unfortunate enough to suffer injury or illness in their occupations.
At the time the government baulked at the Productivity Commission’s recommendations on the basis of representations from small business. Now the government is proceeding with the legislation. That is why I sought to intervene and ask the member for Hasluck whether he could assure the chamber that small businesses in his community are relaxed about this piece of legislation and feel confident that their compensation premiums will not rise. Unfortunately, on two occasions, the member for Hasluck refused to answer that question. So it is now a matter of testing with the small business community in Western Australia whether they are relaxed and comfortable, as the Prime Minister would have them, about the prospect of increased premiums associated with this measure.

I have never been one to seek to set small business against large business. I think the right philosophic approach to these matters is that we are all Australians and that we should all seek to contribute to and benefit from the prosperity of our great country. So I am not trying to set up a divide between big business and small business and say that this legislation is designed for big business at the expense of small business. But I am concerned about the impact of this legislation on the small business community. I would certainly welcome any comments from the Minister for Employment and Workplace Relations in his summing up along the lines of any assurances that he has given to the small business community that they will not be adversely affected by this legislation. Similarly, although far less likely, I would like to know whether the minister is confident that injured workers will not be adversely affected by this legislation. I see it as being very much in prospect that injured workers will be adversely affected because the premium pools in the various states will be smaller as a result of this measure. If the premium pools are smaller, that puts more pressure on those funds and, as a result, state governments will come under greater pressure to reduce compensation to those workers who are injured or who suffer illness in the workplace. That really is the core of my argument in relation to small business and injured workers.

Moving to a more philosophic statement, in all these matters where we have a federal system, it seems to be the disposition of this government to argue for a centralised system—a system that is centralised in Canberra. There is such a concept as competitive federalism. With respect to the decisions of business as to where to locate their business, the different fees and charges, as well as other matters, are relevant to those decisions. It can be good for the country that there is competition. We do not necessarily want a lowest common denominator. We do not want high fees and charges. So when you have competitive federalism you can actually get benefits out of that.

The Howard government seems to say that anything that is administered by the states must be bad and anything that is administered by Canberra must be good; therefore everything must be administered by Canberra. This Prime Minister would make Gough Whitlam blush. In the Whitlam era, the great allegation against Gough Whitlam was that he was a centralist. The Prime Minister was probably in on that criticism as a relatively young politician, but he has practised it. Everywhere you look, the Prime Minister has sought to override the states, to take control of the states. The government cannot get on with the states, so it wants to control them.

We have seen this most spectacularly with the industrial relations legislation. State systems have operated in the national interest; however, this government says that it is going to take over the state systems by using its corporations power. It is seizing control from the states...
through the use of the corporations power. That is this government’s philosophy. You can see it in schools funding and also in the creation of these technical colleges, whereby the government wants to bypass the states and create a dozen technical colleges that will not produce one graduate for at least another six years.

Mr Danby—They could fund existing technical education, couldn’t they!

Dr Emerson—That is right. Everywhere you look, you can see a very centralist government, and here is another example of that. I am not at all convinced that that philosophy is the right philosophy. What I do argue for is that, where state systems can be harmonised, they should be. That would achieve what the Productivity Commission has sought to achieve—to reduce the compliance and administration costs. Multistate employers, which have operations in different states, complain with some justification about very different arrangements for workers compensation. The answer to the problem should be sought through the harmonisation of the state arrangements rather than through the Howard government’s seizing control which, instead of providing a competitive federalism, will provide one level of government with monopoly control and will mean that there will be no competition. You will not get the best ideas or the best practice from each of the jurisdictions; instead, the Commonwealth will say, ‘We know best.’ As a consequence, it is quite possible that the premiums will rise, because you will not get the competition and therefore you will not get the efficiency. People will opt into Comcare and then premiums might rise. If the larger businesses in Australia want to do that, that is a decision they are taking with their eyes wide open, but the fundamental problem is that this will more likely cause premiums to rise in the state jurisdictions. This will be to the detriment of the state systems, to the detriment of small businesses and to the detriment of injured workers.

Finally, I am disappointed that the member for Hasluck has twice refused to answer that question. I would hope that he would return to this chamber and give an assurance that small businesses in his electorate of Hasluck will not be adversely affected. If he does not, I think there is only one conclusion that can be drawn—that he will not give that assurance because he cannot give the assurance. I see that the member for Canning is here. He speaks on behalf of small business on just about every occasion, so I will be very glad to hear him assure us that small businesses in Canning will not be adversely affected. The proof of that pudding will be in the eating. This legislation will pass the House of Representatives and the Senate. I do fear the consequences to small businesses in the electorate of Canning, in my own electorate and in Australia more generally. I fear for injured workers who remain in those state systems where, as a consequence of this legislation, premiums will rise.

Mr Hayes (Werriwa) (10.48 am)—I suppose to some extent I should start with, ‘Here we go again.’ Once again, we have a bill before us, the OHS and SRC Legislation Amendment Bill 2005, which purports to solve all problems that businesses are facing. However, if we simply scratch the surface a little, we find a different agenda revealed. Once again, the Minister for Employment and Workplace Relations has introduced a bill into this place that is cloaked in a desire to protect workers, but I have to say that, on my reading of this legislation, that is not the direct implication of the legislation.

We saw it last year through a series of amendments to the Workplace Relations Act, culminating in the Workplace Relations Amendment (Work Choices) Bill 2005, being rammed through this parliament with virtually none of the scrutiny necessary for such a change. We
also saw it with the Orwellian titled Building and Construction Industry Improvement Bill and we saw it with the similarly euphemistically titled Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill.

We see it again as the government tries to use its response to the Productivity Commission’s report National workers’ compensation and occupational health and safety frameworks of June 2004. I oppose this legislation because it is aimed at anything but improving the occupational health and safety of working Australians. I am sure that we will hear speakers opposite—if they have already spoken, I am sorry I have missed their speeches—leaping to the defence of this piece of legislation with vigour. No doubt members opposite have said that this bill is a win for business, particularly small business, as the member for Rankin has just been remonstrating about with the member for Hasluck. I am sure that members opposite will have been convinced simply by receiving their slick brief from the minister’s office that there is nothing in this bill that will harm or detract or be deleterious to the working conditions of Australian workers and that the simple production of this bill is the government’s response to the report of the Productivity Commission.

We will hear how tough it is for businesses to comply with the eight different jurisdictions and how life would be so much easier if they could deal with a single set of rules and a single set of regulations. There is a downside to all of this. When taken in isolation, the government’s amendments seeking to create a uniform national occupational health and safety regime, as one who was a practitioner in this area, appear to have a certain sensibility—on face value I would have to admit that they make sense. However, if you drill down into the bill, as you have to with most pieces of legislation introduced in this place, you come to realise that the devil is in the detail. Just as people are able to scratch the surface of the government’s industrial relations reform and see that the reforms proposed in the name of small business actually had nothing to do with small business and had everything to do with advancing the agenda of big business, similarly, a level of consideration to this bill will reveal that it will not improve occupational health and safety for working Australians. I do not think it will meet the government’s intended position in relation to small business compliance either.

Occupational health and safety and the risks to people as they work are very real and serious issues and should be treated as such. To put the issue of occupational health and safety into context, one only needs to look at the numbers of people who are either injured or killed—unfortunately it does happen. When we look at what happens in this country, there is a serious cause for concern. This is why we should take this not as a budgetary response, not as a cost-saving response, but as a serious view directed towards the betterment of occupational health and safety conditions throughout this country.

The ILO reported that over 6,700 workers die of occupational injuries or diseases in this country each year. The ABS found that nearly 500,000 workers suffer some form of injury at the workplace each year. For me these figures strike a note of concern, as they should for any legislator who purports to be acting for the betterment of occupational health and safety in this country.

These figures, firstly, give some idea of the number of people who are impacted by injury at work, not to mention the impacts that are inflicted on the families of those who suffer those injuries. Secondly, they make it clear that there is a need to dramatically reduce the number of occupational deaths and injuries in this country. So at this point one has to consider that this
The bill is aimed, first and foremost, at reducing the compliance cost on business. It is not aimed—and this is where I take objection—at reducing the injuries to working Australians. The government, through this bill and other legislation that should be considered in conjunction with it, is willing to ignore history and the needs of workers and those businesses that do not operate in more than one state—they seem to fall outside this agenda. In fact, there are real concerns that abolishing occupational health and safety regulations and reducing compliance obligations of businesses will run contrary to the aim of reducing the number of workers who are injured each year. I have yet to see a legitimate argument that the number of injuries and deaths will be reduced as a result of changing to a national regime, particularly a non-compulsory, opt-in national regime. I have yet to see any real argument that safety conditions on the job will be improved by bringing the various state regimes into a single national arrangement, particularly when those arrangements are of a voluntary, opt-in nature.

Workers compensation schemes and occupational health and safety regulations have been developed over many years by various state and territory governments in a manner that reflects the industry mix, the economic activity, the population and the various legal structures that operate in a particular jurisdiction. Naturally under that arrangement there will always be differences, but the differences between jurisdictions do not necessarily occur without a reason. To view these differences in isolation is a spurious exercise that ignores other aspects of the various schemes that have been central to their evolution. Once again, however, we see that this government is all about being willing to ignore history, to ignore the evolution of the various regimes, with the sweeping statement that things will be ‘easier under a uniform system’.

The minister makes the claim in his second reading speech that the proposals in this bill will produce better health and safety outcomes all round, including for employees affected by these changes. I am particularly sceptical that this will be the case under the arrangement that is being proposed. We have all heard the government making similar claims about the industrial relations proposals. We have heard through the government’s $55 million propaganda campaign that having a single industrial relations system would be better for all involved. For some time now as a member of Labor’s industrial relations task force I have been visiting people in Launceston, Townsville, outer metropolitan Brisbane and suburbs of Perth and Darwin, and I can tell you that the overwhelming response has been that people do not trust what is being put to them. People are concerned not simply for their own industrial welfare but for the plight of their children and families as their rights are driven into the ground by this government’s move to have a form of industrial legislation which it says will be ‘easier’ for everybody. It will be easier—easier for employers to use the situation to drive down, as the Chief Judge of the Industrial Relations Commission has recently said, the wages and conditions of those most vulnerable in society. True it is that people are very concerned out there.

People in my electorate have signed petitions and spoken to me about their opposition. They do not believe that benefits will flow to them after the unification of various state systems, as has been proposed by this government. I certainly find it difficult to believe that working Australians will see any benefit when it comes to the unification of occupational health and safety regulations for large businesses operating in multiple states. This is the point: we are talking about large businesses. We are not to be taken in by what is being said in
relation to small business compliance. We are—make no mistake—talking about large businesses that operate in more than one state or territory jurisdiction.

The real risk is that the impacts will be felt by every single employee and employer throughout this country. There are serious consequences for employers who will remain in a state system after the multistate businesses—the corporations that are sizeable enough to work in the various state and territory jurisdictions—leave. There is going to be a financial void in the state system as a consequence of their removal. The employers who will feel the effect will generally be small businesses. As a direct result of this wonderful new approach, they are likely to find that the largest contributors to the pool of insurance at a state level leave and someone will have to make up the shortfall in those insurance premiums. And guess what: that someone will be the small businesses that remain in each of the state and territory jurisdictions. Changing the mix of insurance premium revenues will have adverse consequences for those remaining in the state and territory systems—those employers that only operate in each of those state and territory systems. As I say, in the main those employers will be the small businesses of this country.

One way or another, the shortfall in revenue will have to be dealt with. There are only two options. First, the premiums of businesses that remain will have to go up. I would have thought that the potential for this sort of impact on small business alone would have resulted in the Minister for Small Business and Tourism opposing these changes. I have to say that the minister is constantly criticising state governments, particularly the New South Wales government, on reducing compliance costs for small business. Will she support legislation that is likely to have a real and direct impact on the state and territory workers compensation scheme insurance premium costs faced by the very same small businesses? I do not know about you, Mr Deputy Speaker, but if I were a small business operator I expect that I would want the minister who represents me to have spoken out on these changes and acted to ensure that the level of workers compensation premiums that I would pay would be protected. There are no guarantees in this legislation. There is no compensation for those who are going to be hit by increased charges as a result of the departure of those larger organisations that operate in more than one state.

Once again, the minister for small business is keen to criticise other governments for not doing enough to help the small business community, while supporting her colleagues in their efforts to actively undermine small business in favour of large, multistate corporations, as we are seeing in this piece of legislation before us today. This government talks a lot about supporting the small business community but, when it comes to the crunch, it really fails to deliver. Increasing premiums of small business operators is only one possible outcome to accommodate the premium revenue shortfall. The other one is probably more serious because it is a reduction of entitlements of injured workers. Sadly, history informs us that this will probably be the option that is adopted.

One should not consider this bill in isolation. Despite it being introduced as a stand-alone piece of legislation and despite it seeming to be, as I said from the outset, a sensible resolution or proposition, this bill must be seen in the context of changes that have been recently introduced in the Occupational Health and Safety (Commonwealth Employment) Act 1991. When a light is shone on this bill, its contents and its interaction with the changes that have been previously debated in this place, you can see that, in addition to its agenda of lowering worker
entitlements, the agenda of this bill is once again to drive a stake through the heart of the union movement. That is clearly revealed in the bill that is before us.

