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SITTING DAYS—2006

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- **NEWCASTLE**: 1458 AM
- **GOSFORD**: 98.1 FM
- **BRISBANE**: 936 AM
- **GOLD COAST**: 95.7 FM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 747 AM
- **NORTHERN TASMANIA**: 92.5 FM
- **DARWIN**: 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—SEVENTH 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 Barry Wayne Haase, Mr Michael John Hatton, the Hon. Duncan James Colquhoun Kerr SC, 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—Mrs Kay Elizabeth Hull MP
Whip—Mr Paul Christopher Neville MP

Australian Labor Party
Leader—The Hon. Kim Christian Beazley MP
Deputy Leader—Ms Jennifer Louise Macklin MP
Chief Opposition Whip—The Hon. Leo Roger Spurway Price MP
Opposition Whips—Mr Michael David Danby MP and Ms Jill Griffiths Hall MP

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

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<td>Windsor, Antony Harold Curties</td>
<td>New England, NSW</td>
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<td>Wood, Jason Peter</td>
<td>La Trobe, Vic</td>
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**PARTY ABBREVIATIONS**

ALP—Australian Labor Party; LP—Liberal Party of Australia; Nats—The Nationals; Ind—Independent; CLP—Country Liberal Party; AG—Australian Greens

### Heads of Parliamentary Departments

- Clerk of the Senate—H Evans
- Clerk of the House of Representatives—I C Harris
- Secretary, Department of Parliamentary Services—H R Penfold QC
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<td>The Hon. Anthony John Abbott MP</td>
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<td>The Hon. Philip Maxwell Ruddock MP</td>
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<td>Vice-President of the Executive Council</td>
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<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Peter John McGauran MP</td>
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<td>and Deputy Leader of the House</td>
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<td>Minister for Immigration and Multicultural Affairs</td>
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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 and Minister Assisting the Minister for Workplace Relations  The Hon. Joseph Benedict Hockey MP
Minister for Community Services  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
Parliamentary Secretary to the Minister for Finance and Administration  The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Industry, Tourism and Resources  Senator the Hon. Richard Mansell Colbeck
Parliamentary Secretary to the Minister for Health and Ageing  The Hon. Robert Charles Baldwin MP
Parliamentary Secretary to the Minister for Defence  The Hon. Christopher Maurice Pyne MP
Parliamentary Secretary to the Minister for Transport and Regional Services  Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs  The Hon. De-Anne Margaret Kelly MP
Parliamentary Secretary to the Prime Minister  The Hon. Andrew John Robb MP
Parliamentary Secretary to the Treasurer  The Hon. Malcolm Bligh Turnbull MP
Parliamentary Secretary to the Minister for the Environment and Heritage  The Hon. Christopher John Pearce MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry  The Hon. Gregory Andrew Hunt MP
Parliamentary Secretary to the Minister for Education, Science and Training  The Hon. Sussan Penelope Ley MP
Parliamentary Secretary (Foreign Affairs)  The Hon. Patrick Francis Farmer MP
Parliamentary Secretary to the Treasurer  The Hon. Teresa Gambaro MP
## SHADOW MINISTRY

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<tr>
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<td>Jennifer Louise Macklin MP</td>
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<td>Senator Christopher Vaughan Evans</td>
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<td>Senator Stephen Michael Conroy</td>
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<tr>
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<td>Julia Eileen Gillard MP</td>
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<td>Shadow Treasurer</td>
<td>Wayne Maxwell Swan MP</td>
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<td>Shadow Attorney-General</td>
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<td>Stephen Francis Smith MP</td>
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<td>Kevin Michael Rudd MP</td>
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<td>Shadow Minister for Defence</td>
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<td>The Hon. Simon Findlay Crean 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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<td>Senator Kim John Carr</td>
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<td>Senator the Hon. Nicholas John Sherry</td>
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<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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<td>Gavan Michael O'Connor MP</td>
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<td>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow</td>
<td>Joel Andrew Fitzgibbon MP</td>
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<td>Minister for Small Business and Competition</td>
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<td>Shadow Minister for Transport</td>
<td>Senator Kerry Williams Kelso O’Brien</td>
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<td>Shadow Minister for Sport and Recreation</td>
<td>Senator Kate Alexandra Lundy</td>
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<td>Shadow Minister for Homeland Security and Shadow Minister for Aviation</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
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<td>Shadow Minister for Veterans’ Affairs and Shadow Special Minister of</td>
<td>Alan Peter Griffin MP</td>
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<td>Shadow Minister for Defence Industry, Procurement and Personnel</td>
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<td>Shadow Minister for Ageing, Disabilities and Carers</td>
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<td>Senator Annette Hurley</td>
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<td>Catherine Fiona King MP</td>
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<td>Shadow Parliamentary Secretary for Science and Water</td>
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<td>Shadow Parliamentary Secretary for Northern Australia and Indigenous</td>
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The SPEAKER (Hon. David Hawker) took the chair at 2.00 pm and read prayers.

QUESTIONS WITHOUT NOTICE

North Korea

Mr BEAZLEY (2.01 pm)—My question is to the Prime Minister. I refer to yesterday’s nuclear test by North Korea. I refer also to the foreign minister’s reference to the risk of a nuclear arms race in our region. Given Australia’s historic diplomatic credentials in nuclear disarmament, will the government consider Labor’s positive proposals? In particular, will the government consider Labor’s proposal for an international conference of foreign ministers of like-minded states to rebuild the nuclear non-proliferation treaty regime before it collapses?

Mr HOWARD—I thank the Leader of the Opposition for the question. I think it is true to say that Australia has over the years, under governments from both sides of politics, played a very positive role in favour of measures to prevent nuclear proliferation. It is true that what North Korea has done is a very serious blow to the non-proliferation regime. Let me say in response to the Leader of the Opposition that the government is naturally considering a range of measures. I know that the foreign minister has been in contact with a number of his counterparts, including the American Secretary of State, and we will consider all of the options that are available which might be advanced in the cause of non-proliferation.

North Korea

Dr SOUTHCOTT (2.02 pm)—My question is addressed to the Minister for Foreign Affairs. Would the minister update the House on Australia’s response to North Korea’s nuclear test?

Mr DOWNER—I thank the honourable member for Boothby for his question and for his interest. The United Nations Security Council has now given some consideration to this issue. The views of the Security Council are unanimous and clear in terms of their condemnation of the nuclear test conducted by North Korea. The Security Council will now be considering what further measures it can take.

As I pointed out to Secretary Rice last night, and as is well known, the Australian government believes that the Security Council should act under chapter 7 and that specific sanctions should be imposed on North Korea. It is my guess that the Security Council is likely to do that. There will be debate amongst members of the Security Council, however, over what sort of sanctions to impose. I am sure they will agree fairly rapidly to sanctions that have a bearing specifically on nuclear programs and perhaps missile programs, but further measures over and above that will obviously have to be debated in the Security Council.

Today, I called in the Ambassador for North Korea, Ambassador Chon, and said—it will not come as a surprise to anybody—that the Australian government and, more importantly, the people of Australia condemned in the strongest possible terms the actions of North Korea in conducting a test. I told the ambassador that we would support Security Council sanctions under chapter 7 and that, over and above that, a measure that we would take immediately would be to deny visas to North Koreans who apply for visas to visit Australia except in exceptional circumstances.

I made it clear to the ambassador that a nuclear test by North Korea was a threat to the peace and stability of a region which has enjoyed relative peace and stability for quite some time, particularly North Asia. I made
the point to the ambassador that what the North Koreans had done had been not only in clear defiance of the wishes of the international community, which is united in its opposition to North Korean nuclear testing, but also significantly in defiance of representations made by North Korea’s longstanding supporter, China; that this had put China in an embarrassing and humiliating position, and I regarded that as unacceptable. I thought that what the North Koreans had done was deeply offensive to a country on which it depended for its food aid and other forms of assistance and for its trade in such a significant way.

I finished the discussion by pointing to a satellite photograph in my office, which I have had there for quite some time, of the Korean peninsula at night, which shows South Korea lit up and North Korea in the dark, and explained to him that this was a regime which had manifestly failed in looking after the interests of its ordinary people, yet was spending billions of dollars on developing nuclear weapons and nuclear weapons programs, and that this was completely unconscionable in the view of the Australian people.

In conclusion, in terms of diplomacy, the Leader of the Opposition asked the Prime Minister a little earlier about foreign ministers and the nuclear non-proliferation treaty. There were a range of meetings along those lines—not precisely as described by the Leader of the Opposition—recently in New York, including the annual meeting of foreign ministers which I co-chaired, on support for the ratification of a comprehensive test ban treaty. We will continue our vigorous diplomacy, which, in Australia, as the Prime Minister has said, has been pursued by both sides of the House over many years, in support of the non-proliferation regime. It was our government that brought the comprehensive test ban treaty to the United Nations General Assembly and had it adopted there by a very large majority, and we continue to push for ratification.

The problem is not that most countries are about to proliferate; the problem is the extremist regimes that are defying the views of the international community. What do we do in a situation where we have international norms, which most countries adhere to, but where a country like North Korea has withdrawn from the nuclear non-proliferation treaty altogether and defied the wishes of the international community? Certainly, we should use all of the strength that the Security Council can muster to address this issue.

**Privacy**

Mr BEAZLEY (2.08 pm)—My question is to the Prime Minister. I refer to recent media reports of Australian businesses sending customer information offshore for processing and to media reports in the last week about a massive illegal trade in personal data files in India. Why won’t the Prime Minister adopt Labor’s plan to ensure Australians have a right to know when their bank details, credit card files, health records and other sensitive information is sent overseas?

Mr HOWARD—Perhaps the Leader of the Opposition appreciates it when it suits him, but on occasions when it does not suit him he does not appreciate that in a globalised world lots of tasks flow across borders from one country to another. Just as this country wants the advantages of globalisation, so it should be that we must accept that part of a globalised world is a much freer flow of information, and the idea that you can have an effective regulatory regime of the type he is talking about ignores the realities of the modern world.

**Drought**

Mr SCHULTZ (2.09 pm)—My question is addressed to the Prime Minister. Is the Prime Minister aware of the serious impact
the continuing long-term drought is having on farmers? Is the Prime Minister also aware how badly the driest winter on record is affecting canola and wheat crops?

Mr HOWARD—I thank the member for Hume. I know that in raising this issue he echoes the views of people representing rural Australia in this parliament. The present drought, which has continued since 2001, is the worst on record and it has required and will continue to require an unprecedented response from the government. Thirty-eight per cent of all agricultural land in Australia is now declared as being eligible for exceptional circumstances, which is an astonishingly high percentage of agricultural land.

The Bureau of Meteorology’s outlook to the end of 2006 notes a high likelihood of above average temperatures over much of the country. Rainfall data showed that August 2006 was the driest August in 100 years and the warmest since recordings began in 1950. Large parts of south-western Australia and south-eastern Australia have had the lowest winter rainfall on record, and rainfall from December 2005 to August 2006 was in the lowest 10 per cent of records for large areas of the Murray-Darling Basin. ABARE forecasts that grain and oilseed production will fall sharply by 34 per cent in 2006-07 to a low level of 23.8 per cent below the 10-year average. Wheat production is forecast to fall by around 35 per cent; canola, by 46 per cent; and rice, by 62 per cent.