Amendments have already been made to the Commonwealth occupational health and safety laws that remove all reference to unions, replacing them with employee representatives which can be either a registered organisation, as in a union, or an unregistered staff organisation—some form of loose congregation of people in the workplace et cetera. These changes to the Commonwealth occupational health and safety laws also require the employee to invite employee representatives into the workplace. While unions were previously allowed to request, for instance, a visit from Comcare to investigate a matter, now it falls to an individual employee to initiate such requests.

These changes are aimed at creating an environment in which it is particularly difficult to get people who have a degree of expertise in considering occupational health and safety issues into the workplace. They are aimed at making it as difficult as possible for union representatives to bring occupational health and safety breaches and concerns to the attention of the relevant authorities. And they are aimed at making sure that individual employees have to take sole responsibility for initiating everything—a change probably developed with the secret hope that no individual employee would run the risk of jeopardising their future employment by raising occupational health and safety concerns.

I find it difficult to believe that a multistate firm faces significantly higher compliance costs as a result of having to deal with multiple occupational health and safety regimes. On the contrary, it seems to me that the real agenda here is a reduction in the level of protection of entitlements for employees. A reduction in compliance costs should not come at the expense of entitlements for working Australians. I oppose this bill and I give notice that I will continue to oppose each and every bill that this government presents between now and the next election that is designed to do nothing more than continue down the ideological path of an anti-worker agenda.

Mr PRICE (Chifley) (11.08 am)—I too rise to speak against the OHS and SRC Legislation Amendment Bill 2005. It is a privilege to follow the member for Werriwa, a staunch advocate for workers through his industrial career and also as a parliamentarian. I commend him and the task force on the good work they are doing to access the views of the people of Australia about this government’s extreme industrial relations reforms.

I said I opposed this bill. I am driven to it—although I would ordinarily be inclined to oppose it—by the sad death of a 16-year-old lad from Doonside, Joel Exner, who, tragically, on his first or second day of employment, fell to his death. It caused a tremendous reaction from the students at Doonside Technology High School and the Doonside community, and of course it has had a statewide impact. Joel, I am up here again saying we need to do more about occupational health and safety. Wouldn’t you think, Mr Deputy Speaker, that this was one area where both sides of politics could agree?

It is estimated by the International Labour Organisation that there are 6,700 work related deaths per year in Australia. I find that figure astounding. Someone may say that is wrong. Even if it was one death, it is one death too many. Surely members of parliament, whether they are Labor, Liberal, Nationals or Independent, could join together and seek to have better and safer workplaces. I have to say, whatever you say about the trade union movement—and this government has an ideological hatred of them—they have done good work in the area of
 occupational health and safety. Over the last couple of decades, there have been significant improvements in occupational health and safety, but an estimated 6,700 deaths is just too many.

If that figure does not move you, the Australian Bureau of Statistics suggests that there are nearly half a million workers who suffer injury or illness each and every year. Again, that is far too many. Couldn’t we have a debate about how we could reduce these figures, how we could make workplaces safer and how we can ensure that, when mum, dad or the young people of Australia set off to work of a morning, they can be confident that they will return safe from death and safe from injury? This bill is not about any of this. It continues this government’s extreme ideological obsession with and legislation about industrial relations and perpetuates its hatred of trade unions. It seeks to reduce their role in the area of occupational health and safety. It is an area in which trade unions—not so much the secretaries of trade unions or the organisers but the occupational health and safety work delegates—have done such a good job in trying to improve our Australian record.

I am a bit surprised at some of the impacts that this bill will have. It means that a number of corporations are now going to self-insure. We know what this government’s record is when it comes to regulatory authorities. We only have to look at the sad fiasco of HIH and how citizens’ money was squandered. We have even had a royal commission into it. As a result of the royal commission, criminal charges were laid against the directors, but the regulatory authorities were not up to the mark. Who believes under self-insurance that workers are going to be better off or that there will be money available in the event of one of the 6,700 deaths or some half a million workers who incur injury or illness? I certainly do not believe that.

The interesting thing is that the Commonwealth does not have its own force of safety inspectors. I am not particularly critical of that but, if you are using the state government safety inspectors, aren’t those people who actually have a look and see what the problem has been at the work site the best people to determine whether or not charges should be proceeded with? Shouldn’t those state organisations have the ultimate responsibility to say, ‘Yes, we’re prosecuting’? If you do not own the inspectors, why do you want this prosecution role? I do not understand that at all.

The truth about the results of this legislation, this extreme industrial relations agenda that the government has, is that more workers will now be exposed to Comcare’s low cap on pain and suffering damages. There will be low lump sum payments for permanent impairment. How are workers better off under this regime? I understand only too well the on-costs associated with workers’ compensation that are faced by business, and in particular by small business. But I do not believe that this is the best solution that we can find.

I repeat that the death of Joel Exner in my electorate has had a profound impact on the whole community—in particular, the Doonside community. I would like to have a debate about how we can tighten rules for occupational health and safety. I think it is legitimate to have a debate about whether criminal negligence provisions should be applied to people who knowingly have unsafe workplaces that cause these deaths and which have resulted in half a million injuries. Why can’t we have a debate about what is a reasonable target to aim for in reducing industrial deaths? Why can’t we have a debate about what is a reasonable target to aim for in terms of workers suffering injury or illness as a result of going to work?
Some fundamental things about Australia are changing. The old idea that you went to work and, for a fair day’s work, you copped a fair day’s pay, is going. People think that when they go to work, they will come home to their wife or husband and to their children. Even grandparents are now worrying about their grandchildren in their work opportunities. And in this era of industrial law, they are worried about their safety. This does nothing to allay anyone’s fears. If this is the balance that the Prime Minister talks about when he talks about his extreme industrial relations agenda, it is all one way. As the honourable member for Werriwa said, it is all one way against the worker.

I am in favour of balance. I do not think that everything should be in favour of the worker, but there is no balance here. It behoves us all—you, Mr Deputy Speaker Wilkie, the members on this side, the member for Shortland and the member for Melbourne Ports, as well as the member for Canning—to work in the national interest and to find those balances. That is what the people of Australia expect. When elections are held, they expect that all parliamentarians will act in the national interest for the benefit of all the citizens of Australia—not for sectional minorities, and not in order to bring up historical gripes that a Prime Minister may have suffered over more than 30 years in public life. Unfortunately, this is what we are getting.

I will finish on this point: I have always said that I think, by and large, the people of Australia, when they go to the polls, get it right. And I will say about this government that the people of Australia will take a dim view of extreme agendas. They will take a dim view when they see that there is a lack of fairness and balance in what is being done. They will take a very dim view of the arrogant use of power, the drunkenness of power, that has come to the coalition with the control of the Senate and the House. You can gloat here, you can score your points here, but beware of the people of Australia when they next go to the ballot box.

Ms HALL (Shortland) (11.19 am)—I would like to concur with the words of the member for Chifley and congratulate him on making such a well-argued contribution to this debate. His contribution highlighted many of the concerns that we on this side of the parliament have about the direction this government is going in with not only occupational health and safety but also workplace relations and any issue or law that relates to the workplace.

This government has a very poor record in the area of OH&S. I have made contributions to many of the debates that have looked at the changes that the government has forced upon workers who are covered by Comcare and those who are covered by the Commonwealth employment act. I have to say that, under this government, the laws have been weakened and changed to such an extent that I have real concerns. As somebody who has actually worked in the area of rehabilitation, with workers who have been injured and were covered by Comcare, I find it very disturbing that what was once I think possibly the best scheme available in Australia for workers injured at work has now been changed to such an extent that it does not provide the protection that workers need and deserve. It actually works against the rehabilitation process.

This piece of legislation that we are debating today—the OHS and SRC Legislation Amendment Bill 2005—allows corporations licensed as self-insurers under the Safety, Rehabilitation and Compensation Act 1998 to be covered under the Occupational Health and Safety (Commonwealth Employment) Act. It will be administered by Comcare. This is hardly legislation about occupational health and safety and ensuring proper coverage for workers who are working in those precincts that are going to be covered by this legislation.
While I am making this short contribution to the debate, I would just like to mention a number of negative implications of the government’s changes to occupational health and safety. In doing so, I would have to say that a number of these implications have also been identified by the ACTU. Entitlements under Comcare vary to those of other states and territories. As I mentioned at the start of my contribution to this debate, Comcare, I thought, was once the best coverage that was available to injured workers in Australia—I was comparing that to WorkCover and other workers compensation legislation. Unfortunately, that has changed drastically and dramatically under this government.

As to consequences for employers remaining in state OH&S systems, the movement of large multistate employers to Comcare administered national state schemes could mean that premium revenue lost by states and territories would leave remaining employers to face higher premiums in the future. Given the government’s workplace relations legislation, I think that is a real concern. Reduced premium pools in states and territories will in turn place increased pressure on entitlements for injured workers. There are privacy considerations for individuals. Human resource departments of employers who self-insure will have to have access to information on employees which, under state and territory schemes, only insurance companies could have access to. They are real concerns.

Along with those concerns I have concerns that the amendments already made to the act—amendments I have mentioned previously—remove the need for employers and government agencies to negotiate OH&S agreements with unions and employees through the introduction of so-called management arrangements. I made a contribution when that was debated in the House, and I stand by what I said at the time. I think that members on this side of the House have serious concerns about that change. Also, all reference to unions has been removed and replaced by ‘an employee representative’, which once again shows that this government is not driven by what is best for the workers and for Australia as a whole; rather, it is driven by its ideological hatred of unions. Everything this government does is driven by this. It is not looking at what is going to deliver the best outcomes as far as workplace safety is concerned.

Employee representatives must be invited into the workplace by an employee, which this government makes as difficult as possible. Where previously a union could make a request to Comcare to investigate a workplace, an employee must now invite an employee representative to initiate that investigation. I have to say that the role played by the unions was very valuable in ensuring that a workplace was safe. It was a proactive move and something that in the past prevented many workplace injuries. Employee representatives involved in developing OH&S management arrangements must be issued with a certificate by the CEO of Comcare which is valid for only 12 months. Finally, employers are allowed to conduct the election of employee health and safety representatives, a role previously conducted by a union or a person specified by the National Occupational Health and Safety Commission.

My contribution to this debate is intended only to be short. I believe this legislation is not what occupational health and safety should be about. This legislation is not about improving safety in the workplace; rather, it is just more of the same for a government that is driven by an ideological hatred of unions.

Mr BRENDAN O’CONNOR (Gorton) (11.28 am)—I rise to oppose the OHS and SRC Legislation Amendment Bill 2005 and associate my comments with the member for Shortland, who quite rightly has said that the motives behind this and associated legislation are as
much about removing the status of unions in workplaces in occupational health and safety matters as about anything else.

On the terms of the bill there are some provisions that I think are quite sensible. I accept that the bill allows corporations licences—self-insured—to be covered. Those currently self-insured under the Safety Rehabilitation and Compensation Act are to be covered under the Occupational Health and Safety Act 1991. I also know that the bill seeks to ensure that relevant Commonwealth authorities that may be licensed are also covered. There is an issue as to whether or not that is a good thing. There are merits in the arguments there. However, as I stated earlier, the concern I have with much of the occupational health and safety legislation being put forward by the Commonwealth in this term, at least, is that there is also a very pernicious motive or intent—that is, to diminish the standing of unions that are registered under the Workplace Relations Act or the Work Choices act.

That to me is a dreadful consequence. The member for Shortland was correct when she said that there was a real problem in seeking to weaken employee representatives. I also note that there has been an expunging of the word ‘union’, as if by taking ‘union’ out of every piece of legislation you can actually remove them from the face of the planet. I know that that would be one of the wet dreams of the Prime Minister, but the reality is that the unions have been in this country since prior to Federation and will be here well after the Prime Minister is gone and buried—indeed, well after all of us are gone.

Whilst I can quite understand a tory government, a conservative government, an anti-union government, not wanting to do any favours to organisations that try to represent working people, particularly those that are affiliated to a political party that sees itself as the government’s opponent, I cannot understand the extent and nature of the assault upon these organisations. Show me a country with an absence of unions and you will usually find either a fascist dictatorship or a Soviet style communist regime which seeks to smash any organised workforce. The greatest assaults upon organised labour have occurred in extreme countries of either the supposed Left or Right. That is the reality.

Whilst those comments seem a long way away from this legislation, the ideology behind the government in expunging the word ‘union’, in trying to write unions out of legislation and in attempting to diminish the role that unions play in—of all things—occupational health and safety smacks to me of ideology being put ahead of commonsense and human decency. Whilst we may argue, and we will forever argue, about whether in fact unions play a constructive or not a constructive role in society, and whilst there will also be arguments about their role in the workplace, I find it very difficult to believe that members on the other side do not accept that unions have played a constructive role in preventing injury or death in workplaces.

Senator Murray is obviously quite a well-known, high-profile senator who has spent a lot of his energies in the areas of industrial relations and, incidental to that, OH&S matters. He has said time and time again and in many a report—and in a recent report on the OH&S proposed changes—that unions at the workplace provide a net benefit. I am paraphrasing, but effectively Senator Murray said that unions at the workplace play a constructive role and indeed are a net benefit to workers in this area.

And the converse is true: the absence of unions in many a workplace increases the likelihood of an injury. I am not suggesting that there are not non-unionised workplaces that have good health and safety records, because of course there is a multitude of factors that deter-
mine whether a place is safe or not. A good employer who focuses on health and safety will help ensure that the workplace is safe—or will at least assist in that process. I think that is clear.

It is also clear that the involvement of employees and the level of training and education given to employee representatives—including OH&S delegates—and employees at large about the potential dangers of the workplace and the need to alert the employer or others to dangers that may arise leads to a safer workplace. A culture that focuses upon OH&S matters is more likely to lead to a safer workplace. There is no doubt in my mind that a multitude of factors determines whether one workplace is safer than another down the road. It is axiomatic that—all other factors being equal—a union role in OH&S matters at a workplace will lead to a net benefit not only for the employees but also for the employer. No employer would wilfully place their employees at risk, one would hope. Certainly the majority of employers would not do that. Employers whom I know have relied upon unions to play their role in contributing to a safe workplace.

Senator Murray was correct when he said that unions taking a role in OH&S matters leads to a safer workplace. To expunge the term ‘union’ from the legislation and to diminish their role in this area—in other words, to place a greater onus on employees to alert an OH&S problem to their employer—will only lead to greater danger. Unfortunately, many people do not always feel comfortable in alerting their employer to potential problems associated with safety in the workplace because, not always at the higher level but often at the middle level, there is resistance. There are countless examples of employees knowing that there is a particular danger to someone’s health or safety in the workplace but not alerting their employer to that danger in fear of retribution. They fear being told, ‘Get on with your job; that’s not your role. Your role is to stand on that assembly line’—or to work in that shop or to attend that phone or whatever other functions they may have. In other words, their role is not to attend to potential danger to themselves or to their fellow employees. In some workplaces, if it had not been for the courage of an employee in raising a concern, an injury or even a death would have occurred.

To remove structures that have proved to be beneficial to workers’ safety and health while they work is a travesty. Whilst some provisions in this legislation are sensible on the face of them, the whole combination of government legislation in the area of OH&S seems more about diminishing the role of, and reducing the status of, registered organisations of employees than anything else. You would think that the Work Choices act was sufficient for the minister and for the Prime Minister in trying to destroy the rights of workers in this country, but to then move on to reducing the role of unions in the area of OH&S shows how belligerent, arrogant and extreme this government is.

I put up Senator Murray because he has made comments on industrial relations that I have not agreed with and that the Labor Party has not agreed with. In fact, Senator Murray was involved quite heavily in the negotiations for, and ultimately the enactment of, the Workplaces Relations Act 1996. Senator Murray made the point that OH&S will suffer if you try to take unions out of the equation unnecessarily or, indeed, wilfully. I think the government have chosen to do that in this instance. Removing references to unions is trying to suggest that they do not exist by not placing them in the legislation. For example, where previously a union could make a request to Comcare to investigate a workplace, an employer must now invite an
employee representative to initiate this investigation. Changing that onus may seem okay on paper, but that is to pretend that the actual employee representative has enormous authority to start with. They do not. When people alert an employer to a potential problem, they might be wrong. They may well be wrong. They may make a mistake. They may think something is unsafe when it is not. But let us err on the side of that mistake. Let us err on the side of being too cautious in the workplace, not on the side of being too fearful to raise the matter because it may attribute to anything these days—it could indeed lead to a dismissal.

The point is that we do not want our workforce cowed by legislation and fearful of the consequences of them raising a particular matter, especially a matter related to OH&S. I am afraid that the bill before us is seeking to weaken—maybe it is not the intent, but this is the consequence—the resolve of employees at the workplace to raise matters of concern. Any person who has worked at the workplace level, who has actually been in the real world and not just in the bubble of IR, knows that that is the fact, knows that you do need employees courageously willing to say, ‘I think we’ve got a problem here,’ and to say that to a superintendent who may be more concerned about the amount of work that is going to be completed that afternoon or that week. But they must be willing to say it. If you remove the protections afforded to them, if you create a culture where it is better to say nothing than to say something about OH&S, then I am afraid we are going to have more injuries and more deaths.

I know that is not entirely the substance of the provisions of this bill, but there are parts of this bill to be enacted that do move the OH&S environment, if you like, at the workplace level in that direction—and it is the wrong direction. Whilst I will always expect us to disagree with the government on so many things in the industrial relations area and whilst I accept that we are never going to reach agreement on all sorts of areas—and that is quite evident from the debate on the Work Choices act that we will have until election day—I would have thought that in relation to occupational health and safety the government would have shown maturity, would have been less blinkered by ideology and more concerned about the workforce, would have listened to the independent advice on the constructive role unions play in health and safety matters and would not have sought to diminish them and traduce them in the way in which they have decided to in this bill.

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (11.44 am)—in reply—I thank members for their contributions to this debate. The OHS and SRC Legislation Amendment Bill 2005, to recap, will ensure that all licensees under the Safety, Rehabilitation and Compensation Act—that is, Commonwealth authorities and eligible corporations—will have the benefits of operating under one occupational health and safety scheme, together with integrated prevention, compensation and rehabilitation arrangements. Integration of workers compensation and occupational health and safety schemes will promote greater coordination and feedback between schemes and will produce better health and safety outcomes all round. In addition, the proposed amendment to section 4 will clarify the legislative requirements for employers and employees covered by the Commonwealth act. Without this amendment, those employers and employees can be subject to both Commonwealth and state and territory laws on the very same subject matter.

These amendments are supported by licensees as they will remove a significant impediment to business profitability and efficiency—namely, the costs of administering and comply-
ing with as many as eight separate and different state and territory occupational health and safety requirements. As a result of these amendments employees will no longer be treated differently and discriminated against merely on the basis of their geographical location. Employees will have the opportunity to acquire a better understanding of their occupational health and safety rights and obligations because these will remain the same regardless of where they work. The government considers that until the states can achieve national consistency in occupational health and safety regulation, SRC Act licensees operating in more than one jurisdiction should not be subject to the complexities and costs involved in complying with a myriad of different requirements.

The amendments will not diminish occupational health and safety protection for employees covered by the Commonwealth act. The government has a proud record on its commitment to improving occupational health and safety in every Australian workplace. The government further demonstrated its commitment to occupational health and safety by initiating the development of the National Occupational Health and Safety Strategy in 2002. Under the Commonwealth act, all occupational health and safety incidents can be enforced by Comcare through the general duties of care in the act. These are supported by the existing regulations, codes of practice and guidance material to assist employers to discharge their duty of care. The Australian government believes that the bill will lead to improved workers compensation and occupational health and safety outcomes for employers and employees.

I note the comments from the member for Rankin, who is simply doing the bidding of state Labor governments in running their misleading lines. The argument that state workers compensation premium pools would be adversely affected because employers seek to enter the Commonwealth scheme is spurious. In the case of Optus, which currently self-insures under the Comcare scheme, its premiums make up only one-10th of one per cent of the Victorian WorkCover premium pool. The federal government does not need to provide any encouragement for businesses to seek entry into the Comcare scheme. The advantages of the Comcare scheme are obvious—namely, it provides one set of consistent, uniform regulations and benefits for both employers and employees. Private sector employers who operate across a number of different states and territories do not want the regulatory burden and inefficiencies that accompany having to deal with up to eight different workers compensation and occupational health and safety jurisdictions. Indeed, if anybody talks to business owners and operators in any part of this country who operate across state boundaries you will find that this is a concern which they raise over and over again.

Victoria and its state and territory counterparts could fix this problem quite easily by working with the federal government to introduce greater uniformity and consistency across all jurisdictions. I say to the states and territories, through this debate, that rather than complain about the Commonwealth trying to achieve some degree of consistency in what we are doing, they should see that the ball is essentially in their court. If they want to retain their schemes and the coverage under those schemes then they ought to look at issues like reciprocity, uniformity and consistency across the nation. The real motivation behind the actions of the states is that they make a profit out of running workers compensation schemes. In the case of the Victorian Labor government, the Victorian WorkCover Authority recently announced a profit of $669 million. This demonstrates that the Victorian government is more interested in how
much money it can make from workers compensation rather than in giving employers and employees the access that they deserve to the best possible scheme.

In conclusion, the emphasis of the Commonwealth scheme is on prevention of workplace injury rather than on punishment after the event. However, where sanctions are necessary, the Commonwealth scheme includes a strong, comprehensive and effective enforcement regime based on a wide range of civil and criminal sanctions, including tough penalties for breaches of the act. I commend the bill to the committee.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (11.50 am)—I present a supplementary explanatory memorandum to the bill. I move the following government amendment:

(1) Schedule 1, page 5 (after line 20), after item 3, insert:

3A Section 4

Repeal the section, substitute:

4 Act excludes some State and Territory laws

Exclusion of State and Territory laws

(1) Subject to subsection (2), this Act is intended to apply to the exclusion of any law of a State or Territory (other than a law prescribed under subsection (3)) to the extent that the law of the State or Territory relates to occupational health or safety and would otherwise apply in relation to employers, employees or the employment of employees.

Note: For the meaning of employer and employee, see section 5.

State or Territory laws not excluded from applying to situations not covered by this Act

(2) If, because of section 14 or 15, provisions of this Act do not apply in relation to a particular situation, subsection (1) is not intended to affect the application of State or Territory laws to that situation.

Allowing certain State or Territory laws to apply

(3) If a State or Territory law deals with a matter relating to occupational health or safety that is not dealt with by or under this Act, the regulations may prescribe the law as not being intended to be excluded by this Act.

Interpretation

(4) In this section, a reference to laws of a State or Territory includes a reference to such laws as they have effect as applied provisions within the meaning of the Commonwealth Places (Application of Laws) Act 1970.

(5) In this section:

law includes a provision of a law (including, for example, a formula or a component of a formula).

The government amendment to section 4 of the act will exempt employers and employees in the Commonwealth from the operation of state and territory occupational health and safety laws unless these are specifically prescribed in regulations under the Commonwealth act. This
amendment is necessary to clarify the legislative requirement for employers and employees covered by the Commonwealth act. The amendment is supported by licensees, as it will reduce duplication of occupational health and safety laws which apply to them. Without the amendment, those employers and employees can be subject to both Commonwealth and state and territory laws on the same subject matter.

When this act was first made, section 4, as currently drafted, had a role to play. The Commonwealth act, like all other Australian occupational health and safety laws, adopted the Robens approach of imposing general duties of care on employers, employees and others. Prescriptive provisions on particular issues were to be dealt with by regulations. As the Commonwealth had not at that stage drafted regulations on specific occupational health and safety issues, section 4 enabled state and territory regulations to address relevant issues for employment covered by the Commonwealth act in a more detailed manner. Since that time, however, the Commonwealth has implemented its own comprehensive regulations on a range of occupational health and safety issues. This has led to a situation where both Commonwealth and state and territory laws on the same issue can apply to employers and employees covered by the Commonwealth act. This is clearly unsatisfactory, as it causes unnecessary complexity and confusion.

The Commonwealth will continue to develop new regulations on specific occupational health and safety issues where this is necessary. The amendment will in no way diminish occupational health and safety protection for employees covered by the Commonwealth act. The government remains committed to the promotion of injury prevention, and best occupational health and safety practice is a key priority for the Australian government.

It will be much more effective to have occupational health and safety enforced as far as possible through a single set of rules rather than the fragmented regimes that exist at present. Under the Commonwealth act, all occupational health and safety issues can be enforced by Comcare through the general duties of care in the act. These are supported by the existing regulations, codes of practice and guidance material to assist employers to discharge their duty of care. There is now also a more effective enforcement regime in the act following its amendment by this government in 2004. These amendments introduced a strong new enforcement regime with a wide range of new sanctions, including tougher penalties for breaches of the act. I commend the amendment to the House.

Question agreed to.
Bill, as amended, agreed to.
Ordered that this bill be reported to the House with an amendment.

JURISDICTION OF THE FEDERAL MAGISTRATES COURT LEGISLATION AMENDMENT BILL 2005

Debate resumed from 1 March.

Second Reading

Mr RUDDOCK (Berowra—Attorney-General) (11.53 am)—I move:
That this bill be now read a second time.

The Federal Magistrates Court, which commenced hearing cases in July 2000, is intended to provide a quicker, cheaper and simpler option for litigants and to enable both the Federal Court and the Family Court to concentrate on more complex and longer matters.

A review of the Federal Magistrates Court’s first two years of operation was carried out in 2002-03. The review concluded that the court was making a valuable contribution to an improved federal civil justice system.

The review recommended that consideration be given to conferring on the court concurrent jurisdiction with lower level state courts in trade practices matters. It also recommended that the court be given jurisdiction to hear any civil matter remitted from the Federal Court or the Family Court in which the Federal Magistrates Court does not otherwise have jurisdiction. This bill implements those recommendations.

There are many matters that come before Commonwealth courts that are less complex and do not need to be dealt with by superior court judges. The government continues to consider proposals for new jurisdiction that may be appropriate for the Magistrates Court. This bill implements a number of such proposals in addition to those recommended by the review.

The review’s recommendation that the government consider additional trade practices jurisdiction for the Federal Magistrates Court followed the release in August 2001 of a consultation paper issued jointly by the Attorney-General’s Department and the Treasury. The consultation paper included proposals that the Federal Magistrates Court be given additional jurisdiction under the Trade Practices Act.