Over $1.2 billion has been provided by the Commonwealth government to more than 53,000 farm families since 2001. Under the existing exceptional circumstances arrangements, the Commonwealth pays 100 per cent of the income support and 90 per cent of the interest rate subsidies, with the remaining 10 per cent—a fairly nominal amount—being contributed by the states. We are spending at the moment $29 million a month on income support and interest rate subsidies.

I have two other observations to make. The first of those is to address an assurance to the farm community of Australia—that is that as you enter a period of this prolonged drought you may rest assured that the Commonwealth government will meet its obligations to you as hard-pressed producers and you will continue to receive, as you have in the past, the assistance of the Commonwealth government. We will ensure that the exceptional circumstances arrangements operate speedily and effectively to make sure that the difficult circumstances that you now face are shared as fairly as they can be within the broader Australian community.

I also make the observation that many Australian farmers are being assisted through this very severe drought by the operation of the Farm Management Deposits scheme, which allows taxable primary production income to be set aside in profitable years to be drawn down later. In that connection, farmers’ deposits have increased in value from $1 billion in early 2002 to $2.4 billion in March of 2006. It would not be exaggerating circumstances to say that the existence of this scheme has prevented many Australian farmers from going bankrupt as a result of the impact of the drought. I take this opportunity to record my continuing appreciation of the work of the former Deputy Prime Minister and member for Gwydir when he occupied the primary industry portfolio in advocating and securing cabinet support for the establishment of the farm management scheme, which in my view has been one of the most beneficial agricultural schemes introduced by any government in this country over the last 25 years.

Media Ownership

Mr BEAZLEY (2.15 pm)—A correction there, Mr Speaker; it was Simon.
The SPEAKER—The Leader of the Opposition will come to his question.

Mr BEAZLEY—My question is to the Minister representing the Minister for Communications, Information Technology and the Arts, who is your good self, Minister McGauran. Can the minister confirm that a new outbreak of hostility between National and Liberal Party members of the government has forced the government into another embarrassing backflip, this time on aspects of its diversity-destroying media ownership bill?

Mr McGAURAN—I thank the honourable member for his question; the answer is no.

Drought

Mrs HULL (2.16 pm)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Would the Deputy Prime Minister and Minister for Transport and Regional Services outline to the House how the severe drought is hurting irrigators in Australia and particularly in my electorate of Riverina? How is drought impacting on the broader community and economies in the Riverina and across Australia?

Mr VAILE—I thank the member for Riverina for her question. Of course, the member for Riverina represents the heart of the rice-growing area of Australia and knows as well as anyone how the drought is impacting on our farmers, particularly the accessibility of a secure water supply to our irrigators. It is interesting to note that just 0.5 per cent of agricultural land in Australia is irrigated but it produces 25 per cent of total agricultural output, a lot of that coming from the member for Riverina’s electorate in the Murrumbidgee.

The drought will dramatically affect irrigation this year, including our valuable horticulture, rice and dairy production industries, because of that lack of access to secure water. In New South Wales, in the Murray, the lower Darling and Lachlan, irrigators have zero allocation. In the Murrumbidgee there is just 18 per cent at this stage of the season, so they only have access to 18 per cent of their allocation of water. Water allocations in Victoria’s food bowl in the Goulburn Valley are just 21 per cent, with only a 10 per cent chance of any increase in that at all by the end of this season. It paints a very bleak picture for the irrigators, who produce, as I said, 25 per cent of our agricultural output.

The broader community should be concerned by and aware of—and they are, across Australia—what is happening with drought and what is happening with the shortage of water. For example, people in the cities experiencing water shortages are understanding what a drought is all about. As was indicated in a press release by the National Farmers Federation, Charles Burke said it would be short-sighted to dismiss drought as just a problem for farmers. It critically impacts on our farming community, but it is an issue that the nation needs to be able to deal with.

Now—and the member for Riverina would be aware of this—our irrigators are always being blamed for the ills of our river systems, but it is not always the case. The reason that we will not be planting any rice this year is because it has not rained. The reason that the rivers are not flowing is because it has not rained. So there will be no rice crop grown because it has not rained, not because they are taking too much water out of the rivers.

As the Prime Minister has just indicated, this government has never shirked its responsibilities of standing by Australia’s farmers and supporting them in times of adversity. Since 2001 we have spent $1.2 bil-
lion assisting 53,000 Australians families. So we will continue to do our bit, but the financial institutions and the banks in Australia should also be sympathetic to the circumstances of Australia’s farmers. Today I have written to the major banks and the financial institutions asking them to be sympathetic to the problems of their farming clients and to do their best to provide help and assistance where they can during this drought, not just in the interests of agriculture or regional communities but in the interests of the nation.

DISTINGUISHED VISITORS

The SPEAKER (2.20 pm)—I inform the House that we have present in the gallery this afternoon delegates attending the Political Party Development Course at the Centre for Democratic Institutions. The delegates are from Papua New Guinea, Fiji, Vanuatu, Indonesia and East Timor. On behalf of the House I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Skilled Migration

Mr BYRNE (2.20 pm)—My question is to the Prime Minister. Is the Prime Minister aware of reports in the media today of 457 visa holders signing unfair contracts to obtain the visa? Isn’t it the case that under such a contract Mr Fu, from China, was forced to pay more than $20,000 to his Australian employer and had to arrange his own travel for a $38,000 job? Isn’t it the case that the 457 visa program is out of control, or is it doing exactly what you want: driving down wages and conditions?

Mr HOWARD—I have read those media reports. If anybody has been forced to sign a contract which signs away or purports to sign away that person’s right to join a union then that is illegal and those responsible should be prosecuted. It has long been the position of this side of politics that the right to belong or not to belong to a union should be sacrosanct. It has never really been the policy of the Labor Party that the right not to belong to a union is sacrosanct. I mean, you cannot be a Labor member of parliament without belonging to a union, so do not come into this place and start giving us a lecture about freedom of association.

The 457 visa system has brought forth one of the most spectacular contemporary examples of Labor Party double standards and Labor Party hypocrisy. In here every day in the parliament they are up on their feet saying these 457 visas are an outrage. They are saying that every day, yet behind the scenes, away from the glare of the national parliament, their Labor mates at a state level are falling over themselves to recruit—

Opposition members interjecting—

Mr HOWARD—Oh, yes they are! You ought to go home to Western Australia and find out what the Western Australian government is doing. It is begging the minister for immigration to grant more 457 visas. The biggest single user of 457 visas is the New South Wales health department. The last time I checked, unfortunately New South Wales still had a Labor government and has had a Labor government now for nine or 10 years. So I simply say to those who sit opposite: do not parade your hypocrisy on this issue. You are being utterly opportunistic. You do not care about the human rights of migrants; you are just interested in a cheap political point of no substance.

Future Fund

Mr BAKER (2.24 pm)—My question is addressed to the Treasurer. Would the Treasurer inform the House of the latest allocation into the government’s Future Fund? How will this help address Australia’s future fi-
financial challenges and are there any threats to this prudent financial management?

Mr COSTELLO—I thank the honourable member for Braddon for his question. I can inform the House that, after the final budget outcome for the financial year 2005-06, I announced that the government would be allocating a further $13.6 billion into the Future Fund, which will join the $18 billion already allocated, bringing the sum standing to the Future Fund at over $30 billion. This will make a major contribution to funding the liabilities of the federal government in relation to superannuation.

The liability of the federal government for superannuation currently stands at around $97 billion or $98 billion. This liability has never been funded in the history of the Commonwealth. The Commonwealth always left the situation to be paid out of future revenues. It was not until this government cleared net debt that we were able to set up a Future Fund, which is now well on its way towards matching that liability with $30 billion, as I said, and also over the next two years we would expect proceeds from Telstra. We would be 30 or 40 per cent of the way towards funding that liability. This is absolutely critical at a time when the population is going to be ageing, when the number of people over 65 compared to the working age population is going to double and when we are going to have all of the costs of increased health care and pharmaceutical benefits. To have cleared net debt and begin building a Future Fund will set Australia up for that great challenge.

Australia’s efforts in this regard have been recognised by the IMF, with the IMF managing director recently saying:

We have also had this recognised by the OECD, which said:

The explicit quarantining of the Future Fund separately from other medium-term objectives is laudable and will make an important contribution to pre-funding the fiscal costs of ageing its own employees.

There is still one thing that concerns the government about the Future Fund—and it ought to concern every taxpayer—and it is: the Leader of the Opposition, because he cannot pay for the promises that he is out there making as he runs around Australia, is very directly threatening to raid the Future Fund—to raid the provision for Australia’s future, to raid superannuation—for his own political objectives. He has been up in the Northern Star setting out his priorities. Have a listen to this:

Mr Crean interjecting—

The SPEAKER—Order! The member for Hotham!

Mr COSTELLO—Last time the Leader of the Opposition was in a financial portfolio, he promised that he would balance the budget—and the budget was a $10 billion deficit. He is like a bear with a honey pot. He cannot keep his paws off the money which belongs to the taxpayers of Australia. Labor would never have had the wit to set up a Future Fund. It would not have the wit to defend it.

Mr Crean interjecting—

The SPEAKER—Order! The member for Hotham is warned!
Mr COSTELLO—It would not have the wit to fund superannuation and it ought to keep its hands off the savings of the Australian taxpayer.

Skilled Migration

Mr BEAZLEY (2.29 pm)—My question is to the Prime Minister and follows the previous answer that he gave to this side of the House. Prime Minister, who decided that Mr Fu would come to this country and the circumstances in which he would come?

Mr HOWARD—I do not know the precise—

Opposition members interjecting—

Mr HOWARD—We now have the latest little stunt. Everything is a stunt with this mob. They do not have any policy.

Mr Swan interjecting—

The SPEAKER—Order! The member for Lilley!

Mr HOWARD—One minute 457s are bad—

Mr Swan interjecting—

The SPEAKER—The member for Lilley is warned!

Mr HOWARD—and the next minute they have every state Labor premier running around. The precise circumstances of that particular gentleman’s arrival are a matter on which I would have to get advice. The Leader of the Opposition credits me with supernatural powers. I have to disappoint him and say I am not possessed of them. I do have to act on advice. I will get advice and I will write him a letter advising him. In the course of writing him that letter I will also enclose a copy of some of the correspondence that the minister for immigration has received from the state Labor ministers.

Pharmaceutical Benefits Scheme

Miss JACKIE KELLY (2.30 pm)—My question is addressed to the Minister for Health and Ageing. How is the government expanding the Pharmaceutical Benefits Scheme to provide a wider range of affordable medicines for those in medical need and, further, what new assistance is being provided through the PBS to women with early stage breast cancer and to those at risk of heart disease and diabetes?

Mr Tuckey interjecting—

The SPEAKER—Order! The member for O’Connor is warned!

Mr ABBOTT—I thank the member for Lindsay for her question and I acknowledge her successful efforts—

Ms Gillard interjecting—

The SPEAKER—Order! The member for Lalor!

Mr ABBOTT—To secure an after-hours GP clinic at Nepean Hospital funded by the federal government. The Pharmaceutical Benefits Scheme is one of the most important components of Australia’s health system. I should point out to the benefit of members that, to a considerable extent, improvements in life expectancy from 70 years at birth 45 years ago to over 80 years at birth today are due to effective drugs available to all Australians under the PBS. To protect taxpayers as well as to benefit patients, drugs only go on the Pharmaceutical Benefits Scheme if they can satisfy rigorous cost-effectiveness tests administered by the Pharmaceutical Benefits Advisory Committee.