In March 2004, the Senate Economic References Committee report Effectiveness of the Trade Practices Act 1974 in protecting small business also recommended that the jurisdiction of the Federal Magistrates Court under the Trade Practices Act be extended. The committee believed that the court would provide a more accessible forum for small businesses to take action against companies that engage in unconscionable conduct and parties in breach of prescribed industry codes. In June 2004, the government accepted the recommendation that the Federal Magistrates Court jurisdiction should be extended to enable it to consider proceedings relating to parts IV A and IVB of the Trade Practices Act.

The court currently has some jurisdiction in relation to consumer protection matters under the Trade Practices Act. This bill contains an amendment to extend the court’s consumer protection jurisdiction to pyramid selling claims and claims involving manufacturers and importers of goods. It also confers new jurisdiction in relation to claims about defective goods, unconscionable conduct and contraventions of prescribed industry codes.

The proposed amendments also increase the monetary limit on damages by the Federal Magistrates Court under the Trade Practices Act from $200,000 to $750,000. This will make available to more litigants a simpler and more accessible forum for instituting proceedings.

The Family Court and the Federal Court may already transfer proceedings to the Federal Magistrates Court. However, a proceeding can only be transferred if the Federal Magistrates Court already has jurisdiction in relation to the matter that is the subject of the proceeding to be transferred. The bill allows for the transfer of matters in which the Federal Magistrates

MAIN COMMITTEE
Court does not otherwise have jurisdiction. This amendment implements the recommendation of the FMC review which I referred to earlier. The Federal Court and Family Court must continue to have regard to the existing factors they take into account when transferring a proceeding. Those factors include the interests of the administration of justice and the resources of the Federal Magistrates Court. The government expects few matters to be transferred under this new provision. However, the transfer of appropriate matters will ensure that matters are heard in the most appropriate court.

The amendments to the Admiralty Act would confer jurisdiction on the Federal Magistrates Court in relation to all in personam actions under the act—these are actions enforceable against the defendant personally—and confer jurisdiction in rem actions, which are actions enforceable against a ship, freight or cargo, remitted from the Federal Court or a State Supreme Court. This conferral of this jurisdiction will give litigants a simpler and more accessible forum to redress admiralty matters. The jurisdiction is also appropriate for the Federal Magistrates Court as state and territory and lower level courts already possess this jurisdiction.

The Child Support (Registration and Collection) Act allows for an aggrieved person to appeal to the Federal Court against the making of a departure prohibition order. This is an order that essentially prevents a person from departing Australia where they have an outstanding child support liability and certain other conditions are satisfied. The bill confers the same jurisdiction on the Federal Magistrates Court as is currently possessed by the Federal Court. As the Child Support (Registration and Collection) Act already confers jurisdiction on the Federal Magistrates Court in relation to other matters, the proposed amendments merely extend that jurisdiction to include the ability to hear appeals against departure prohibition orders. There are no operational or policy reasons why the court’s jurisdiction should not be so extended, as these appeals do not generally raise any complex factual or legal issues.

The Federal Magistrates Court was established because of the need for a lower level Commonwealth court that could handle less complex federal matters in a more efficient and effective way. As was the case when the Federal Magistrates Court was first established, the government is keen to ensure that all Australians and Australian businesses are provided with suitable access to the justice system according to their needs and within their means. This bill contributes to achieving the goal of a more accessible and flexible justice system.

I commend the bill to the chamber and I table an explanatory memorandum.

Ms ROXON (Gellibrand) (12.00 pm)—As the Attorney has already outlined in his second reading speech, the Jurisdiction of the Federal Magistrates Court Legislation Amendment Bill 2005 is going to amend several acts, with the effect of extending the jurisdiction of the Federal Magistrates Court. I will cover some of the detail, but, given that the main issues have already been flagged by the Attorney, I simply indicate that Labor support this bill. He has noted that the jurisdiction of the court will be extended for certain trade practices matters, any federal matters remitted from the Federal Court or Family Court, certain admiralty matters and certain child support matters. These are sensible changes which will improve the flexibility and efficiency of the federal judiciary, so we are pleased to be supporting the bill.

I note that the Attorney also referred to a number of reviews and consultations that have led to these changes being put forward in this bill. We do have one serious criticism of the bill, and that is that it has taken too limited an approach to extending the Federal Magistrates
Court’s jurisdiction over matters arising under the Trade Practices Act. The provisions in schedule 1 extending the Magistrates Court jurisdiction over trade practices matters will be a great help to small business and consumers, as the Magistrates Court has a lower costs regime than the Federal Court. As the minister noted, this follows a recommendation from the Senate Economic References Committee report on the effectiveness of the Trade Practices Act in protecting small business.

However, what the minister did not note was that the government has chosen to accept only part of that recommendation which came from the Senate references committee’s report about protecting small business. The government has refused to accept the recommendation that the FMC have jurisdiction over matters arising under sections 46 and 46A of the Trade Practices Act. Those are the sections that relate to the misuse of market power. Instead, it has limited the extended Magistrates Court jurisdiction to matters involving unconscionable conduct, industry codes, pyramid selling and actions against manufacturers and importers of goods and defective goods.

Of course, we welcome that those matters have been included in the extended jurisdiction, but we think that the gap and the selective acceptance of the recommendations from the Senate committee are going to leave small businesses at a disadvantage. Small businesses clearly do need protection from the misuse of market power. We know that they can instigate their complaints in the Federal Court, but it is exactly those small businesses that might be deterred from taking such an action by the higher costs involved in Federal Court litigation compared to a proceeding before the Magistrates Court.

It is particularly ironic that we are debating this in the very week that the government’s workplace relations changes come into effect, where the government has been pretending to be such a friend of small business. It has been advocating its changes in the industrial relations area, arguing that these are advantages for small business. I am not going to have a debate about industrial relations, although I actually think the complexity of the legislation that the government has introduced is going to be a serious cost to small business. But I flag that as a point to say that you cannot on the one hand in one policy area say that you are a friend of small business and then neglect to pick up what is a serious recommendation from a Senate references committee to extend the Magistrates Court’s jurisdiction in a number of areas to ensure that small business can have access to justice. There does not seem to be any rationale as to why the government has chosen to pick up half of the recommendations but not the other half.

Labor are going to be moving an amendment to address this gap. We have given notice to the government on that, and it will be our intention to ensure that the amendment is moved in the House and not in the Main Committee. I flag my intention to move a motion to that effect at the end of this second reading debate. I also flag my intention that the amendment that we will be moving in the House will go to this issue of extending the jurisdiction of the Federal Magistrates Court to those misuse of market power matters that the government did not pick up. This should be no surprise to the government, given that this amendment has also been moved in the other place.

Labor supports the remainder of this bill. Schedule 2 will give the Federal Court and Family Court the option to remit any matter within their jurisdiction to the Magistrates Court. This will give those courts more flexibility over how they manage their workloads. Schedule 3 is
going to amend the admiralty acts to give the FMC jurisdiction over a range of maritime claims, and they can be remitted by the Federal Court or a state supreme court. This will effectively give the Magistrates Court an equivalent jurisdiction to that held by the state and territory lower courts.

Schedule 4 will give the Magistrates Court jurisdiction to hear appeals against departure prohibition orders made by the Child Support Agency. It is appropriate that appellants against these orders should have access to a cheaper and quicker forum, such as the Magistrates Court.

Although we note these changes, with the exception of the gap that I have already indicated, we also note that the government did not take the opportunity to include in this bill a number of other matters that it could have in extending the jurisdiction of the court. Early last year, we were told that the government was planning to extend the jurisdiction of the Magistrates Court to include certain consumer protection and insolvency matters arising under the ASIC Act and the Corporations Act respectively. This is what was proposed in an exposure draft that was circulated in 2004. I ask the Attorney: where have these amendments gone? What are the government’s intentions in this area? Why have consumers and creditors had to wait longer for the government to consider its view in this area?

Similarly, we see nothing in this bill that came out of the report of the Advisory Council on Intellectual Property on extending the Magistrates Court’s jurisdiction to cover patent, trademark and design matters. The report came out in late 2003. We are now in 2006. It seems to us that this issue has possibly been put in the ‘too hard’ basket. Perhaps in summing up, the Attorney might advise where the government is at on these matters and why, although it is using this bill to extend the jurisdiction of the Magistrates Court, these other matters have not been included in this bill. We will continue to monitor these issues and look forward to seeing the government taking some action on them in the future.

Lastly, I would like to note that, obviously, these changes have the potential to significantly increase the workload of the Magistrates Court. We hope that the government is actively monitoring the workload, the resources and the performance of the Magistrates Court to ensure that on its current resources it is able to meet not only its current demands but also increases that will result from this bill. The Magistrates Court did receive an increase in resources in the last budget, which was flagged to help pay for increased family law work, but this bill will add jurisdiction which goes well beyond family law. We will be monitoring this closely, because we believe that, if these reforms are to be meaningful and the Magistrates Court is to fulfil its promise of being a cheaper, more accessible forum where people can get access to justice quickly, it needs to be resourced properly to be able to do that.

It is clear that the funding of the federal judiciary in general does need urgent government attention. I was staggered when the Productivity Commission recently found that the Federal Court’s expenditure per case finalised has recently increased by around $5,000 per case to nearly $17,000 per case in just one year from 2003-04 to 2004-05. I was even more surprised not just to find that in the Productivity Commission report but to be told by the Attorney-General’s Department in answers to questions in additional estimates that they were quite unconcerned about this matter, simply saying that they may at some stage talk to the court about this issue. Of course we understand that the courts must be responsible for the administration of their own finances, but the government always has responsibility for assessing and meeting
the overall costs of providing justice. This includes making sure that it is allocating resources appropriately across the federal courts. This bill will lighten the load of the Federal Court in terms of sheer numbers of cases and it will increase the load of the Magistrates Court. This does have resource implications. We would like to be confident that the government is going to keep an eye on the impact that its legislative decisions have on the costs of matters going before any range of federal courts. We expect more concern and government action over this issue than was evident at additional estimates.

The Magistrates Court was set up to be a quicker and cheaper forum for less complex matters, but we need to make sure that it does not develop into simply an overworked poor cousin of the Federal Court. That will not be in the interests of small business, consumers, families and others who hope that the federal Magistrates Court service can actually provide them with quicker and cheaper access to justice. Labor supports those bills, and I flag my intention to move that proceedings after the second reading debate return to the House.

Mr SLIPPER (Fisher) (12.09 pm)—Firstly, I would like to congratulate the Federal Magistrates Court for its success over the past five years in its handling of less complex family law matters and general federal law disputes. The Magistrates Court is, of course, only as good as its judicial officers; we have read about difficulties in one area, but I hope that the government will look at the appointment of an additional magistrate in Brisbane. I understand that the government might be looking sympathetically at the workload of the court, because the court has done a wonderful job. It deserves to be properly resourced, and I know that that is a matter very close to the heart of the Attorney-General.

The court, I believe, has been one of the outstanding success stories of the Australian judicial system. I am very pleased to see it continue to operate. I am pleased that the Jurisdiction of the Federal Magistrates Court Legislation Amendment Bill 2005 is currently before the chamber, because it will build on the already obvious success of the Federal Magistrates Court to date.

The diligence and achievements of the Federal Magistrates Court have helped to free up the Family Court and the Federal Court to focus on more intricate and lengthy matters. This is an example of one section of the court system being able to work closely and effectively with another section. Often it is the case that when people do a good job they find themselves with additional responsibilities, and so it is with the Federal Magistrates Court, which will get additional responsibilities under the provisions of the legislation currently before the chamber. This will—and I think it is widely accepted in the community—bring about an overall improvement in the provision of court services in this country.

The Federal Magistrates Court currently has jurisdiction for issues involving family law, divorce, child support, bankruptcy, unlawful discrimination, privacy law, migration and copyright. It also has some jurisdiction under small parts of the Trade Practices Act 1974 dealing with consumer protection, product safety and bankruptcy issues arising under some legislation. Under this bill, the court will be granted further responsibilities under the Trade Practices Act. These changes will enable the Federal Magistrates Court to deal with claims under certain sections of the Trade Practices Act and will increase the amount of damages that the court is able to award. Currently, I gather, it is $200,000, but this bill will raise that figure to $750,000. The court will also get additional responsibilities as delegated from the Federal Court and the Family Court and responsibilities regarding specific individuals under the Ad-
miralty Act 1988. These new powers involve the simple issues that arise under the act. Also under this bill, the Federal Magistrates Court will gain jurisdiction over certain appeals under the Child Support (Registration and Collection) Act 1988.

The Federal Magistrates Court, which came into existence in 2001, came under a planned two-year review in 2003. The review found that the Federal Magistrates Court was operating successfully and it was therefore suggested that its jurisdiction could be extended. This has always been one of the thoughts of the government. Extending the responsibilities of the court would help to enable the superior courts to deal with more convoluted matters. Overall, it means a more efficient court system that is better able to meet the needs of Australia and Australians in 2006.

The Federal Magistrates Court operates as an independent court. Its establishment effectively brought in a lower level federal court, and much of the federal law work that has been taken on was previously carried out by the state courts in the respective jurisdictions. The Jurisdiction of the Federal Magistrates Court Legislation Amendment Bill 2005 will not only increase the responsibilities of the court but also provide easier access to the streamlined operation of the court. This is a very important and worthwhile piece of legislation and I am pleased to be able to commend it to the chamber.

Mr RUDDOCK (Berowra—Attorney-General) (12.14 pm)—in reply—I thank the members for Gellibrand and Fisher for their contributions to this debate on the Jurisdiction of the Federal Magistrates Court Legislation Amendment Bill 2005. In my second reading speech I spelt out fully what we were seeking to do, so I will go straight to the four issues that have been raised in the debate.

Firstly, I say to the member for Fisher that I am looking at additional appointments to the magistracy. I certainly envisage that it will be possible to make a further appointment in Brisbane, but I think it is also important to recognise that, when you transfer significant additional jurisdiction to the court, it can have an impact on workloads across the board—some impact on the Family Court; some impact upon the Federal Court. If it increases the work of the magistracy but diminishes the work of the others if you have judicial resources that are still there—with judges appointed until age 70 and with there being no capacity other than in exceptional circumstances to ask them to move on—you can see that one is confronted with some difficulty about the way in which one manages workloads and the extent of limitation in relation to the transfer of jurisdiction.

In looking at these matters, I will be conscious of the workload of all the federal courts, but I do recognise that not all the areas that have been mentioned are straightforward. That brings me to the issues in relation to section 46 of the Trade Practices Act. We did carefully consider conferring jurisdiction on the magistrates in relation to sections 46 and 46A, but we came to the view that, notwithstanding the recommendations that might occur, it was not desirable to
do so in relation to those cases involving sections 46 or 46A where section 83 of the Trade Practices Act is relied on. Section 83 provides that a finding of fact by a court made in certain proceedings under the Trade Practices Act may be relied on as prima facie evidence of fact in other proceedings under the Trade Practices Act.

Non-government members of the Senate Economics References Committee acknowledged that these cases were likely to be very complex. They are difficult; they involve huge amounts of evidence. It is for that reason that the government has come to the view that it has: that it will not support the more limited proposal of giving jurisdiction in section 46 cases where section 83 is relied upon. We considered then, as we do now, that sections 46 and 46A cases, even those placing some reliance on section 83, are likely to raise issues that are complex and more appropriately considered by the Federal Court. For that reason we will be opposing the measure. I could give the member some more detailed commentary on some of the cases where that might have been relevant, but I suspect that it would not alter the course that the debate is going to follow, so I will not take that extra time.

I want to deal with one other matter that the honourable member raised. I am sorry in a sense if the answers at estimates by officials were less than fulsome. It is very important to understand that the courts are funded for their administration—unusually, I might say, in Australia, in comparison to other jurisdictions—as a one-line item. The courts administer their own funding; each of them, separately. If you go to the United Kingdom, they have set up a separate courts administration body that administers all the courts and gives them some greater flexibility. If you go to the States, they do not operate the same one-line system in relation to the totality of matters.

When I was speaking to the Chief Justice of the Federal Court about this very question of the comparison that the honourable member made, he made the point I think quite strongly that the Productivity Commission was not comparing apples with apples; it was comparing apples with pears. We all know the old line about lies and statistics and so on. I think it is important to recognise that, for instance, the very substantial upgrade of computer systems for case management purposes that the Federal Court has been funding was in fact in New South Wales funded out of the state Attorney General’s Department. So in that sense it is very unfair to the Federal Court to be comparing the costs per case when their one-line budget is meeting all of those computer upgrades for case management and in New South Wales is being paid for out of a separate budget appropriation.

I would simply make the point that I do not think that the comparisons are appropriate. I turned my mind to whether I should give a much more detailed commentary to some of those writers in the Financial Review and the Australian about the legal profession when they drew upon these matters, and I did not get the opportunity to do so. I think there are very good and full reasons, and I apologise if my officers in the estimates hearings were not fully across those to be able to brief you on them. But it was a matter that I had followed up myself; it was not a matter that I was uninterested in. I thank the chamber for the support generally for the bill. I recognise that there may be an amendment that will be proposed in another place and we will deal with that then. But the government is not minded to accept it.

Question agreed to.

Bill read a second time.
Ms ROXON (Gellibrand) (12.21 pm)—I move:
That further proceedings on the bill be conducted in the House.
Question agreed to.

JURISDICTION OF COURTS (FAMILY LAW) BILL 2005
Debate resumed from 27 March.

Second Reading
Mr RUDDOCK (Berowra—Attorney-General) (12.22 pm)—I move:
That this bill be now read a second time.

This bill will increase the jurisdiction of the Magistrates Court of Western Australia so that it can deal with the same matters in relation to family law and child support, and have the same appeal structure, as the Federal Magistrates Court.

This bill provides for more efficient arrangements for the Western Australian community in relation to family law and child support disputes. The bill will allow the Magistrates Court of Western Australia constituted by a family law magistrate of Western Australia to deal with a broader range of family law and child support matters. This means that Western Australians will now have a quicker, cheaper and simpler option in relation to litigation in family law and child support matters, similar to that provided by the Federal Magistrates Court for litigants in the rest of Australia.

The reforms will also free up valuable resources in the Family Court of Western Australia, allowing that court to hear more complex matters, in the same way as the Magistrates Court in the federal arena allows the Family Court of Australia to concentrate on more complex and longer family law and child support matters.

These amendments originate from a review completed in early 2003 of the workload and resources of the Family Court of Western Australia, carried out by the Commonwealth Attorney-General’s Department, in consultation with the Western Australian Department of Justice and the Family Court of Western Australia.

That review found that the limited jurisdiction of the Perth magistrates in relation to family law and child support matters meant that the Family Court of Western Australia judges were hearing matters that would be more suitable for a magistrate’s determination. This was an inefficient use of valuable judicial resources.

In the rest of Australia, many of these matters would be dealt with by the Federal Magistrates Court. However, the Federal Magistrates Court does not exercise family law and child support jurisdiction in Western Australia.

Western Australia is in a unique position in relation to its family courts, as it is the only state to have a state Family Court, the Family Court of Western Australia, which exercises jurisdiction outside of Western Australia. It is exercised by the Family Court of Australia. In Perth, the only court of summary jurisdiction that exercises family law and child support is the jurisdiction of the Magistrates Court of Western Australia constituted by a family law magistrate of Western Australia.

In order to ensure the more efficient handling of family law matters in Western Australia and optimise the use of judicial resources, the review recommended that the Family Law Act 1975, the Child Support (Assessment) Act 1989 and the Child Support (Registration and Col-
lection) Act 1988 be amended to give the Perth Court of Petty Sessions the same jurisdiction and appeal structure as the Federal Magistrates Court at a federal level. The Perth Court of Petty Sessions has now been amalgamated into the Magistrates Court of Western Australia.

These amendments complement efforts by the Western Australian government to reform its lower courts, including the establishment of the Magistrates Court of Western Australia, which commenced on 2 May 2005.

A ‘Family Law Magistrate of Western Australia’ will be defined as a person who holds office concurrently as a magistrate under the Magistrates Court Act 2004 of Western Australia and as the Principal Registrar, or as a registrar, of the Family Court of Western Australia. This reflects the judicial structure of the courts in Western Australia, where specialist family law magistrates and registrars hold appointments as magistrates of the Magistrates Court of Western Australia and as registrars of the Family Court of Western Australia.

In relation to appeals, the review recommended that appeals from the Court of Petty Sessions in Perth should, like appeals from federal magistrates in family law matters, go directly to the Appeal Division of the Family Court of Australia. Prior to these amendments appeals could be brought from the Perth magistrates to the Family Court of Western Australia and from there to the Family Court. This effectively provided an extra layer of appeal in contrast to the situation elsewhere in Australia.

Under Commonwealth family law and child support legislation, appeals from decisions of federal magistrates are heard by the full court of the Family Court unless the Chief Judge exercises a discretion to allow appeals to be heard by a single judge. If heard by a single judge this is an exercise of the appellate jurisdiction of the court and it is not possible to appeal from such a decision to the full court. Any further appeal will be to the High Court, by leave.

Appeals in these matters from the decisions of Perth family law magistrates will now go straight to the Family Court of Australia in the same way as appeals from decisions of federal magistrates. This acknowledges that Perth magistrates are specialists in family law matters and so there should be a more restricted right of appeal from their decisions.

In the same way as the Federal Magistrates Court is able to ease the workload of the Family Court and the Federal Court, it is anticipated that the extended jurisdiction for the Magistrates Court of Western Australia constituted by a family law magistrate will help to ease the workload of the Family Court of Western Australia, allowing that court to concentrate, as I have said earlier, on more difficult and time-consuming matters.

By matching the jurisdiction with that of the Federal Magistrates Court in these matters, the intention of the bill is to provide Western Australians with enhanced access to justice according to their needs and within their means.

The reforms will reinforce the government’s intention of aligning court resources and jurisdiction as efficiently as possible and place Western Australia in the same position as the rest of Australia in relation to these matters. I commend the bill and table the explanatory memorandum.

Ms ROXON (Gellibrand) (12.27 pm)—Labor is pleased to support the Jurisdiction of Courts (Family Law) Bill 2005, which grants the Magistrates Court of Western Australia jurisdiction for certain matters arising under federal law. The bill amends the Family Law Act, the Child Support (Assessment) Act and the Child Support (Registration and Collection) Act.
It proposes to grant the Western Australian Magistrates Court, when constituted by a family law magistrate, a similar jurisdiction to the Federal Magistrates Court for matters arising under those acts.

Unlike the other states, Western Australia has never referred its power to legislate for family law to the Commonwealth. Instead, it maintains its own family law system headed by the Family Court of Western Australia. In general, Commonwealth family law and child support law allow the Family Court of Western Australia to exercise a jurisdiction overlapping that of the Family Court of Australia. From the point of view of the court’s users, this reduces the cost and confusion of litigation, allowing the Family Court of Western Australia to deal with all of their matters.

In recent years in the federal sphere the Federal Magistrates Court has been dealing with many of the less complex matters in family law, leaving the Family Court’s resources to deal with the more difficult cases. Until now that flexibility has not been available in Western Australia for federal matters. The bill will implement the recommendations of the 2003 review, which suggested reforms to allow WA magistrates to fulfil a similar role in relation to the Family Court of WA as the Federal Magistrates Court does for the federal Family Court.

Western Australia has made its own reforms to implement these recommendations, creating the specialist family law magistrates. This bill now completes that process by an appropriate conferral of Commonwealth jurisdictions onto the Western Australian Magistrates Court when constituted by a specialist family law magistrate.

We understand that this bill has the support of the government of Western Australia, the Family Court of Western Australia, the Magistrates Court of Western Australia, the Family Court of Australia and the Federal Magistrates Court. In light of that support, and given the options for the flexible and efficient use of court resources that these changes will allow, Labor is pleased to support this bill.

Mr RUDDOCK (Berowra—Attorney-General) (12.29 pm)—in reply—I thank the member for Gellibrand for her comments and her support of the Jurisdiction of Courts (Family Law) Bill 2005. Interestingly, I was in the parliament when the Family Law Act was enacted and I recall well the establishment of the courts. We had a very prominent Western Australian, Peter Durack—who was at a later point Commonwealth Attorney-General—and he was very anxious, I might say, to see the continuation of the model in which the states continued their jurisdiction in relation to family law matters. And Western Australia, of course, went down that route.

The offer was made to other states to have state family courts. In the end that was not so; we have moved on. It does look a little anomalous but I do not know that anybody would want to unwind the measures that were put in place that responded particularly to the needs identified by Western Australia as being somewhat unique. But we have endeavoured here to respond, as I said, to a jurisdictional change in line with recommendations that were developed jointly between my department, the Western Australian justice department and the Family Court of Western Australia. It is a collaborative arrangement and very worthy of support. I am glad it has the support of the opposition and hopefully we will have it concluded fairly soon.

Question agreed to.
Bill read a second time.
Ordered that the bill be reported to the House without amendment.

Main Committee adjourned at 12.32 pm
QUESTIONS IN WRITING

Trade: Staffing
(Question No. 1611)

Mr Bowen asked the Minister for Trade, in writing, on 31 May 2005:


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

(1) This information is contained in the Department of Foreign Affairs and Trade Annual Reports for those years.

(2) The Department does not collect statistics that relate specifically to staff turnover rates. However, retention rates, as recorded in the annual State of the Service Report, provide a guide to the rate of staff turnover. The retention rates of the Department for the years 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004 and 2004-2005, as recorded in the annual State of the Service Report, were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Retention Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>91 per cent</td>
</tr>
<tr>
<td>2000-2001</td>
<td>93 per cent</td>
</tr>
<tr>
<td>2001-2002</td>
<td>93 per cent</td>
</tr>
<tr>
<td>2002-2003</td>
<td>95 per cent</td>
</tr>
<tr>
<td>2003-2004</td>
<td>94 per cent</td>
</tr>
<tr>
<td>2004-2005</td>
<td>94 per cent</td>
</tr>
</tbody>
</table>


Mercer Consulting
(Question No. 2555)

Mr Bowen asked the Minister for Families, Community Services and Indigenous Affairs, in writing, on 1 November 2005:

Did the Minister’s department engage Mercer Consulting to provide special research, preparation and presentation of a report on remuneration management at a cost of $13,343; if so, (a) who received the presentation and (b) why was it considered necessary to engage an outside consultant.