I know many Australians were delighted when on 1 October a number of new and innovative drugs were listed on the PBS. First of all, Herceptin has been listed for HER2 positive women with early stage breast cancer, and that was listed after an expedited approval process. It is estimated that this will boost breast cancer survival rates, currently 85 per cent for the affected patient group, to about 90 per cent. Secondly,
the drugs Lantus and Levemir have been listed for patients with diabetes, and these certainly should help them to better manage their condition. Finally, people with cardiac risk factors will be able to access statins on the PBS regardless of their cholesterol level. All up, these very significant changes will benefit more than 360,000 Australians and they will cost more than $860 million over the forward estimates period.

Ms Gillard—What’s the cutback you’re planning? $1.6 billion?

Mr Abbott—All this shows—we’ve got more sound effects from the member for Lalor—no policy whatsoever—

Ms Gillard—What’s the cutback you’re planning?

The Speaker—Order! The member for Lalor is warned!

Mr Abbott—just a constant whingeing and whining from the member for Lalor, constant whingeing and whining from a person who is completely bereft of any policies or any ideas as to how to deal with the health problems of the Australian people. What all of this demonstrates is that the Howard government will not hesitate—

Ms Gillard interjecting—

The Speaker—Order! The member for Lalor has been warned!

Mr Abbott—to invest the money needed to make a good system even better. The Howard government has yet again demonstrated its clear credentials as the best friend that Medicare has ever had—and doesn’t the member for Lalor hate that!

Skilled Migration

Mr Burke (2.34 pm)—My question is to the Prime Minister. Is the Prime Minister aware that, despite the government’s own conditions of the 457 visa, Mr Fu’s contract, this contract I am holding, with Shanghai Overseas Employment Services states that changing employers is not allowed and that joining a union, becoming pregnant or impregnating others is a breach of contract?

Prime Minister, despite the comments about illegality, given 457 visa holders believe their employer has a right to dismiss and a right to deport, are you satisfied that all cases of abuse of the 457 visa are being reported? Is your 457 visa program out of control or is it doing exactly what you want—driving wages and conditions down?

The Speaker—Order! I remind member for Watson he should address his question through the chair.

Mr Howard—The member for Watson asks effectively: can I give a guarantee that all abuses are being reported? No, I can’t—nobody can—anymore than I can give a guarantee that a law we pass or a law any government passes is fully implemented and anymore than a minister in a New South Wales or any government can give a guarantee that every law in that state is fully obeyed and every abuse is reported. Of course I cannot.

What I can do is adopt a common-sense approach to this issue. I am glad that the member for Watson asked me that question because this morning in his doorstop he said in relation to 457s: ‘You can’t scrap them; you need to have a system of temporary work visas.’

Government members interjecting—

Mr Howard—Yes, we do; that is right. We have established that point. We have now established the point that we need to have a system.

Ms Macklin interjecting—

The Speaker—Order! The Deputy Leader of the Opposition is warned!

Mr Howard—We have also established that the greatest users of 457s are state Labor governments. They love them. The
proposition that they are being used as a tool to drive down wages is palpable nonsense. In fact, the wage requirements in relation to 457s, if you look at them carefully, directly refute that argument.

DISTINGUISHED VISITORS

The SPEAKER (2.37 pm)—I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from the Netherlands led by Mrs Yvonne Timmerman, President of the Senate of the States General. On behalf of the House I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Workplace Relations

Mr BARRESI (2.37 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Has the minister seen reports of a $32 million payment to a major construction company as settlement for delays caused by union activity at the Southern Cross Railway Station development in Melbourne? What is the government doing to protect the economy from costly industrial disputes? Are there any threats to achieving low industrial disputation?

Mr ANDREWS—I thank the member for Deakin for his question. Indeed, I am aware of reports in today’s Herald Sun that the Bracks Labor government is wasting $32 million of Victorian taxpayers’ money on a settlement as a result of disruptive union activity. This project, the Southern Cross station in Melbourne, was due to be completed more than 18 months ago and what we have seen there is a project which has experienced delays and, indeed, cost blow-outs. This was a direct result of union activity on the site which saw the union shop stewards controlling everything. To quote from the report, ‘You could not do anything unless you had the consent of the stewards to run your program—everything from ordering concrete trucks to the induction of new employees.’

There has been no industry in Australia in greater need of a comprehensive clean-up than the building industry. After years of unlawful and corrupt conduct, the government’s reforms are delivering opportunity in a new era which is characterised by efficiency and legality rather than the unlawfulness and corruption of the past. The national rate of disputation has fallen to the lowest levels in Australia, indeed, in the building and construction industry alone. When the Leader of the Opposition was the employment minister in Australia—the last time he had some responsibility for some aspect of the economy in Australia—the number of working days lost in this country was 104 per thousand employees. What we have seen in the latest set of data from the Australian Bureau of Statistics is a figure of just three—three working days lost per thousand employees; today, just three. That is an indication of the success of these reforms which the government has put in place.

I am asked by the member for Deakin if there are threats. Of course, the Leader of the Opposition has opposed all of these reforms to the building construction industry in Australia. Why: because he is beholden to his union masters. He gets directions from them every morning. He was quoted in a doorstop in September as saying:

I speak with the … trade union leadership on a daily basis.

They tell him what he should do about this. If given the opportunity, the Leader of the Opposition would rip up these laws to the building construction industry, would drive up disputes in Australia again and would
effectively drive up the cost of housing affordability in this country.

**Skilled Migration**

**Mr KATTER** (2.41 pm)—My question is to the Minister representing the Minister for Immigration and Multicultural Affairs. Is the minister aware of an authoritative report by Adrian Rollins in the *Australian Financial Review* that says that business is on track to import almost 80,000 workers under section 457 work visas this year—this would be a 100 per cent increase on last year’s 39,530 visas? Is the minister further aware that already one in five of those already here have received permanent residency and—even upon the highly questionable premise that this exponential growth rate will not increase and will remain at 100 per cent a year—this will still mean that, even without family reunions, over two million workers will have flooded into this country by 2011? Further, would the minister not agree that, with the government making section 457 people available at $37,700 a year and with nearly half of these people coming from $60 a week wage countries, not only would a business be most foolish—

**The SPEAKER**—Order! Will the member come to his question.

**Mr KATTER**—but their competitors would inevitably triumph over them if they did not resort to this super cheap section 457 labour? I am winding up.

**Honourable members interjecting—**

**The SPEAKER**—Order! Very quickly!

**Mr KATTER**—I would not be laughing if I were on that side of the House. You are the blokes that run the racist card—

**The SPEAKER**—The member for Kennedy will resume his seat. He will conclude his question or I will sit him down.

**Mr KATTER**—I apologise to the chair. Finally, and specifically, is the minister aware that Teys Brothers at the Innisfail Meatworks have said they cannot get labour—when Innisfail in fact has 2,000 banana workers out of work, their boning room, in spite of claimed labour shortages—

**The SPEAKER**—The member for Kennedy will resume his seat. The member for Kennedy has asked a series of questions. I will call the Attorney-General to answer his question.

**Mr RUDDOCK**—I thank the member for Kennedy for the opportunity to speak in response to the questions that he has asked about the use of 457 visas. In relation to the specific questions, some of them may require further information, which I will obtain, but I can say that I understand that one in five 457 visa holders, as he has suggested—I think the figure is 19 per cent—is often able to seek from within Australia a skilled migration outcome on the basis of the skills that they have and on the basis that they satisfy the relevant criteria for a permanent visa outcome. Whether that would lead to two million workers in Australia by the year 2011 is something I would have to check, but, with of the order of 100,000 migrants settling in Australia each year now, one can see how figures of at least half that may well be ascertainable.

In relation to the 457 visa class generally, it was introduced as a result of a report commissioned by a predecessor of mine, former immigration minister Nick Bolkus. The report was prepared by a very distinguished businessman, Neville Roach, and formed the basis of the implementation of the 457 visa class. It has been a system which, from time to time, may be manipulated or misused by some people, but in the main it has been extraordinarily successful. If you look at the number of complaints in
relation to the 457 visa class, you will see that something in the order of 200 employers out of 10,000 employers in the program in the period up to September 2006 have been the subject of complaints. In relation to that, DIMA has been doing its job of monitoring the compliance of that program. It has monitored something like 6,471 sponsors and has made site visits to 1,790 sponsors. If you look at the implementation of the program, each time issues are raised about the scheme being potentially misused—and each time issues are raised in this parliament—you will see that DIMA is conscientiously investigating the small number of cases involved.

In relation to the member’s allegation that these are visas for people who are working in relatively low-paid employment in Australia, 85 per cent of persons granted 457 visas in 2005-06 were professionals, managers or associate professionals. The largest single occupation has been that of nurses. When you look at the employment demands within our economy, it is not surprising that we need to have an important and well managed program for administering the capacity of the Australian economy to be able to function effectively.

**Solomon Islands**

**Mr CAMERON THOMPSON** (2.47 pm)—My question is to the Minister for Foreign Affairs. Would the minister update the House on the implications of reports that the fugitive Julian Moti may have travelled from Papua New Guinea to the Solomon Islands?

**Mr DOWNER**—I thank the honourable member for his question and for his interest. We have received reports today that the fugitive Julian Moti arrived in the Solomon Islands from Papua New Guinea early today. He is currently being held in a police station in the Solomon Islands in relation to immigration offences.

Mr Moti is an Australian citizen, and the Solomon Islands Prime Minister wants to appoint this Australian as the Attorney-General of the Solomon Islands. I make the point that Mr Moti is facing child sex charges here in Australia. That is a very serious allegation, and we would expect Mr Moti to be sent back to Australia to face those charges. We feel very strongly about this, and I am sure that all members of the House would agree with me. This is a very serious matter.

The circumstances of Mr Moti’s flight from Papua New Guinea to the Solomon Islands are also worrying. A spokesman for the Prime Minister of Papua New Guinea, Sir Michael Somare, has confirmed that a Papua New Guinea military plane was used to transfer Mr Moti, who was wanted by authorities in Papua New Guinea. So, on the face of it, this action was in complete contradiction to Papua New Guinea law. He had no passport and he had been apprehended and taken before a Papua New Guinea court, and he was expected to appear before a Papua New Guinea court.

This whole situation goes to the very heart of what this government has argued for a long time: there are serious problems with governance in some parts of the Pacific and there are serious problems with the upholding of the rule of law in some parts of the Pacific. The taxpayers of this country are spending over $300 million a year to help the people of Papua New Guinea. We have spent around $800 million of taxpayers’ money on the RAMSI initiative to help the ordinary people of the Solomon Islands, and the people of those countries, as well as our own taxpayers, deserve to see higher and improving standards of governance in those countries. That is a very important requirement that this government lays down in its relations with these countries.
We will investigate further the circumstances of Mr Moti’s flight from Papua New Guinea to the Solomon Islands. I understand that when Mr Moti landed in the Solomon Islands, the ordinary people of the town he landed in apprehended him and took him to the police. So the ordinary people of the Solomon Islands know what is right and what is wrong. These are good and decent people in the Solomon Islands, and they deserve a good and decent government.

We regard the charges that Mr Moti faces as very serious charges. It is important for the work of Australia that politicians in our region behave responsibly, that they respect the processes and their own legal systems, and that they do the right thing by the people of their country. This is a matter for law enforcement authorities and the courts. This is not a matter for politicians.

Workplace Relations

Mr STEPHEN SMITH (2.51 pm)—My question is to the Prime Minister. I refer the Prime Minister to his October 2005 WorkChoices booklet. I quote from page 37:

Transmission of business occurs when an existing business is sold to another business ...

The Australian Government will protect the entitlements of employees in these circumstances— for 12 months, Prime Minister, why were the entitlements of the 65 employees at the Hilton IGA in Perth not protected on the sale of that business?

Mr HOWARD—My understanding in relation to the Hilton case is that the Office of Workplace Services investigated claims raised in the media regarding accusations of duress being applied to workers in the sale of the Hilton IGA in Perth in September. Yesterday the OWS announced that it would be prosecuting Ten Talents Pty Ltd for allegedly applying duress to existing employees.

Provisions in the Workplace Relations Act prevent employees having duress applied to force them to sign an AWA. The transmission of business provisions ensures that an existing worker’s entitlements are protected for 12 months, as the government said they would be last year. In this case a complaint was made, it was investigated by the OWS and in 18 days action was taken against an alleged brief.

So much for the law not working! The law has worked with alacrity, to the great disappointment of the member for Perth. I know it breaks the heart of the Labor Party when this law is demonstrated to be working effectively. As I will demonstrate at the end of question time when I add to an answer I gave yesterday, the member for Perth is a past master at distorting the situation on this issue.

Trade

Mr FAWCETT (2.53 pm)—My question is addressed to the Minister for Trade. Would the minister advise the House how the government’s ongoing commitment to pursue wider trade markets is benefiting Australia’s exporters?

Mr TRUSS—I thank the honourable member for his question. I am pleased to report to the House that last month Australia’s exports totalled something over $18 billion—the second highest figure on record. It is particularly pleasing to note the strong growth in our export performance. As a result, our trade deficit was just $208 million for the month—down $112 million on the previous month.

The most impressive and pleasing aspect of our export reforms in the month is that, despite the claims of the opposition that our export performance was faltering and was only being held up as a result of the commodities boom, the facts show that these claims are completely false. In reality, commodity exports for the month were flat—actually down slightly at $6.1 billion. The
The real growth that occurred was in other areas, such as the manufacturing sector, which the Labor Party always says is in crisis. It in fact had an increase to $3.7 billion. The service sector also produced $3.7 billion worth of exports. It is also pleasing to note that the figures for education have been significantly upgraded. Again, Labor says that our policies are failing, but the reality is that education is on the verge of becoming a $10 billion a year export industry. That is a significantly important employer and provides an opportunity for Australia to spread our export industry around the world.

So the reality is that there has been a substantial growth in our manufactured exports, our service exports and in education. I am sure the honourable member for Wakefield, in particular, would be pleased to note the substantial increase in car exports in the previous month—up 37 per cent in a month. There was a 37 per cent increase in car exports and over 60,000 vehicles will be exported this financial year. In 2005-06 car exports reached a record $5.2 billion. So our manufacturers, our service sectors and our educators are getting on with the job of exports and helping to improve Australia’s trading situation.

**Workplace Relations**

**Dr LAWRENCE (2.56 pm)**—My question is to the Prime Minister. Prime Minister, irrespective of the OWS action over duress concerning two of the 65 Hilton IGA employees, does the government’s guarantee that employee entitlements will be protected for 12 months when a business is sold apply or not? If so, what will the Prime Minister do to ensure that the thousands of Australian employees who work for a business that is sold do not end up worse off—just like the Hilton IGA employees in my electorate?

**Mr HOWARD**—In reply to the honourable member for Fremantle: the design and intent of that provision of the legislation is very clear. I cannot guarantee the individual conduct of either employers or employees in response to a provision of the law, any more than I am sure the member for Fremantle purported to guarantee the behaviour of people in relation to laws passed when she was Premier of Western Australia or when she was a minister in the Keating government. The truth is that you legislate for a purpose and people are expected to obey the law. If they do not obey the law, they get prosecuted. That is happening with alacrity—and I know it upsets you.

**Abrams Tanks**

**Mr LINDSAY (2.57 pm)**—My question is addressed to the Minister for Defence. Minister, would you update the House on Australia’s acquisition of the Abrams tanks? How will these tanks strengthen the capability of our Defence Force?

**Dr NELSON**—I thank the member for Herbert for his question and his very strong commitment to the very large defence contingent in Townsville. Late last month the first 18 of the 59 Abrams M1A1 tanks that Australia has purchased arrived in Australia. They arrived at a cost of $528 million and six months ahead of schedule. In recognising the importance of the Abrams tanks to Australia, I pay tribute to the late Captain Paul Lawton, who died from medical causes in the process of escorting the tanks to Australia from Baltimore. Captain Lawton gave 16 years of his life to the Australian Army as an engineer, and we thank him for that.

The Abrams tanks are a very important part of Australia’s and this government’s endeavours to harden and network the Australian Army. They will significantly increase the mobility, the firepower and the integration of the Australian Army’s protective weaponry with its infantry. These tanks are also essential to the protection of the lives of
Australian soldiers. I point out to the House that in the last 24 hours in Iraq there was a significant engagement between the Iraqi army and the US army. There were 30 insurgents killed in that engagement. A rocket-propelled grenade hit an Abrams tank. The tank was extensively damaged but not a single American soldier was killed.

There have been criticisms of the acquisition of the tanks, a number of them quite misinformed. The first is about whether the tanks will be transported easily throughout Australia. They weigh 62 tonnes. Once they are on the heavy tank transporters, they will weigh in total, 97 tonnes. The government is in the process of acquiring the heavy rolling stock which will transfer them from Adelaide to Darwin by rail. The next 41 tanks will arrive in Darwin in April. In addition to that, they will go along precisely the same roads and across the same bridges in the Northern Territory as do the Leopard tanks which are currently used by the Australian Army.

The Executive Director of the Australia Defence Association, Mr Neil James, in his August-September Defence Brief, said this of the tank acquisition:

The shrill claims about the supposed unsuitability of the 59 new Abrams tanks being bought to replace our 105 Leopard mark Is have relied on several fibs and enough straw men to build arguments around a haystack. Contrary to common but inaccurate claims, the tanks are not too heavy or otherwise tactically unsuitable to deploy in our region. Based on the Army’s wartime operational experiences in operating tanks in New Guinea, Bougainville, Borneo and Vietnam, the tanks are needed to save infantry lives in the complex terrain of our region’s sprawling urban areas and jungles.

The reality is that these tanks will enable the Australian Army to hit harder and it will be harder to hit. The reality is that over the 30 years that we have had our Leopard tanks they have not had to fire a shot in anger. Let us hope that over the next 30 years these Abrams tanks will also not have to fire a shot in anger—but the world we face and the way it is changing and the insecurity we face to our country and our region are such that I fear I may be wrong.

**Telstra**

Mr ADAMS (3.01 pm)—My question is to the Prime Minister. I refer the Prime Minister to today’s Telstra share price of $3.73. I also refer the Prime Minister to the plight of the thousands of small shareholders who bought shares in T2 for $7.40, which the Prime Minister described as ‘an extremely good deal’. Will the Prime Minister repeat the claim? Is T3 an extremely good deal?

Mr HOWARD—We are all subject to the rule of law in this country. The law has been changed since T2, and I am prevented thereby from giving investment advice. I thank the member for Lyons, who I know enjoys the respect of many people on both sides of this House, for honouring me with a belief that I could give bona fide investment advice. If I were free to do so, I would express my view, but the law, as amended by this parliament since T2, now enjoins me and I am restrained. I can talk about other things to do with Telstra but not about the share price.

**Bushfires**

Mr WOOD (3.03 pm)—My question is addressed to the Minister for Local Government, Territories and Roads. How has the Australian government assisted local communities to properly prepare for the bushfire season?

Mr LLOYD—I thank the member for La Trobe. The region that he represents has suffered from bushfires over many years, with not only the loss of property but the tragic loss of life in the Ash Wednesday fires and in other bushfires. I am informed that already the Dandenong national park is a tinderbox.
As in many regions throughout Australia, the fire risk will be extreme in the coming fire season.

Without a doubt, Australia is facing one of its most serious bushfire seasons for many years. The Australian government stands ready to respond to this threat with more than $30 million in disaster mitigation funding in this year alone. Included in this funding is some $15 million over three years for the Bushfire Mitigation Program, a very important program which enables the construction, upgrading and signposting of fire trails, something that is very important to the thousands of volunteers who are out there fighting bushfires and protecting lives and property. Without those bushfire trails, those volunteers could be placed at risk and they could not have access to those fires. To date, some 1,644 projects have been funded under this program.

I want to pay tribute to the thousands of men and women who volunteer their time every single summer to protect the lives and properties of people around Australia from bushfires. To further assist those volunteers in the protection of lives and property, the Howard government is also providing some $5.5 million towards the National Aerial Firefighting Centre to ensure that once again this summer we will see sky cranes like Elvis and many fixed-wing aircraft available and ready to respond immediately to fire emergencies throughout this country.

Each and every one of us has a responsibility to prepare our homes and property against bushfire threat. I am very pleased that the Attorney-General and his department have provided some $2 million for a national awareness campaign and already this information is being broadcast nationwide. In conclusion: the Howard government will continue to assist communities around Australia in their relentless fight against the bushfire menace this summer and in years to come.

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

**QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS**

**Workplace Relations**

Mr Howard (Bennelong—Prime Minister) (3.06 pm)—Mr Speaker, I seek the indulgence of the chair to add to an answer I gave yesterday and an answer I gave today.

The Speaker—The Prime Minister may proceed.

Mr Howard—Yesterday in question time the member for Perth asked whether I was:

... aware that the Australian workplace agreement that Martin Donnelly electrical services employees are required to sign provides that payment of bonuses, overtime, loadings, penalties or other allowances is at the sole discretion of the company, a multistorey allowance is removed and there is no guarantee of a pay increase during the... life of the agreement?

That was the proposition that was put to me yesterday in question time by the member for Perth.

After carefully checking the member for Perth’s assertions, it turns out that the facts reveal a different story. I am advised that the member for Perth’s claims that bonuses, overtime, penalties and allowances were payable only at the company’s discretion are wrong. The agreement, which clearly states that it must be read in conjunction with the individual letter of offer of employment, states that the overtime rates and annual leave loadings are payable, as is the leading hand allowance, the motor vehicle allowance, the on-call allowance and the Christmas on-call allowance. In addition, the fares allowance under the AWA is $30 a day compared with $20 a day under the EBA. This is an increase of more than 30 per cent.
Further, the member for Perth claimed that there was no wage increase in the life of the agreement. This is also not true. The current EBA hourly rate of pay for a grade 5A electrician—or, as the member for Perth calls him, a sparky—on a 38-hour week is $23.98 an hour. The letter of offer provides for a grade 5 electrician hourly rate of pay at 38 hours a week of $30.02 an hour. Additionally there are further increases provided for by the letter of offer—that is, a 5.5 per cent increase on the first anniversary of employment and a further 4½ per cent increase on the second anniversary of employment. I am advised that a comparison of the current EBA against the proposed AWA indicates that over a standard 38-hour week a grade 5 electrician—or, as the member for Perth puts it, a sparky—under the AWA will be at least $150 a week better off.

Can I add to a question asked by the member for Watson. He was asking me a question about the gentlemen employed by Lakeside Packaging. I might just record for the benefit of the House that the average salary of a 457 visa holder is $66,200 a year. The 457 visa is not a cheap option for employers, given the cost of recruiting from overseas. Further, the government introduced the minimum salary level for 457 visa holders, which is set at $57,300 for information and communication technology professionals and $41,850 for all other professionals.