Mr Brough—the Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable member’s question:

Yes

(a) The Departmental Remuneration Committee received the presentation.

(b) Mercer Consulting conducted the 2004 APS Remuneration Survey. FaCS engaged them to provide more detailed analysis of their data to assist FaCS in considering its own remuneration issues.
Legal Services
(Question No. 2696)

Ms Roxon asked the Minister for Transport and Regional Services, in writing, on 28 November 2005:

(1) What sum did the Minister’s department spend during 2004-2005 on external (a) barristers and (b) solicitors (including private firms, the Australian Government Solicitor and any others).

(2) What sum did the Minister’s department spend on internal legal services.

(3) What is the Minister’s department’s projected expenditure on legal services for 2005-2006.

Mr Truss—The answer to the honourable member’s questions is as follows:

(1) During the financial year 2004-2005, the Department spent $3,019,004 on external legal services from its Departmental budget allocation for legal services. A further $390,521 was spent from administered programme funding. It is not practical to determine the breakdown by barristers and solicitors.

(2) The Department spent $958,692 on internal legal services in the 2004-2005 financial year.

(3) The total projected expenditure on legal services for 2005-2006 for Departmental operations is $3.75 million. Based on 2004-2005 expenditure, it is anticipated that around $350,000 will be spent on legal services from administered funds.

Note: All figures are GST inclusive

Attorney-General’s: Staffing
(Question No. 2731)

Ms Macklin asked the Attorney-General, in writing, on 29 November 2005:

(1) For the department and each agency in the Minister’s portfolio, what was the total staffing level in (a) 2001, (b) 2002, (c) 2003, (d) 2004, and (e) 2005.

(2) For the department and each agency in the Minister’s portfolio for (a) 2001, (b) 2002, (c) 2003, (d) 2004, and (e) 2005 how many New Apprentices (i) had commenced and (ii) were employed.

(3) How many of the New Apprenticeships referred to in part (2) were traditional apprenticeships (as defined by the National Centre for Vocational Education Research as an apprenticeship in an occupation in Australian Standard Classification of Occupations Group 4—Tradespersons and Related Workers—at AQF level 3 or above with an expected duration of more than 2 years full time).

(4) How many traditional apprenticeships does the department and each agency in the Minister’s portfolio intend to offer to commence in 2006.

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

(1) Total staffing levels are reported in the individual agencies’ annual reports. These publications can be found on the individual agencies’ websites.

(2) By agency, information on apprentices is as follows:

<table>
<thead>
<tr>
<th>Agency</th>
<th>(i) Commenced</th>
<th>(ii) Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney-General’s Department</td>
<td>(a) – (e) Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Insolvency and Trustee Service Australia</td>
<td>(a) – (e) Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Office of Film and Literature Classification</td>
<td>(a) – (e) Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>CrimTrac</td>
<td>(a) – (e) Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Administrative Appeals Tribunal</td>
<td>(a) – (e) Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Family Court of Australia</td>
<td>(a) – (e) Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Federal Court of Australia</td>
<td>(a) – (e) Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>
(3) No traditional apprentices were employed or commenced in the Department or portfolio agencies.

(4) Neither the Department or portfolio agencies intend offering traditional apprenticeships in 2006.

Child Care

(Question No. 2799)

Ms Plibersek asked the Minister for Families, Community Services and Indigenous Affairs, in writing, on 7 December 2005:

(1) Can parents whose children attend pre-school claim Child Care Benefit (CCB); if so, (a) in what circumstances and what are the eligibility criteria.

(2) Must a pre-school be co-located with a Government approved long day care centre for the Government to pay CCB to assist with pre-school fees.

(3) What criteria must pre-schools meet to be registered for CCB and will the Minister provide a copy of the guidelines and application form provided to pre-schools which wish to offer CCB-eligible places.

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

(1) Yes, (a) Where the pre-school is part of an approved service or where the pre-school teacher is registered as a carer with the Family Assistance Office for work-related care.

(2) No.

(3) To become registered carers, preschool teachers must register with the Family Assistance Office and are required to be over the age of 18 years, comply with all Australian Government, state and territory child care laws, provide receipts for care and provide a statement that they have either a Tax File Number (TFN) or a TFN exemption. The publication What, Why and How of Family Assistance directs individuals to contact the Family Assistance Office for more information about becoming registered carers.
Freedom of Information
(Question Nos 2962 to 2980)

Mr Kelvin Thomson asked all ministers, in writing, on 7 February 2006:

(1) How many Freedom of Information applications were (a) received and (b) met by the Minister’s department and each agency in the Minister’s portfolio in (i) 2002, (ii) 2003, (iii) 2004, and (iv) 2005.

(2) For how many of the applications in each year were the fees waived.

Mr Ruddock—I provide the answer to the honourable member’s question on behalf of all ministers as follows:

(1) (a) The number of FOI requests received by each Australian Government agency during the years in question is set out by financial year in the relevant Freedom of Information Act 1982 Annual Reports (FOI Annual reports) produced each year by my Department.

(b) FOI requests are not ‘met’ as such but are processed and either granted, in whole or in part, or refused. The number of requests granted or refused by each Australian Government agency during the years in question is also set out by financial year in the FOI Annual Reports for those years.

(2) The numbers of requests received by Australian Government agencies during the years in question, and in relation to which application fees were not collected, can also be ascertained by financial year from the statistics contained in the FOI Annual Reports for those years.

Centrelink
(Question No. 3022)

Ms Hoare asked the Minister for Families, Community Services and Indigenous Affairs, in writing, on 13 February 2006:

Further to the answer to question No. 2110 (Hansard, 7 February 2006, page 96) concerning Assurance of Support Certificates, will he consider expanding the allowable forms of proof of income; if not, why not.

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

• Under the current social security law ‘taxable’ income is used to assess a person’s capacity to provide financial support to a migrant. Because of this a potential assurer is required to provide Centrelink with a Taxation Notice of Assessment (TNA) to show they meet the income requirements under the law.

• However, my Department will take account of your comments in the context of any future review of the Assurance of Support program.

Shipping: Berthage Fees
(Question No. 3048)

Mr McClelland asked the Minister for Defence, in writing, on 14 February 2006:

Is it the case that RAN ships are exempt from payment of berthage fees in Australian ports; if so, has this exemption any impediment to the preparedness of port operators and owners to sufficiently invest in facilities from which they gain no revenue and, if it has, does the Government have any plans or strategies to overcome them.

Dr Nelson—The answer to the honourable member’s question is as follows:

Yes. Under Section 70 of the Defence Act 1903, the Navy is exempt from the payment of any type of toll or due, for instance port berthage or navigation charges, when visiting Australian ports.
Defence is not able to answer on behalf of Australian port operators and owners as to whether such exemp-
tion causes any impediment to their investment in facilities.

**Defence: Disruptive Pattern Desert Uniform**

(Question No. 3133)

**Mr McClelland** asked the Minister for Defence, in writing, 28 February 2006:

1. Is the case that Australian Infantry troops are issued with one Disruptive Pattern Desert Uniform (DPDU) prior to being deployed to the Middle East Area of Operations (MEAO) from Australia and that they receive further sets of uniforms on arrival; if so, has one uniform proven adequate for the period between deployment and arrival and further issue in the MEAO.

2. Can he confirm that Australian Infantry troops commencing rotations in the MEAO are being issued with DPDU uniforms previously used by troops rotating out of the MEAO; if so, are there adequate supplies of DPDU uniforms to cater for the number of troops rotating into the MEAO.

**Mr Albanese** asked the Minister for Trade, in writing, on 1 March 2006:

1. Will he provide a list and value of the goods imported and exported between Australia and the Philip-

2. What was the total value of Australian (a) imports from and (b) exports to the Philippines for 2004-2005.

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

1. No. Australian Infantry troops are currently issued with four sets of DPDU in Australia before be-

2. No. Australian Infantry troops who are rotating into the MEAO are issued with new DPDU. To date, there have been adequate supplies of DPDU to cater for the number of troops rotating into the MEAO.

**Imports and Exports**

(Question No. 3166)

**Australia’s trade with The Philippines**

<table>
<thead>
<tr>
<th>Australia’s exports to The Philippines</th>
<th>Exports</th>
<th>Australia’s imports from The Philippines</th>
<th>Imports</th>
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<tr>
<td>--------------------------------------</td>
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<tr>
<td>- Total Merchandise Exports</td>
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<td>- Total Merchandise Imports</td>
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<td>Total Services Imports</td>
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<td>1,013</td>
<td>Total Imports in Goods + Services</td>
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Commodities ranked on 2004-05

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<th>Commodity</th>
<th>FY2004</th>
<th>FY2005</th>
<th>Rank</th>
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<tr>
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<td>163</td>
<td>145</td>
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<td>542 Medicaments (incl. veterinary)</td>
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<tr>
<td>321 Coal</td>
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<tr>
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<td>25</td>
<td>9</td>
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<tr>
<td>024 Cheese and curd</td>
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<td>18</td>
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<td>641 Paper &amp; paperboard</td>
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<td>533 Pigments, paints, varnishes</td>
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<td>894 Toys, games &amp; sporting goods</td>
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<td>792 Aircraft &amp; parts</td>
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<td>1</td>
<td>79</td>
<td>112 Alcoholic beverages</td>
<td>0.645</td>
<td>0.485</td>
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<tr>
<td>771 Electric power machinery</td>
<td>0.776</td>
<td>0.968</td>
<td>80</td>
<td>514 Nitrogen-function compounds</td>
<td>0.141</td>
<td>0.481</td>
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<tr>
<td>523 Metallic salts &amp; peroxysalts</td>
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<td>0.961</td>
<td>81</td>
<td>697 Other metal household equipment</td>
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<tr>
<td>582 Plastic plate, sheet, film &amp; strip</td>
<td>0.77</td>
<td>0.954</td>
<td>82</td>
<td>844 Women’s or girls’ clothing (knitted)</td>
<td>0.883</td>
<td>0.469</td>
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<tr>
<td>663 Other mineral manufactures</td>
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<td>0.938</td>
<td>83</td>
<td>629 Other articles of rubber</td>
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<tr>
<td>581 Plastic tubes, pipes &amp; hoses</td>
<td>0.494</td>
<td>0.912</td>
<td>84</td>
<td>541 Medicinal &amp; pharmaceutical products</td>
<td>0.507</td>
<td>0.441</td>
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<tr>
<td>506 Preserved vegetables</td>
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<td>0.911</td>
<td>85</td>
<td>523 Metallic salts &amp; peroxysalts</td>
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<td>86</td>
<td>334 Refined petroleum</td>
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<td>87</td>
<td>248 Wood, simply worked</td>
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<td>541 Medicinal &amp; pharmaceutical products</td>
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<td>592 Starches, inulin &amp; wheat gluten</td>
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<td>0.342</td>
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<tr>
<td>674 Coated flat-rolled steel</td>
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<td>0.816</td>
<td>89</td>
<td>749 Other non-electric parts of machinery</td>
<td>0.382</td>
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<td>695 Hand or machine tools</td>
<td>0.337</td>
<td>0.802</td>
<td>90</td>
<td>658 Other textile manufactures</td>
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<td>0.325</td>
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<tr>
<td>689 Other non-ferrous base metals</td>
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<td>0.785</td>
<td>91</td>
<td>761 Televisions</td>
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<td>0.283</td>
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<td>597 Prepared additives for mineral oils</td>
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<td>581 Plastic tubes, pipes &amp; hoses</td>
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<tr>
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<td>0.74</td>
<td>94</td>
<td>122 Tobaco, manufactured</td>
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<td>062 Sugar confectionery</td>
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<td>0.261</td>
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<tr>
<td>222 Oil seeds &amp; oleaginous fruits ‘soft’</td>
<td>0.414</td>
<td>0.707</td>
<td>96</td>
<td>054 Vegetables</td>
<td>0.525</td>
<td>0.255</td>
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<tr>
<td>845 Clothing of textile fabrics</td>
<td>0.116</td>
<td>0.706</td>
<td>97</td>
<td>278 Crude minerals, nes</td>
<td>0.073</td>
<td>0.255</td>
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<tr>
<td>718 Power generating machinery</td>
<td>0.108</td>
<td>0.679</td>
<td>98</td>
<td>574 Polyacetals, primary</td>
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<tr>
<td>091 Margarine &amp; shortening</td>
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<td>0.654</td>
<td>99</td>
<td>035 Fish, prepared</td>
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<td>0.212</td>
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<td>0.652</td>
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<td>291 Crude animal materials</td>
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<td>572 Polymers of styrene, primary</td>
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<td>293 Crude animal materials</td>
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<td>0.631</td>
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<td>694 Metal fastners</td>
<td>0.154</td>
<td>0.196</td>
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<tr>
<td>554 Soap &amp; cleansing preparations</td>
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<td>0.617</td>
<td>103</td>
<td>895 Office &amp; stationery supplies</td>
<td>0.121</td>
<td>0.193</td>
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<tr>
<td>043 Barley</td>
<td>0.587</td>
<td>0.603</td>
<td>104</td>
<td>846 Clothing accessories, of textile fabrics</td>
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<td>0.186</td>
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<td>551 Essential oils, perfumes &amp; flavours</td>
<td>0.996</td>
<td>0.601</td>
<td>105</td>
<td>896 Artwork, collectors’ pieces, antiques</td>
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<td>0.179</td>
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<tr>
<td>278 Crude minerals, nes</td>
<td>0.718</td>
<td>0.582</td>
<td>106</td>
<td>693 Wire products</td>
<td>0.641</td>
<td>0.176</td>
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<tr>
<td>058 Preserved fruit and preparations</td>
<td>0.726</td>
<td>0.578</td>
<td>107</td>
<td>269 Worn clothing, rags</td>
<td>0.074</td>
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<tr>
<td>562 Fertilizers (excl. crude)</td>
<td>0.997</td>
<td>0.565</td>
<td>108</td>
<td>655 Knitted or crocheted fabrics</td>
<td>0.161</td>
<td>0.153</td>
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### Australia’s exports to The Philippines