PERSONAL EXPLANATIONS

Mr STEPHEN SMITH (Perth) (3.10 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr STEPHEN SMITH—Absolutely—

The SPEAKER—Please proceed.

Mr STEPHEN SMITH—by the Prime Minister, just then. Yesterday in question time I asked the Prime Minister a question in respect of the Martin Donnelly Electrical Services AWA and referred to the fact that ‘payment of bonuses, overtime, loadings, penalties or other allowances is at the sole discretion of the company’. That is reflected by the AWA. Secondly, I asked if the Prime Minister was aware that ‘a multistorey allowance is removed’. That is reflected by the AWA. Thirdly, I asked if the Prime Minister was aware that there is no guaranteed pay increase during the three-year life of the agreement. That is reflected by the AWA—three years from 1 October 2006. In addition, to deal with some of the points raised by the Prime Minister, under the collective agreement there is a productivity allowance of—

The SPEAKER—The member for Perth will show where he has been personally misrepresented.

Mr STEPHEN SMITH—I am.

The SPEAKER—We will not debate it.

Government members interjecting—

Mr STEPHEN SMITH—I am.

The SPEAKER—Order! The member for Perth will resume his seat. The levels of interjections are far too high. The member for Perth has the call. The member for Perth will show where he has been personally misrepresented.

Mr STEPHEN SMITH—The Prime Minister went through parts of the agreement in seriatim and I am responding to that.

The SPEAKER—Order! I remind the member for Perth that he will show where he has been misrepresented.

Mr STEPHEN SMITH—If you gave me the opportunity—

The SPEAKER—The Prime Minister was adding to an answer.

Mr STEPHEN SMITH—that is precisely what I am doing The collective
agreement refers to 100 hours per year personal leave; the AWA, 76 hours. The AWA refers to a requirement to work reasonable additional hours beyond 38 hours per week; the agreement refers to 36 hours per week. The AWA says that the conditions of employment state that overtime paid for hours over 38 hours per week is at 150 per cent for the first three hours and 200 per cent thereafter. The collective agreement refers to 150 per cent—

The SPEAKER—Order! I think the member for Perth has shown where he has been misrepresented.

Mr STEPHEN SMITH—I am, Mr Speaker.

The SPEAKER—The member for Perth will not debate the point.

Mr STEPHEN SMITH—I am not, Mr Speaker.

The SPEAKER—The member for Perth is debating the point.

Honourable members interjecting—

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

Mr Baldwin interjecting—

The SPEAKER—The member for Paterson is warned! I remind the member for Perth that a personal explanation is that. It is not the same as adding to an answer. The member for Perth must show where he has been personally misrepresented. There are other forms of the House if he wishes to debate the issue.

Mr STEPHEN SMITH—The Prime Minister added to an answer and effectively asserted that I had misled the House.

The SPEAKER—And the member for Perth has responded.

Mr STEPHEN SMITH—He went through the AWA in detail. I am responding in detail, showing where I have been misrepresented.

The SPEAKER—The member for Perth does not need to debate the point.

Mr STEPHEN SMITH—I am not; I am trying to get on with it.

The SPEAKER—The member for Perth will show where he has been personally misrepresented or resume his seat.

Mr STEPHEN SMITH—The AWA refers to the tool allowance being included in the hourly rate; the collective agreement has a tool allowance of $12.50 per week. The AWA talks about no electrical certification allowance and the collective agreement has an electrical certification allowance of $35 per week. The AWA has no ACA registration—

The SPEAKER—Order! The member for Perth has made his point. The member for Perth will resume his seat.

Mr Stephen Smith interjecting—

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

Mr Stephen Smith interjecting—

The SPEAKER—The member for Perth is warned! I have explained to him three times—

Mr Beazley—Mr Speaker, I rise on a point of order on the ruling that you have just made. All that was happening was that the member for Perth was responding point by point to where the Prime Minister had said that the member for Perth had misled the House—comprehensively, I might say, Mr Speaker, revealing the Prime Minister for the misleader that he is. He ought to be permitted to complete his answer.

The SPEAKER—The member for Perth has already explained where he has been personally misrepresented. If he wishes to use other forms of the House, he can do so.
Is the member for Perth rising on a point of order?

Mr STEPHEN SMITH—No, I am proposing to continue showing the House where I have been misrepresented.

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

Mr Tanner—Mr Speaker, I rise on a point of order. There has been a constant barrage of interjections coming from the other side. You have taken no action whatsoever to do anything about it, in stark contrast to the way you deal with this side of the House.

The SPEAKER—The member for Melbourne is reflecting on the chair, and he will resume his seat.

Mr BURKE (Watson) (3.17 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr BURKE—Yes.

The SPEAKER—Please proceed.

Mr BURKE—The Prime Minister claimed that I had a lack of understanding on the minimum rates applicable to 457 visas and claimed that the actual minimum rates went down to as low as $41,000 per year as a salary. If that is the case—

The SPEAKER—The member for Watson will show where he has been misrepresented.

Mr BURKE—Yes. The Prime Minister asserted that I did not understand how the system worked. The Prime Minister—

Honourable members interjecting—

The SPEAKER—Order! Members on my right! I will hear the member for Watson.

Mr BURKE—I have a letter from the minister for immigration to the Premier of New South Wales seeking permission for $36,000 to be the annual salary, well below the rates that the Prime Minister asserted.

The SPEAKER—The member for Watson will resume his seat. He has made his point.

QUESTIONS TO THE SPEAKER

Superannuation

Mr BOWEN (3.18 pm)—Mr Speaker, on 9 May this year the government released a discussion paper entitled A plan to simplify and streamline superannuation. Given that it is now 147 days since this discussion paper was released, and given that there are only four weeks of sittings left this year, have you or the Table Office received any indication from the government as to when the tax laws amendment bill on simplifying and streamlining superannuation might be introduced in this House?

The SPEAKER—I thank the member for Prospect. I would make two points. Firstly, no, I have not. Secondly, I think he should direct that question to someone in the government.

Questions on Notice

Ms KATE ELLIS (3.18 pm)—Mr Speaker, I also seek some advice from you. You may recall that it was some eight weeks ago that I first began asking the Prime Minister a series of questions about Billy Schultz, the 17-year-old schoolboy who works in a petrol station in Adelaide. At that time, the Prime Minister said that he would investigate that matter and report back. It has been some eight weeks and over 11 question times, and I happen to know that the Prime Minister now has in his possession a copy of the AWA which Billy Schultz’s father presented to him. My question to you is: when do you think it might be reasonable for me to start getting some answers to some of my questions?
The SPEAKER—I thank the member for Adelaide. I believe that she should direct that question to the Prime Minister.

WORKPLACE RELATIONS
Mr STEPHEN SMITH (Perth) (3.19 pm)—I move:

That so much of standing and sessional orders be suspended as would prevent the member for Perth having the opportunity of outlining to the House the detailed comparison between the Martin Donnelly Electrical Services AWA and the collective agreement currently covering sparkies working at the new Department of Prime Minister and Cabinet site in Canberra, including and in particular the fact that:

(a) The collective agreement goes from 28 May 2004 to 4 December 2006; the AWA goes for three years from 1 October 2006. Under the collective agreement there are six pay increases during the 2.5-year life of the agreement and under the AWA there are no guaranteed pay increases during the three-year life of the agreement.

(b) Under the collective agreement they work 36 hours per week and under the AWA they work 38 hours per week. Under the collective agreement ordinary working hours are Monday to Friday between six am and six pm, with a minimum eight-hour and a maximum 10-hour shift. Under the AWA ordinary working hours are Monday to Friday between six am and six pm.

(c) Under the collective agreement any hours above 36 hours or outside the ordinary hours above are paid at overtime rates. Under the AWA there is a requirement to work ‘reasonable additional hours’ beyond 38 hours per week.

(d) With regard to Saturday penalty rates, under the collective agreement it is 150 per cent for the first three hours and 200 per cent of the ordinary rate thereafter; under the AWA it is 150 per cent of the ordinary rate. Under the collective agreement the Sunday penalty rate is 200 per cent of the ordinary rate, with a minimum payment of three hours. Under the AWA, it is 200 per cent of the ordinary rate.

Mr McGauran—Do you have any more?
Mr STEPHEN SMITH—I have very many more. To continue:

(e) Under the collective agreement there is a tool allowance of $12.50 per week. Under the AWA the tool allowance is included in the hourly rate.

(f) Under the collective agreement there is an electrical certification allowance of $35 per week. Under the AWA there is no electrical certification allowance. Under the collective agreement the ACA registration licence fee is $35 per week. Under the AWA there is no ACA registration licence.

Mr McGauran—Mr Speaker, I rise on a point of order. Under standing orders, notices of motion are not to be excessive. I believe this notice of motion is excessive in its detail.

The SPEAKER—The Deputy Leader of the House raises a valid point of order, and the member for Perth can include some of this in his debate. I ask the member for Perth to come to the conclusion of his motion.

Mr STEPHEN SMITH—Mr Speaker, on the point of order: I have done one of these motions before in which I have gone from points (a) through to (z). I am not proposing to go to (z) on this occasion.

The SPEAKER—the member for Perth will not reflect on the chair.

Mr STEPHEN SMITH—I didn’t. It was on the point of order.

The SPEAKER—the member for Perth will conclude his motion.

Mr STEPHEN SMITH—I continue:

(g) Under the collective agreement there is a leading hand allowance, for up to five employees, of $28.20 per week. Under
the AWA, for up to four employees, it is $6.70 a day.

(h) The multistorey allowance under the collective agreement is between 39c and $1.17 an hour. Under the AWA there is no multistorey allowance.

(i) Under the collective agreement there is personal leave of 100 hours per year. Under the AWA it is 76 hours per year.

(j) Meal breaks and rest breaks: under the AWA there is a paid 10-minute morning tea break—

Mr McGauran—Mr Speaker, I raise a point of order. The honourable member is defying your guidance if not your ruling. This is excessive and is contrary to standing orders.

Mr Beazley—Mr Speaker, on the point of order: there has not been a restriction on the content that may be put into a motion that is moved in this House. It is because they are embarrassed, as he does over the Prime Minister, that we get this response.

The SPEAKER—The Leader of the Opposition would be aware that there have been times when a motion is considered excessively long, and this one is certainly getting to that point, so I would ask the member for Perth to conclude his motion.

Mr STEPHEN SMITH—I continue:

(k) Under the collective agreement there are RDOs in accordance with the Building Trades Group calendar. Under the AWA there is one RDO every four weeks.

(l) Under the collective agreement protected award conditions are included. Under the AWA protected award conditions are expressly excluded.

The Prime Minister will do or say anything to avoid the fact that his IR changes hurt working Australians.

The SPEAKER—The member for Perth will resume his seat.
Question agreed to.

The SPEAKER—Is the motion seconded?

Ms GILLARD (Lalor) (3.34 pm)—I second the motion. The Prime Minister misled this House and does not want to hear the truth.

Mr McGAURAN (Gippsland—Minister for Agriculture, Fisheries and Forestry) (3.34 pm)—I move:

That the member be no longer heard.

Question put.

The House divided. [3.35 pm]

AYES


NOES


(Vote cast)

AYES

81

NOES

56

Majority

25
Bird, S. Bowen, C.
Burke, A.E. Burke, A.S.
Byrne, A.M. Corcoran, A.K.
Crean, S.F. Elliot, J.
Ellis, A.L. Ellis, K.
Emerson, C.A. Ferguson, L.D.T.
Ferguson, M.J. Fitzgibbon, J.A.
Garrett, P. Georganas, S.
George, J. Gibbons, S.W.
Gillard, J.E. Grierson, S.J.
Griffin, A.P. Hall, J.G. *
Hatton, M.J. Hall, C.P.
Hoare, K.J. Irwin, J.
Jenkins, H.A. King, C.F.
Lawrence, C.M. Livermore, K.F.
Macklin, J.L. McClelland, R.B.
McMullan, R.F. Melham, D.
Murphy, J.P. O’Connor, B.P.
O’Connor, G.M. Owens, J.
Plibersek, T. Price, L.R.S. *
Quick, H.V. Ripoll, B.F.
Roxon, N.L. Sawford, R.W.
Smith, S.F. Snowden, W.E.
Swan, W.M. Tanner, L.
Thomson, K.J. Vamvakouyi, M.
Wilkie, K. Windsor, A.H.C.

* denotes teller

Question agreed to.

The SPEAKER—The proposed motion is out of order because the written motion submitted differs substantially from the terms read out by the member in seeking to move the motion.

AUDITOR-GENERAL’S REPORTS

Report No. 5 of 2006-07

The SPEAKER (3.38 pm)—I present the Auditor-General’s Audit report No. 5 of 2006-07 entitled The Senate order of the departmental and agency contracts (calendar year 2005 compliance).

Ordered that the report be made a parliamentary paper.

MEMBER FOR PERTH

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (3.38 pm)—I move:

That so much of the standing and sessional orders be suspended as would prevent the House from condemning forthwith the Member for Perth.

This afternoon the member for Perth has been comprehensively found out as wilfully misleading this House and, through this House, the Australian people. The member for Perth came in here yesterday with a question to the Prime Minister in which he alleged that certain circumstances prevailed in relation to—

Mr Albanese—Mr Speaker, I rise on a point of order. Where is the motion? Is it in writing, in accordance with your previous ruling? Where is it?

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

Mr ANDREWS—Yesterday the member for Perth came in here and—

Mr Albanese—Mr Speaker, I rise on a point of order—

The SPEAKER—I remind the member for Grayndler that the previous motion was not handed to the clerks until after the mover had moved it.

Mr ANDREWS—Yesterday the member for Perth came in here and asked the Prime Minister questions in which he purported to relay to the House information about a particular working arrangement. In adding to a further answer this afternoon, the Prime Minister indicated that the member for Perth has deliberately and wilfully mislead this House and the people of Australia in the way in which he has come in about this matter. Three claims were made by the member for Perth, and that is why this motion is important. The first claim was—

Mr Albanese—Mr Speaker, I rise on a point of order. It goes to whether the motion moved by the member for Menzies is in order. Is it in order for the House and for you to accept a motion before this House that
simply condemns the member for Perth full stop—not for any action, for any activity or for something he has done in the House? Is it in order?

The SPEAKER—The minister has moved a suspension of standing orders and he is in order.

Mr ANDREWS—The first claim made by the member for Perth was this: he said that the AWA that Martin Donnelly Electrical Services employees are required to sign ‘provides that payment of bonuses, overtime, loadings, penalties or other allowances is at the sole discretion of the company’. That was the first claim that was made by the member for Perth. That claim is false. Once again the member for Perth, in what has become his characteristic style, has come in here and failed to disclose the full facts to the House. If he had disclosed the full facts to the House, he would have mentioned that the Australian workplace agreement stated that it was to be read in conjunction with the individual letter of offer of employment.

That letter of offer of employment and the other documentation make it clear that both overtime rates and annual leave loadings are payable and that in addition there are a series of other allowances payable to such an employee, such as a leading hand allowance, a motor vehicle allowance, an on-call allowance and a Christmas on-call allowance. In addition, the fares allowance under the AWA combined with the letter of offer is $30 a day compared to $20 a day under the current EBA. So the first claim that the member for Perth made in this House, which he has compounded this afternoon in his personal explanation, has been shown to be wrong, because he either did not have the letter of offer or was trying to be too smart by half with this House and pretend that the letter of offer and other documentation did not exist.

The second claim was about wages and pay. The member for Perth claimed that ‘there is no guarantee of a pay increase during the three-year life of the agreement’. Once again, this is false. The current EBA hourly rate of pay for a grade 5A electrician on a 38-hour week is $23.98. The letter of offer provides for a grade 5A electrician an hourly rate of pay of $30.02.

Ms Gillard—Mr Speaker, I rise on a point of order. The minister moved a suspension of standing orders motion. To be in order, he should be addressing the procedural question as to why this item of business should be given precedence over other items of business before the House. His remarks are not directed towards that. You should call him back to order.

The SPEAKER—I have the motion here. I believe that the minister is speaking to the motion.

Mr ANDREWS—The AWA itself—

Ms Gillard—On a point of order, Mr Speaker: have you ruled that this motion is a substantive motion before the House? It affects the time limits et cetera.

The SPEAKER—I have ruled that the minister is in order. I call the minister.

Mr ANDREWS—On the face of the letter of offer which accompanies the AWA there is an hourly rate of $30.02 compared to the hourly rate under the EBA of just $23.98. So the very first thing from the face of the documentation is that there is a—

Mr Price—Mr Speaker, on a point of order: at some point while speaking on his motion the minister must make a link and inform the House as to why this is urgent and why standing orders need to be suspended. He has not once argued as to why standing orders need to be suspended.
The SPEAKER—The minister is in order, and he is speaking to the motion.

Mr Albanese—What is it?

The SPEAKER—The opposition has a copy of it, I believe.

Mr ANDREWS—Not only on the face of the letter of offer in the AWA is there a higher hourly rate being paid; the letter of offer then sets out the rates of pay for years 1, 2 and 3 under this Australian workplace agreement. Starting at $30.02 as an hourly rate, it then increases to $31.67 and to $33.10 the following year. In other words, on the first anniversary of employment—quite contrary to what the member for Perth has said—we see that this provides for a 5.5 per cent increase so far as the pay is concerned and the second year provides a further 4.5 per cent increase over and above what had been paid prior to that.

So on two counts—on two grounds—on the face of this documentation the member for Perth has misled this House. He has misled this House because the AWA and the letter of offer show an entirely larger amount so far as the hourly rate is concerned, which is contrary to the claims he made in this place. Secondly, it shows that there is an increase of 5.5 per cent in the first year and 4.5 per cent in the second year. That is why we are bringing this motion in relation to the member for Perth.

Can I put this in a context in the couple of minutes available. The context is that for month after month we have had the member for Perth come into this place raising allegations such as he did with this without any true documentation as to them, and when they have been investigated by the Office of Workplace Services or the Department of Employment and Workplace Relations or any other competent body it has been found time after time after time that he has been misleading the House on these matters. This time he has been caught out red-handed, and it is either an act of stupidity on his part or a willingness to come in here and just trot out anything that has been provided to him by the unions. Of course, the Leader of the Opposition is implicated in this particular action because it was both the member for Perth and the Leader of the Opposition who were down at the building site yesterday claiming that the facts of this case were so different to what they have been found to be now. So the House ought to support this motion, because the member for Perth has been caught red-handed wilfully dismissing the facts in this case, wilfully—

Mr Albanese—Mr Speaker, on a point of order: I refer to page 333 of the House of Representatives Practice, which states: A Member debating a motion to suspend standing orders may not dwell on the subject matter which is the object of the suspension. The Chair has consistently ruled that Members may not use debate on a motion to suspend standing orders as a means of putting before the House, or canvassing, matters outside the question as to whether or not standing orders should be suspended.

Mr Speaker, it has been very—

The SPEAKER—Order! The member will resume his seat. Mr Speaker, it has been very—

Mr Albanese—clear that the member for Menzies has no idea as to the procedures in this House maybe because they are not used for moving a suspension of standing orders.

The SPEAKER—The member for Grayndler will resume his seat; he will not debate the point of order.

Mr Albanese—We just ask for some consistency here. Are you going to rule?

The SPEAKER—The member for Grayndler will resume his seat. As the member for Grayndler will be aware, the minister’s time has elapsed.

Mr STEPHEN SMITH (Perth) (3.49 pm)—I move:
That all words after ‘condemning forthwith’ be omitted in order to substitute the following words: ‘the Prime Minister’.

The Prime Minister will do anything or say anything to avoid the implications of the extreme industrial relations legislation that he has introduced into this parliament. In the run-up to the last election he told the Australian people nothing of these things. He did that deliberately, he did that advisedly and he did that to deliberately deceive the Australian public about his intentions in industrial relations. Not only did he not detail what he was proposing to do, when asked about these issues at the Liberal Party industrial relations policy launch he said there would be no changes, there would be no such thing as a single system, and the allowable matters would stay. And now that he has been caught out by the great concern of the Australian people, the Prime Minister and his minister will do anything or say anything in this place or outside of this place to avoid the repercussions on the ground that are occurring.

This particular case, the rebuilding of the new headquarters of the Department of the Prime Minister and Cabinet, with the assistance of electricians—employed by Martin Donnelly Electrical Services, started yesterday in question time. Two questions where the Prime Minister—

Mr Abbott—Let’s hear about the letter. Come on, tell us about the letter.

Mr STEPHEN SMITH—You’ll hear about the letter, Sunshine! Don’t worry about the letter; you’ll hear about the letter, all right. The Leader of the Opposition asked the Prime Minister the following question:

Is the Prime Minister aware that Martin Donnelly Electrical Services employees are required to sign a Workplace Agreement that Martin Donnelly Electrical Services employees are required to sign provides that payment of bonuses, overtime, loadings, penalties or other allowances is at the sole discretion of the company—

which I detailed yesterday and today—

and there is no guarantee of a pay increase during the three-year life of the agreement?

which I detailed yesterday and today in question time. Far from misleading either the House or the Australian people, after question time yesterday, as is my usual practice, I distributed to the media a detailed analysis of the AWA as compared with the collective agreement as I have done on every occasion that I have raised an AWA in this place. I detailed very many of those features after question time. I notice that the matters that the Prime Minister referred to did not, of course, deal with any of those matters which showed item by item that the AWA provision is inferior to that of the collective agreement.

That was the first substantive point raised by the Leader of the Opposition. The real point here is that you have got sparkies—electricians—employed down on that site. They want to renew a collective agreement and the government’s law and the Prime Minister’s law and the minister’s law prevents them from so doing.

The second question was one that I asked:

Is the Prime Minister aware that the Australian Workplace Agreement that Martin Donnelly Electrical Services employees are required to sign provides that payment of bonuses, overtime, loadings, penalties or other allowances is at the sole discretion of the company—

which I detailed yesterday and after question time—

a multi-storey allowance is removed—

which I detailed yesterday and today—

and there is no guarantee of a pay increase during the three-year life of the agreement?

which I detailed yesterday and today in question time. Far from misleading either the House or the Australian people, after question time yesterday, as is my usual practice, I distributed to the media a detailed analysis of the AWA as compared with the collective agreement as I have done on every occasion that I have raised an AWA in this place. I detailed very many of those features after question time. I notice that the matters that the Prime Minister referred to did not, of course, deal with any of those matters which showed item by item that the AWA provision is inferior to that of the collective agreement.