<table>
<thead>
<tr>
<th></th>
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<th>Australia’s imports from The Philippines</th>
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<tr>
<td></td>
<td>FY2004</td>
<td>FY2005</td>
<td>Rank</td>
<td>FY2004</td>
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<tr>
<td>531 Synthetic organic colouring matter</td>
<td>0.18</td>
<td>0.547</td>
<td>109</td>
<td>651 Textile yarn</td>
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<tr>
<td>431 Waxes &amp; edible fats or oils</td>
<td>0.483</td>
<td>0.546</td>
<td>110</td>
<td>533 Pigments, paints, varnishes</td>
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<td>675 Flat-rolled products of alloy steel</td>
<td>0.307</td>
<td>0.538</td>
<td>111</td>
<td>582 Plastic plate, sheet, film &amp; strip</td>
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<tr>
<td>243 Wood, simply worked</td>
<td>0.264</td>
<td>0.514</td>
<td>112</td>
<td>641 Other woven fabrics</td>
</tr>
<tr>
<td>891 Arms &amp; ammunition</td>
<td>0.189</td>
<td>0.506</td>
<td>113</td>
<td>644 Paper &amp; paperboard</td>
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<tr>
<td>737 Other metal working machinery</td>
<td>0.227</td>
<td>0.484</td>
<td>114</td>
<td>579 Plastic waste, parings &amp; scrap</td>
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<tr>
<td>775 Household type equipment</td>
<td>0.582</td>
<td>0.484</td>
<td>115</td>
<td>745 Non-electrical machinery, tools</td>
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<tr>
<td>774 Medical electro-diagnostic equipment</td>
<td>0.284</td>
<td>0.453</td>
<td>116</td>
<td>747 Taps, cocks, valves</td>
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<tr>
<td>287 Other ores</td>
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<td>0.39</td>
<td>117</td>
<td>684 Aluminium</td>
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<td>017 Meat prepared or preserved</td>
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<td>0.374</td>
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<td>659 Floor coverings</td>
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<td>0.37</td>
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<td>747 Taps, cocks, valves</td>
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<tr>
<td>714 Non-electric engines &amp; motors</td>
<td>0.119</td>
<td>0.35</td>
<td>120</td>
<td>273 Stone, sand &amp; gravel</td>
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<tr>
<td>665 Glassware</td>
<td>1</td>
<td>0.335</td>
<td>121</td>
<td>882 Photographic supplies</td>
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<td>692 Metal containers</td>
<td>1</td>
<td>0.333</td>
<td>122</td>
<td>733 Machine-tools for working metal</td>
</tr>
<tr>
<td>292 Crude vegetable materials</td>
<td>0.387</td>
<td>0.322</td>
<td>123</td>
<td>881 Photographic equipment</td>
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<tr>
<td>884 Other optical goods</td>
<td>0.19</td>
<td>0.319</td>
<td>124</td>
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<tr>
<td>025 Birds’ eggs</td>
<td>0.135</td>
<td>0.313</td>
<td>125</td>
<td>422 “Hard” fixed vegetable fats &amp; oils</td>
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<tr>
<td>813 Lighting fixtures and fittings</td>
<td>0.452</td>
<td>0.312</td>
<td>126</td>
<td>621 Materials of rubber</td>
</tr>
<tr>
<td>057 Fruit and nuts, fresh or dried</td>
<td>0.095</td>
<td>0.305</td>
<td>127</td>
<td>022 Milk and cream</td>
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<td>721 Agricultural machinery (excl. tractors)</td>
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<td>0.288</td>
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<td>513 Carboxylic acids &amp; derivatives</td>
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<td>693 Wire products</td>
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<td>0.287</td>
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<td>017 Meat prepared or preserved</td>
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<tr>
<td>263 Cotton</td>
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<td>130</td>
<td>056 Preserved vegetables</td>
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<tr>
<td>514 Nitrogen-function compounds</td>
<td>0.26</td>
<td>0.277</td>
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<td>073 Chocolate</td>
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<td>036 Crustaceans</td>
<td>0.077</td>
<td>0.238</td>
<td>132</td>
<td>793 Ships, boats &amp; floating structures</td>
</tr>
<tr>
<td>679 Tubes, pipes &amp; fittings of steel</td>
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<td>0.238</td>
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<td>951 Gold coin</td>
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<td>282 Ferron waste &amp; scrap</td>
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<td>0.203</td>
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<td>792 Aircraft &amp; parts</td>
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<td>635 Other wood manufactures</td>
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<td>0.202</td>
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<td>746 Ball or roller bearings</td>
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<tr>
<td>621 Materials of rubber</td>
<td>0.132</td>
<td>0.196</td>
<td>136</td>
<td>265 Other vegetable fibres</td>
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<tr>
<td>866 Zinc</td>
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<td>0.193</td>
<td>137</td>
<td>725 Paper &amp; pulp mill machinery</td>
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<tr>
<td>851 Footwear</td>
<td>0.267</td>
<td>0.189</td>
<td>138</td>
<td>583 Plastic monofilament, rods &amp; shapes</td>
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<tr>
<td>786 Trailers &amp; semi-trailers</td>
<td>0.046</td>
<td>0.18</td>
<td>139</td>
<td>071 Coffee and coffee substitutes</td>
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<tr>
<td>653 Woven synthetic fabrics</td>
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<td>0.168</td>
<td>140</td>
<td>515 Organo-inorganic compounds</td>
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<td>0.006</td>
<td>0.167</td>
<td>141</td>
<td>695 Hand or machine tools</td>
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<td>716 Rotating electric plant</td>
<td>0.163</td>
<td>0.16</td>
<td>142</td>
<td>074 Tea &amp; mate</td>
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<td>0.15</td>
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<td>611 Leather</td>
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<td>692 Metal containers</td>
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<td>511 Hydrocarbons &amp; derivatives</td>
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<td>574 Polyurethals, primary</td>
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<td>0.14</td>
<td>146</td>
<td>891 Arms &amp; ammunition</td>
</tr>
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<td>694 Metal fasteners</td>
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<td>656 Tulle, lace, ribbons etc</td>
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<td>0.138</td>
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<td>775 Household type equipment</td>
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<td>Australia’s exports to The Philippines</td>
<td>Exports</td>
<td>Australia’s imports from The Philippines</td>
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<td>FY2004</td>
<td>FY2005</td>
<td>Rank</td>
<td>FY2004</td>
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<tr>
<td>658 Other textile manufactures</td>
<td>0.166</td>
<td>0.125</td>
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<td>781 Passenger motor vehicles</td>
</tr>
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<td>0.124</td>
<td>150</td>
<td>573 Polymers of vinyl chloride</td>
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<td>751 Office machines</td>
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<td>151</td>
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<tr>
<td>697 Other metal household equipment</td>
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<td>0.121</td>
<td>152</td>
<td>431 Waxes &amp; inedible fats or oils</td>
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<tr>
<td>335 Residual petroleum products</td>
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<td>0.119</td>
<td>153</td>
<td>075 Spices</td>
</tr>
<tr>
<td>763 Sound or video recorders</td>
<td>0</td>
<td>0.113</td>
<td>154</td>
<td>672 Ingots of iron or steel</td>
</tr>
<tr>
<td>667 Pearls and gems</td>
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<td>0.109</td>
<td>155</td>
<td>036 Crustaceans</td>
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<tr>
<td>848 Other clothing accessories</td>
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<td>0.109</td>
<td>156</td>
<td>737 Other metal working machinery</td>
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<tr>
<td>812 Plumbing &amp; heating fittings</td>
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<td>652 Woven cotton fabrics</td>
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<td>0.09</td>
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<tr>
<td>791 Railway vehicles</td>
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<td>0.07</td>
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<td>873 Meters and counters</td>
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<tr>
<td>724 Textile &amp; leather machinery</td>
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<td>714 Non-electric engines &amp; motors</td>
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<tr>
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<td>411 Animal oils &amp; fats</td>
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<td>782 Motor vehicles for transporting goods</td>
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<td>0.06</td>
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<td>696 Cutlery</td>
</tr>
<tr>
<td>655 Knitted or crocheted fabrics</td>
<td>0.049</td>
<td>0.059</td>
<td>165</td>
<td>532 Dyeing &amp; tanning extracts</td>
</tr>
<tr>
<td>075 Spices</td>
<td>0.061</td>
<td>0.057</td>
<td>166</td>
<td>662 Clay construction materials</td>
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<tr>
<td>746 Ball or roller bearings</td>
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<td>335 Residual petroleum products</td>
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<tr>
<td>899 Miscellaneous manufactures</td>
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<td>551 Essential oils, perfumes &amp; flavours</td>
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<td>273 Stone, sand &amp; gravel</td>
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<td>0.049</td>
<td>169</td>
<td>633 Cork manufactures</td>
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<tr>
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<tr>
<td>731 Lathes</td>
<td>0.061</td>
<td>0.047</td>
<td>171</td>
<td>718 Power generating machinery</td>
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<tr>
<td>035 Fish, prepared</td>
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<td>721 Agricultural machinery (excl. tractors)</td>
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<tr>
<td>047 Other cereal flours</td>
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<td>724 Textile &amp; leather machinery</td>
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<td>061 Sugars, molasses and honey</td>
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<tr>
<td>071 Coffee and coffee substitutes</td>
<td>0.246</td>
<td>0.041</td>
<td>175</td>
<td>611 Leather</td>
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<td>625 Rubber tyres</td>
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<td>612 Leather manufactures</td>
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<td>0.039</td>
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<td>731 Lathes</td>
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<td>733 Machine-tools for working metal</td>
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<td>696 Cutlery</td>
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<td>044 Maize</td>
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<td>659 Floor coverings</td>
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<td>0.036</td>
<td>180</td>
<td>591 Insecticides, rodenticides, herbicides</td>
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<tr>
<td>672 Ingots of iron or steel</td>
<td>0</td>
<td>0.034</td>
<td>181</td>
<td>712 Steam &amp; other vapour turbines</td>
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<tr>
<td>841 Men’s or boys’ clothing (not knitted)</td>
<td>0.008</td>
<td>0.034</td>
<td>182</td>
<td>786 Trailers &amp; semi-trailers</td>
</tr>
<tr>
<td>272 Crude fertilizers</td>
<td>0.007</td>
<td>0.033</td>
<td>183</td>
<td>883 Cinematograph film, developed</td>
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</table>
Australia’s exports to The Philippines