The minister and the Prime Minister make much of the so-called letter of offer of emp-
ployment, which was allegedly circulated, distributed or handed over with the AWA and I have a copy of one of those letters. It says: This letter confirms the offer of employment with Martin Donnelly Pty Ltd as—

and then it gives a particular grade. The letter goes on to say:

This offer of employment is conditional upon the satisfactory performance of your obligation as an employee of the company and the terms and conditions of employment as set out in your AWA and the Martin Donnelly Pty Ltd Conditions of Employment document.

What does the AWA say about the bonuses and allowances that I referred to in question time yesterday and today? This is what the AWA says, and the letter says you are bound by this:

5(c) The Company, at its sole discretion from time to time, shall determine whether bonuses, overtime, loadings, penalties or other allowances are payable to you. Any of these items may be reflected in Company policy from time to time or your individual offer of employment...

What is the key here? The key is ‘the company at its sole discretion from time to time’ determines the payment of these bonuses.

Mr Abbott—It has to be read in conjunction.

Mr Stephen Smith—Exactly, and that is precisely what I have done. The government and the minister seek to rely exclusively on the so-called letter, which, frankly, does not take them very far. I rely completely on the letter and the AWA. What does the AWA do in respect of the three things that the Prime Minister says I misled the House about in question time yesterday and that the minister relies upon in his motion today? In my question yesterday the things I referred to—all of which are reflected both by the AWA and my comments—are that employees are required to sign an AWA that provides that the payment of bonuses, overtime, loadings, penalties and other allowances is at the sole discretion of the company. Guilty as charged. Case proven. What does 5(c) say? It says:

The Company, at its sole discretion...

The letter should be read in conjunction with the AWA. What the Prime Minister and the minister seek to do in misleading, firstly, this House and, secondly, the Australian people is cherry pick the two or three things that they believe are advantageous to people on the AWA. Ask yourself this commonsense question: why is the employer absolutely refusing to allow the 20 sparkies at Martin Donnelly to exercise a choice and to choose a collective agreement rather than being forced onto an AWA? Is it because the provisions of the AWA are so fantastically superior to the terms and conditions of the current collective agreement? When you read the AWA—even if you read the AWA in conjunction with the letter on which you completely rely—those bonuses are at the sole discretion of the employer at any time the employer so wants. A multistorey allowance is removed and there is nothing in the letter which restores that. All of this occurs for the three-year life of the agreement.

Meanwhile, back at the ranch, the minister and the Prime Minister desperately try and pretend to the Australian public—‘These million AWAs, they’re absolutely terrific! They increase your wage and conditions!’—and nowhere will they tell the Australian public that the AWAs invariably drive people down to the so-called five minimum standards. Let us just have a look, as I did earlier, at some of the items of the AWA as compared with the collective agreement that the minister and the Prime Minister absolutely refuse to look at or draw attention to—unlike this document which I sent around to the media yesterday, which shows all the comparisons.
The AWA lasts for three years. In my notes, I say that the AWA is attached to an offer of employment letter. I told the media that and circulated that in my advice to them. The rate of pay for a grade 5A, which is the rate that I have referred to, is $25.31 per hour plus a productivity allowance; under the AWA, it is $30 an hour with no productivity allowance. There are six pay increases under the collective agreement; under the AWA, there is no guaranteed pay increase. Ordinary hours of work are 36 under the collective agreement and 38 under the AWA. Under the collective agreement, there is a tool allowance of $12.50 a week; under the AWA, there is no tool allowance. Under the collective agreement, personal leave is 100 hours per year; under the AWA, 76 hours per year.

The serial misleader here is the Prime Minister, who will do anything or say anything to avoid the adverse consequences of his ideological approach in this area. He knows that his is an attack upon the living standards of working Australians. He knows that his is an attack upon the values, virtues and characteristics of the Australian way of life. He knows that the Australian public is now hunting him, just as on this side of the House we are hunting him. The House should condemn him accordingly for being a serial misleader in this parliament and in public about the adverse consequences of his unfair industrial relations. (Time expired)

The SPEAKER—Is the amendment seconded?

Ms GILLARD (Lalor) (3.59 pm)—I second the amendment. What we have seen on display today is the most ugly face of the Howard government. Look at them performing on cue with their ugly faces turned towards the Australian people. This is a government that is so mired in its own arrogance that it has lost touch with reality. The Prime Minister comes in here thinking he will play a little game.

Mr Hockey interjecting—

The SPEAKER—Order! The Minister for Human Services!

Ms GILLARD—He has had an issue about the treatment of workers in his own department. He knows his extreme industrial relations laws are causing pain around the community so he comes into this parliament today thinking he will play a little game—he will get out the documentation and read selectively those clauses which might give the impression that this is not a bad deal, but he is not going to put the whole document in front of the parliament.

Mr Abbott—A hundred and fifty bucks a week better off.

Mr Hockey—$150 a week.

Ms GILLARD—Yell as much as you like, mate, because you are not worrying me. Instead of putting the whole document before the parliament, the ugly face of the Howard government is on display—

Mr Hockey interjecting—

The SPEAKER—The Minister for Human Services is warned!

Ms GILLARD—the misogynist and the fat man. Here it comes.

Mr Abbott—Mr Speaker, I rise on a point of order. I object to people being described in this place as ‘fat’. I do not think that it is seemly for members opposite to engage in this kind of personal abuse.

Mr Beazley—You do it to me all the time.

Mr Abbott—Not true—I compliment you on how much weight you have lost. I admire the fact you have a bit of discipline for once. But the fact of the matter is she described members on this side of the House—

The SPEAKER—Order! The minister will resume his seat.
Ms GILLARD—I unreservedly withdraw. I should have said ‘silly’. The Leader of the House is absolutely right. I should have said ‘the misogynist and the silly man’. I go back to the ugly face of the Howard government on display to the Australian people. What they have not asked themselves with their tricky little game today, where they come in with the document and read the best bits, is why the workers are worried about this AWA. Ask yourself that simple little question. Those sparkies are worried about this AWA because they know it hurts them. That is why they have complained. That is the real world—not the Howard government’s world of carry-on, arrogance and ugliness. That is what these tradesmen actually thought—that this AWA was going to hurt them. This is a government that is now so imprisoned in its arrogance it cannot see that reality.

The member for Jagajaga has had great fun at the expense of the minister for education about her absurd carry-on about Maoism. Actually, I think it is Maoism that has taken over the government frontbench. The peasants are happy in their little collectives, off implementing the next five-year plan, with all that arrogance and unreality, believing that every worker in this country is happy with their new extreme industrial relations laws when day after day the evidence from the Australian community is the complete reverse. There are the electricians who complained about their AWA. There are the Spotlight workers who complained about their AWA. There are workers around this country that have rung up members of parliament and said: ‘I’m afraid. I think I need to sign the AWA. I don’t want you to use my name publicly because I’m so scared.’ That means that for every story we hear this place there are hundreds of thousands that go untold. You can stay—

The SPEAKER—Order! The time for the debate has expired. The question is that the motion to suspend standing orders be agreed to.

Ms Gillard—Mr Speaker, I rise on a point of order. For the understanding of members in the House, there is the motion moved by the minister for workplace relations, to which the member for Perth moved an amendment, which I seconded. Given that, I would have thought in the ordinary course you would put the amendment first and then, after the amendment was carried or defeated, it would be clear to the House what the substantive motion was.

The SPEAKER—The question that was moved by the Minister for Employment and Workplace Relations was to suspend standing orders. The time limit for that debate is 25 minutes. That time limit has expired. The chair is now required to put the motion as it was originally moved.

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

The House divided. [4.09 pm]

(The Speaker—Hon. David Hawker)

Ayes...........  78
Noes...........  54

Majority.........  24

AYES

Ms Gillard—Mr Speaker, I rise on a point of order. The House has just carried a motion, and I will read its terms. The minister moved:

That so much of the standing and sessional orders be suspended as would prevent the House from condemning forthwith the Member for Perth.

Standing orders have been suspended, so is the minister going to move the motion or is he going to prove his weakness by not doing so? You are not going to move the motion? You weak, weak man.

The SPEAKER—The Manager of Opposition Business will resume her seat. I remind the Manager of Opposition Business that the motion as worded—and I have taken advice on this—was in order and the motion covered both points that she raises.

DOCUMENTS

Mr ABBOTT (Warringah—Leader of the House) (4.16 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:


Statement of corporate intent 2007-09.

Debate (on motion by Ms Gillard) adjourned.
BURESS

Rearrangement

Mr ABBOTT (Warringah—Leader of the House) (4.16 pm)—by leave—I move:

That so much of the standing and sessional orders be suspended as would prevent questions without notice being called on at 2.15 p.m. on Wednesday, 11 October 2006.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Human Rights

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

The importance, on the fourth annual World Day Against the Death Penalty, for Australia to continue to advocate strongly and consistently for the abolition of the death penalty, and for the promotion of human rights both at home and abroad.

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—

Ms ROXON (Gellibrand) (4.17 pm)—I am delighted to be able to speak to this motion which I think is very important for the parliament to debate. I was hoping that, given the nature of this debate, members opposite would also be supportive of the terms of it—given that Australia has been an abolitionist country for my entire life. The last man who was hanged in Australia was, I think, hanged two months before I was born. So Australia has not used the death penalty as a sanction against its own people for nearly 40 years. I think it is very important that we put on the record today—when there is action being taken all around the world in opposition to the death penalty—that although we are a country that does not use the death penalty any longer, we want to advocate for its abolition in other countries.

Obviously we need to be consistent in arguing not only that there should not be a death penalty in Australia but also that other countries around the world should not use this inhumane, degrading and barbaric form of punishment. We need to be able to argue on behalf of Australians who might have committed offences elsewhere that they should not be subject to the death penalty. I think it is important that this parliament note today that we not only advocate consistently on behalf of our own citizens; we also think that countries in our region and elsewhere around the world should abolish the death penalty for their own citizens as well as for any of ours who might be caught in their laws.

Both of the major parties in this country have had a longstanding opposition to the death penalty. We signed the international protocol many years ago, but it has not yet been passed into domestic law. I hope that the government will consider, in addition to a number of other issues that I want to raise today, whether some action can be taken to pass that convention into our domestic laws to make sure that, once and for all, Australia will never be able to reintroduce the death penalty.

I think members of this House would be aware that there are a vast number of countries that still do use the death penalty. There are 68 countries in the world that still use the death penalty for some offences, and 15 of those countries are in our region. It is a large number of countries. Those countries in our region also, unfortunately, have some of the highest rates of execution. It is something that we should engage with as a matter of interest in our region, not only for our own
people but also for citizens of the world and for citizens of our Asian region.

One of the reasons that I wanted to have this debate today—and some people in the House would be aware of this—is that over recent years, unfortunately, a few comments have been made that are quite inconsistent with what we in the parliament think about the death penalty. I might say that on this issue both the Attorney-General, who is at the table, and the Minister for Foreign Affairs—who are the people most commonly asked about this issue—have had a long-standing opposition to the death penalty. They have spoken on it in many places. They have advocated on behalf of our citizens, they have been members of Amnesty International and they have supported calls for the death penalty to be abolished.

Unfortunately, the Prime Minister’s record is not so clear on this—and, unfortunately, neither is the record of the previous Leader of the Opposition, the former member for Werriwa. We had a situation several years ago where both the Prime Minister and the then Leader of the Opposition made some comments which might have sent mixed messages to the community about how we feel about the death penalty. So it is timely today, when the abolition of the death penalty is being called for in many other countries and parliaments around the world, that we, as the Australian parliament, reaffirm our commitment—I am hoping it is across the parliament—that the death penalty is not an appropriate form of punishment, no matter what the offence, no matter how great the anger and no matter how much distress people may feel about the offences that people have been involved in.