<table>
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<tr>
<th></th>
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<tr>
<td>FY2004</td>
<td>A$m</td>
<td>A$m</td>
<td>Rank</td>
<td>FY2004</td>
<td>A$m</td>
</tr>
<tr>
<td>524 Other inorganic chemicals</td>
<td>0.048</td>
<td>0.033</td>
<td>184</td>
<td>0.047 Other cereal flours</td>
<td>0</td>
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<tr>
<td>661 Construction materials</td>
<td>0.046</td>
<td>0.031</td>
<td>185</td>
<td>0.072 Cocoa</td>
<td>0.075</td>
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<tr>
<td>515 Organic-inorganic compounds</td>
<td>0.022</td>
<td>0.027</td>
<td>186</td>
<td>277 Natural abrasives</td>
<td>0</td>
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<tr>
<td>652 Woven cotton fabrics</td>
<td>0.27</td>
<td>0.026</td>
<td>187</td>
<td>677 Rails of iron or steel</td>
<td>0</td>
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<tr>
<td>831 Travel goods, handbags</td>
<td>0.035</td>
<td>0.019</td>
<td>188</td>
<td>735 Machine-tools parts</td>
<td>0.003</td>
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<tr>
<td>873 Meters and counters</td>
<td>0.025</td>
<td>0.018</td>
<td>189</td>
<td>971 Non-monetary gold</td>
<td>0</td>
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<tr>
<td>685 Lead</td>
<td>0.052</td>
<td>0.016</td>
<td>190</td>
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<tr>
<td>897 Jewellery</td>
<td>0.02</td>
<td>0.015</td>
<td>191</td>
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<tr>
<td>037 Prepared seafood</td>
<td>0.003</td>
<td>0.013</td>
<td>192</td>
<td></td>
<td></td>
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<tr>
<td>842 Women’s or girls’ clothing (not knitted)</td>
<td>0.027</td>
<td>0.012</td>
<td>193</td>
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<td></td>
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<tr>
<td>074 Tea and mate</td>
<td>0.025</td>
<td>0.011</td>
<td>194</td>
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<tr>
<td>895 Office &amp; stationery supplies</td>
<td>0.015</td>
<td>0.011</td>
<td>195</td>
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<tr>
<td>656 Tulle, lace, ribbons etc</td>
<td>0.003</td>
<td>0.009</td>
<td>196</td>
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<tr>
<td>785 Motorcycles</td>
<td>0.056</td>
<td>0.008</td>
<td>197</td>
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<tr>
<td>881 Photographic equipment</td>
<td>0.038</td>
<td>0.008</td>
<td>198</td>
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<tr>
<td>666 Pottery</td>
<td>0</td>
<td>0.007</td>
<td>199</td>
<td></td>
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<tr>
<td>846 Clothing accessories, of textile fabrics</td>
<td>0.012</td>
<td>0.006</td>
<td>200</td>
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<tr>
<td>896 Artwork, collectors’ pieces, antiques</td>
<td>0.017</td>
<td>0.006</td>
<td>201</td>
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<tr>
<td>299 Precious metal ores (excl. gold)</td>
<td>0</td>
<td>0.005</td>
<td>202</td>
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<tr>
<td>571 Polymers of ethylene, primary</td>
<td>0.009</td>
<td>0.005</td>
<td>203</td>
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<tr>
<td>844 Women’s or girls’ clothing (knitted)</td>
<td>0.074</td>
<td>0.005</td>
<td>204</td>
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<tr>
<td>231 Natural rubber</td>
<td>0.002</td>
<td>0.004</td>
<td>205</td>
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<tr>
<td>421 &quot;Soft&quot; fixed vegetable fats &amp; oils</td>
<td>0.002</td>
<td>0.004</td>
<td>206</td>
<td></td>
<td></td>
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<tr>
<td>612 Leather manufactures</td>
<td>0.002</td>
<td>0.004</td>
<td>207</td>
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<tr>
<td>712 Steam &amp; other vapour turbines</td>
<td>0</td>
<td>0.004</td>
<td>208</td>
<td></td>
<td></td>
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<tr>
<td>681 Silver, platinum</td>
<td>0.018</td>
<td>0.003</td>
<td>209</td>
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<tr>
<td>843 Men’s or boys’ clothing (knitted)</td>
<td>0</td>
<td>0.003</td>
<td>210</td>
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<tr>
<td>885 Watches &amp; clocks</td>
<td>0.004</td>
<td>0.003</td>
<td>211</td>
<td></td>
<td></td>
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<tr>
<td>042 Rice</td>
<td>0</td>
<td>0.002</td>
<td>212</td>
<td></td>
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</tr>
<tr>
<td>072 Cocoa</td>
<td>4</td>
<td>0.002</td>
<td>213</td>
<td></td>
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<tr>
<td>572 Polymers of styrene, primary</td>
<td>0.044</td>
<td>0.002</td>
<td>214</td>
<td></td>
<td></td>
</tr>
<tr>
<td>573 Polymers of vinyl chloride</td>
<td>0.043</td>
<td>0.002</td>
<td>215</td>
<td></td>
<td></td>
</tr>
<tr>
<td>654 Other woven fabrics</td>
<td>0.003</td>
<td>0.002</td>
<td>216</td>
<td></td>
<td></td>
</tr>
<tr>
<td>422 “Hard” fixed vegetable fats &amp; oils</td>
<td>0</td>
<td>0.001</td>
<td>217</td>
<td></td>
<td></td>
</tr>
<tr>
<td>525 Radio-active &amp; associated materials</td>
<td>0.007</td>
<td>0</td>
<td>218</td>
<td></td>
<td></td>
</tr>
<tr>
<td>583 Plastic monofilament, rods, shapes</td>
<td>0.001</td>
<td>0</td>
<td>219</td>
<td></td>
<td></td>
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<tr>
<td>671 Pig iron</td>
<td>0.005</td>
<td>0</td>
<td>220</td>
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</tbody>
</table>

Source: DFAT, STARS database

**QUESTIONS IN WRITING**
**Philippines**

*(Question No. 3167)*

Mr Albanese asked the Minister for Foreign Affairs, in writing, on 1 March 2006:

(1) What was the value of Australian aid to the Philippines Government for 2004-2005.

(2) Which agencies in the Philippines received the Australian aid.

(3) What was the nature of the projects undertaken by the agencies which are funded by Australian aid.

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

(1) The Australian aid program to the Philippines totalled $54.5 million in 2004-2005.

(2) Under Australia’s development assistance to the Philippines many agencies receive support. They include central government agencies, local government agencies at the provincial and municipal levels and over 100 non-government organisations, community groups and church based groups. Australia also channels development assistance through United Nations agencies, for example UNICEF, UNDP, FAO, UNFPA, and the international development banks (Asian Development Bank, World Bank) for joint programs.

The attached table shows the major Philippine Government agencies which received support from Australia in 2004-05.

(3) See attached table for details of activities involving Philippine Government agencies. Activities undertaken by non-government organisations involve income and employment generation, provision of community health services, microenterprise development and sustainable environmental management.

Australian Development Assistance 2004-2005, Philippines – Annex 1

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>VALUE</th>
<th>PERIOD</th>
<th>PHILIPPINES AGENCY</th>
<th>NATURE OF PROJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Philippines-Australia Basic Education Assistance for Mindanao (BEAM)</td>
<td>A$27.7 million</td>
<td>2002-2008</td>
<td>Department of Education</td>
<td>BEAM contributes to enhancing the skills, knowledge and capacity of educational managers, teachers and teacher educators; developing learning materials; and providing opportunities for disadvantaged children in the target regions to access quality education. Part of the Program assists Muslim education in Mindanao.</td>
</tr>
<tr>
<td>PROJECT</td>
<td>VALUE</td>
<td>PERIOD</td>
<td>PHILIPPINES AGENCY</td>
<td>NATURE OF PROJECT</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>------------</td>
<td>------------</td>
<td>--------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3. Partnership for Economic Governance Reform (PEGR)</td>
<td>A$30 million</td>
<td>2005-2009</td>
<td>National Economic and Development Authority Department of Finance Department of Budget and Management</td>
<td>Support to government implementing agencies to achieve the objectives in economic governance through sound budget management and expenditure and fiscal management.</td>
</tr>
<tr>
<td>4. Land Administration and Management Program (LAMP)</td>
<td>A$47.7 million</td>
<td>2001-2010</td>
<td>Department of Environment and Natural Resources Department of Finance</td>
<td>Assistance to improve the effectiveness and efficiency of land administration, registration and titling.</td>
</tr>
<tr>
<td>7. Philippines-Australia Technical Support to Agrarian Reform and Rural Development (PATSARRD)</td>
<td>A$9.1 million</td>
<td>2003-2006</td>
<td>Department of Agrarian Reform (DAR)</td>
<td>Institutional strengthening and human resources development initiative to provide support to the implementation of the Philippine Comprehensive Agrarian Reform Program (CARP). Addresses rural poverty and provides assistance to DAR and local governments in involving farmer beneficiaries into the development planning processes.</td>
</tr>
</tbody>
</table>
HOUSE OF REPRESENTATIVES

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>VALUE</th>
<th>PERIOD</th>
<th>PHILIPPINES AGENCY</th>
<th>NATURE OF PROJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Water Supply and Sanitation Performance Enhancement Project (WPEP)</td>
<td>A$3.1 million</td>
<td>2000-2005</td>
<td>Department of Interior and Local Government</td>
<td>Strengthening the capacity of agencies to enhanced the access of the underserved rural and urban poor to adequate water and sanitation services on a sustainable basis.</td>
</tr>
<tr>
<td>10. Foot and Mouth Disease Control</td>
<td>A$7.7 million</td>
<td>1996-2005</td>
<td>Bureau of Animal Industry</td>
<td>Assistance to strengthen the Philippines’ capacity to control FMD and declare the country as FMD-free.</td>
</tr>
<tr>
<td>12. UNICEF Country Program for Children</td>
<td>A$22.2 million</td>
<td>2005-2009</td>
<td>Australia and UNICEF assist a range of government agencies (health, education) at the provincial level</td>
<td>Australia is the largest funder of the Philippines-UNICEF Country Program for Children covering education, health and immunisation.</td>
</tr>
<tr>
<td>13. UN Multi-Donor Program/Action for Conflict Transformation (ACT for Peace)</td>
<td>A$34.2 million</td>
<td>1997-2010</td>
<td>Local governments and organisations in conflict affected areas in Mindanao</td>
<td>Assistance to rebuild conflict affected communities in Mindanao through livelihood development, peace building and capacity building.</td>
</tr>
</tbody>
</table>

Human Rights: Burma
(Question No. 3169)

Mr Danby asked the Minister for Foreign Affairs, in writing, on 2 March 2006:

(1) Has he seen reports that the military regime in Burma has kidnapped a pro-democracy activist, Chit Thein Tun, from Manipur, India, and has also imprisoned his wife and his four-year-old daughter.

(2) Has he protested to the Burmese regime against this blatant violation of international law and demanded the immediate release of Chit Thein Tun and his family; if not, why not.

(3) Is he aware that the International Committee of the Red Cross has suspended its visits to prison inmates in Burma as a result of unacceptable conditions imposed by the Burmese regime.

(4) What information does he have about the number of political prisoners currently being held in Burma, the conditions in which they are being held, and the efforts being made to improve their conditions and secure their release.

(5) What representations has the Government made over political prisoners in Burma.

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

(1) Yes.

(2) I have called repeatedly for the immediate and unconditional release of all political prisoners in Burma. The Australian Ambassador in Rangoon also frequently makes similar points to Burmese authorities, including to Burmese ministers and officials.
(3) Yes, the International Committee of the Red Cross (ICRC) has not undertaken prison visits in Burma since late 2005. Negotiations between the ICRC and Burmese authorities are continuing in an effort to resume the visits.

(4) The UN Special Rapporteur on Human Rights estimates that there are currently 1,144 political prisoners in Burma. The ICRC and other NGOs provide reports on prison conditions, and we have, along with other donor countries, contributed financially towards supporting the work of the ICRC in Burma including to assess the treatment and conditions, to provide basic health and hygiene supplies and to enable prisoners to re-establish and maintain family links.

(5) Over the past twelve months the Government has made formal representations on at least ten occasions, including at the highest level, urging the Burmese regime to address human rights and to release all political prisoners in Burma.

Human Rights: China

(Question No. 3170)

Mr Danby asked the Minister for Foreign Affairs, in writing, on 2 March 2006:

(1) Is he aware of the public protest by a group of former senior Chinese Communist officials against the closure by the Chinese government of the popular newspaper supplement Freezing Point and the dismissal of the editors of several other newspapers and can he say what have been the consequences of this act of protest.

(2) Is he able to provide the names and former positions of those who signed the protest and is he aware of any official or unofficial acts of retribution against any of the signatories.

(3) What is the Government’s response to the statement made by the former officials that “At the turning point in our history from a totalitarian to a constitutional system, depriving the public freedom of speech will bring disaster for our social and political transition and give rise to group confrontation and social unrest.”

(4) Has he raised the issue of press censorship, including the censorship of the internet, with the Chinese government; if so, (a) when, (b) with which officials, and (c) what was the response.

(5) When is the next meeting of the Australia-China Human Rights Dialogue and will he be raising the issue of press censorship, and specifically the closure of Freezing Point, the dismissal of editors and the censorship of the internet, with the Chinese Government at that meeting.

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

(1) I am aware of the protest and the dismissal of editors of some other newspapers, but not of any specific consequences that have resulted from the protest of the former senior officials.

(2) Their names (according to media sources) are as follows, with their positions where my department has been able to determine them. I am not aware of any retribution against any of the signatories.

Jiang Ping – former Chairman of the Law Committee of the National People’s Congress and former president of China University of Political Science and Law
Zhu Houze – former Head of the Central Publicity Department
Li Rui – former Secretary to Mao Zedong
Li Pu – former Vice President of the China News Agency
He Jiadong
He Fang – former Head of China Youth Daily group
Dai Huang
Shao Yanxiang
Peng Di
Hu Jiwei – former Editor-in-Chief of the People’s Daily
Zhong Peizhang
Wu Xiang
Zhang Sizhi – lawyer

(3) The Government supports freedom of expression, and has called on China to guarantee freedom of expression, including press freedom.

(4) My department has raised the issue of press censorship.
   (a) Most recently at our bilateral human rights dialogue on 27 June 2005.
   (b) The issue was raised with then Chinese Vice Minister for Foreign Affairs, Mr Shen Guofang, and his accompanying delegation, which included:
      - China’s Special Representative on Human Rights, Ministry of Foreign Affairs
      - the Chief Judge of the Supreme People’s Court
      - and officials from the Chinese Foreign Ministry, the Chinese Communist Party United Front Work Department, the Ministry of Justice, the Ministry of Public Security, and the All-China Women’s Federation.
   (c) The Chinese responded that China’s Constitution protects the right of free speech and freedom of the press. They noted that China was second only to the United States in terms of internet use, and that many citizens used the internet to express their views on steps taken by the Government.

(5) The next round of our bilateral human rights dialogue is scheduled for the week beginning 24 July. The specific agenda will be decided closer to that time. Press freedoms, including the use of the internet, are issues indispensable to discussions on civil and political rights at the dialogues.