I do not think it is an easy thing to do in some situations, particularly when people look at the sorts of offences that have been committed. Of course, everybody on this side of the House would understand the inclination of those whose family members or loved ones might have been killed in the Bali bombings. Everyone understands the calls that people make in Iraq for Saddam Hussein to be executed. Everybody understands the entirely natural feeling of people whose families might have been affected by their loved ones falling victim to the drug trade and perhaps becoming addicts as a result of others who have been trafficking. All of those emotions are entirely justifiable and deserving of our sympathy. But we need to be able to say that nothing will be cured for those affected in this way if we advocate the death penalty. Nothing will be cured for those affected if we say that state sanctioned murder is a way of dealing with those people or bringing those people under our control.

We can of course say respectfully that we understand that other countries’ judicial processes need to be followed. But, at the same time, I think we need to be more consistent and more prepared to argue against the death penalty in other countries in our region—not just for Australians but also for others who are affected by those laws.

Have a look at the situation that we face at the moment. There are eight Australians currently on death row in China, Indonesia and Vietnam and another person has murder charges pending in Uganda, where the death penalty is available. This is something that we are going to have to deal with in the very near future. It is something that has been in our community and has been debated in recent times. We need this government—and it will be able to do it with our support—to take a more active and consistent role in expressing Australia’s opposition to the death penalty and to take the opportunity to use that as an initiative within our region.

I draw the House’s attention to an excellent paper that was written by Michael Ful-
He argues that capital punishment should be an Australian foreign policy issue. I quote from his paper:

The best position from which to petition foreign governments on behalf of our nationals is that of consistent and strong opposition to the death penalty regardless of the nationality of the condemned. Such a stance would enable the government to deal with the issue positively and continually, rather than negatively and sporadically. It would increase the momentum to universal prohibition and bullet-proof us against claims of hypocrisy.

In this very important paper, he goes on to set out a range of initiatives that we could undertake within the region to try to further this issue. For example, he thinks that we could argue for countries that are already de facto abolitionist countries, such as Sri Lanka—which really does not use the death penalty, although it is still on its statute books—to take the next step and abolish the death penalty from their statute books. He thinks that we could call on countries in our region to announce a moratorium on executions and that we could call on these countries to restrict the numbers and types of offences for which capital punishment is imposed. He thinks that we could call on these countries to abolish mandatory death penalties like that imposed on Mr Nguyen, who was executed in Singapore last year; and there is a range of other things.

It is important for us to look at these practical initiatives, because this is not just something that we in this parliament want to say that we oppose; we have to say what further action could be taken. Can we make sure that we implement into our domestic law some clear statement that will make sure that there will never be a death penalty reintroduced in Australia? Can we express that view of the parliament more consistently by arguing within our region, as part of our foreign policy, that these sanctions should be removed not just against Australians when they are caught up in a foreign jurisdiction but also against all people, whether they live in Indonesia, China or any of the 68 countries that continue to have the death penalty?

Although I want to place on the record my clear acknowledgement and understanding that the Attorney and the Minister for Foreign Affairs have in the past had a very strong record on this issue, part of the reason that I am particularly concerned to debate this issue today is that we are fearful that the minister at the table, the Attorney, has been making a habit recently of walking away from some longstanding commitments in the human rights area.

The Attorney—who is sitting at the table and has on his Amnesty International badge—has been on the record many times saying that he is absolutely committed to the abolition of the death penalty and expressing his opposition to torture and other things, but then we have him in the media saying that he does not think sleep deprivation is torture. And not only does he not think sleep deprivation is torture but he also had the gall to say that he had never heard it put that way by anybody before, which seems fairly extraordinary to me.

Although the Attorney and I have disagreed on a number of things on many occasions, I generally had the view that the Attorney was relatively well informed. I find it surprising that the Attorney would not be aware that the KGB uses sleep deprivation as a type of torture during interrogations. I am also surprised that the Attorney does not know that South Africa, in its period of apartheid, used sleep deprivation as a type of torture. I also think the Japanese prisoners of war might have a view on this, as would people like the former Israeli Prime Minister Menachem Begin. He wrote about his experience of being tortured by the KGB and
the impact that it had when he was deprived of sleep. He said:

In the head of the interrogated prisoner a haze begins to form. His spirit is wearied to death, his legs are unsteady, and he has one sole desire: to sleep ... Anyone who has experienced this desire knows that not even hunger or thirst are comparable with it.

He also talks about the hallucinations, the paranoia, the disorientation and other things that people suffer if they are subject to sleep deprivation.

I am hoping—I am trying to be kind here, although it is occasionally difficult with the Attorney—that, in making these comments in Washington, the Attorney was perhaps suffering from some jet-lag himself. He may have been sleep deprived! It may be that he made that comment without fully thinking that he was being quite inappropriately dismissive of what can be a very serious form of torture. I have called on him to retract that comment. If he is going to continue to stand here—

The DEPUTY SPEAKER (Hon. IR Causley)—The personal pronoun is coming through again.

Ms ROXON—There are another few areas where the minister’s record is more than questionable. One of them—again it goes to core human rights issues—is free speech. In Australia we pride ourselves on having a robust democracy. We think that people should be able to criticise the government and should be able to argue their political views peacefully. We in this parliament know the ridiculous position we were put in when this Attorney forced the House to vote for sedition laws that he knew were out of date, ill-conceived and ill-suited to do the job of actually targeting those who are causing violence within our community. Now the Law Reform Commission has agreed with us—not surprisingly, as everyone else in the country except the Attorney thought these sedition laws were a joke. And now the Law Reform Commission has said as much.

The Law Reform Commission, which was asked to do the serious job that the Attorney would not allow this parliament to do when we were debating these laws, has come up with a range of recommendations. The Attorney has already said he will not consider the two most important ones. He is not prepared to look at intention being a component. The only conclusion that I can draw from this is that the Attorney is determined to keep the media, journalists, artists, academics and others clearly within the government’s sights. He is not prepared to say that we should make sure that those people are protected within our democracy and that peaceful criticism or satire is protected. Imagine there being satire of the Attorney. I am sure that no-one really serious about their artistic worth would be doing that, but they might
want to, and it is the sort of thing that in a democracy we should be prepared to support.

Interestingly, one of the other things that the Attorney has said is that the greatest protection against sedition laws being abused in a country like ours is that the Attorney has to consent to any sedition prosecution being brought. Is that a great relief to anybody on this side of the House? The most politicised Attorney-General of our history is going to be the person who has to consent, and he has the audacity to say that that is a safeguard in our system.

_Mr Albanese interjecting—_

_Ms ROXON—it is ridiculous. I hope that on more reflection the Attorney may change his mind. Maybe his backbench, who were so concerned about sedition and free speech when we debated these laws six, seven or eight months ago, might be pressuring him again to reconsider that._

_Last but not least, what about one of the other things that we think is a human right in Australia, which is the right to a fair trial? What about the right to not be detained time and time again—maybe for five years, for example? What about freedom from arbitrary detention? We have an Australian citizen in Guantanamo Bay whom, I agree, not many people in this House or elsewhere in the community have much sympathy for. But we do not have to have sympathy for people to demand that they are entitled to a fair trial, that they are entitled to be detained and charged in a proper way, not—_(Time expired)_

_Mr RUDDOCK_ (Berowra—Attorney-General) (4.32 pm)—I thank the honourable member for Gellibrand for giving us an opportunity today to support—_

_Mr Albanese interjecting—_

_The DEPUTY SPEAKER (Hon. IR Causley)—The member for Grayndler is now warned!_
There is no suggestion that action is required from the Australian government to ensure the continuity of this position. I heard no evidence of that today. Under the Constitution, the Commonwealth has no specific power to deal with criminal matters. This means the states deal with most criminal matters, including crimes such as rape and murder, and part of this responsibility includes sentencing. As there are no proposals by any government to reinstate the death penalty, further Australian government legislation is, in my submission, not necessary.

Contrary to the suggestions by some, the Australian government supports international action encouraging states to either abolish the death penalty or, as an interim measure, establish a moratorium on executions. The Australian government has supported resolutions to this effect at the United Nations Commission on Human Rights. The Australian government has made representations against the death penalty to countries which maintain it and it will continue to do so.

The fundamental difficulty with the death penalty is that, it being a final remedy, an innocent person has no chance for corrective action once a sentence has been carried out. The Australian government acknowledges that it is an unacceptable method to use to punish criminal offenders and continues to express this view internationally. We are committed to the principles espoused by the second optional protocol and encourage its universal ratification.

It was in this regard that, when I was in the Philippines recently, I was able to commend those ministers who were party to ensuring that the death penalty was abolished in the Philippines. But obviously we do recognise that the right of sovereign countries to pass judgements in relation to crimes committed within their jurisdictions means that they make decisions on those matters, and that can involve the death penalty. That is one of the reasons we continue to press for change. But we cannot enforce change.

Some have raised the issue of what Australia should be doing about its own nationals. Australia has been very active in cases where an Australian citizen is sentenced to death overseas, and we will always make representations or seek clemency on their behalf. This is consistent with us having abolished the death penalty as a punishment in our own territory, and it is consistent with our government's consular responsibility to assist our nationals where their lives are at risk. The important point I will make is that we have continued to do this—in some cases successfully; in others, unfortunately, not so.

We made representations, for instance, to the Vietnamese President earlier this year, who decided to commute the death sentence for two Australians, following our representations. It is regrettable in the case of Van Nguyen that, prior to his execution on 2 December 2005, notwithstanding representations at the highest level by numbers of ministers, including me, and our efforts to convince it to act to the contrary, Singapore continued to proceed to an execution.

In relation to the Bali nine, the Prime Minister has indicated publicly that we would seek clemency if they were found guilty and the death penalty was imposed. I make the point that in relation to that matter the courts are still hearing those appeals. As I understand it, none of those are yet final. We will, of course, at the appropriate time, as we have made abundantly clear, represent each of them in seeking clemency if the government of Indonesia continues a course that might involve execution.

Let me just say that I too have been aware from time to time of comments that have been made that some have characterised as being perhaps more supportive of Australians
than necessarily others in other jurisdictions. The member for Gellibrand was quick to make her comments in relation to the Prime Minister—and her former leader, whom she sought to walk away from. I would just like to ask her whether she intends to walk away from the present leader, because, on 10 September 2006, in a Meet the Press interview, Mr Beazley had this to say. Greg Turnbull said that we have a problem internationally in that we have been ‘seen to be seeking clemency for our own people but barracking for the executions in relation to the Bali bombers’. Mr Beazley responded:

I think there’s issues here of proportionality. I think we’re here dealing with Australian citizens who are facing the death penalty. We’re here to argue their particular case, and that’s what we’re trying to do or about to do.

I simply make the point that, if we are going to turn it into a political debate, I would have thought that there would be an element of consistency.

Ms Roxon—You can’t come up with anything better than that?

Mr Ruddock—You mean there are other comments I should have found? Let me continue to the observations in relation to me, on which she could not help herself. Quite frankly, I try to enjoy a good relationship with the shadow Attorney.

Ms Roxon—No, you don’t.

Mr Ruddock—I try.

The Deputy Speaker—We do not need any chatter across the table.

Mr Ruddock—I do not seek to personalise debates in this place in relation to her. She might like to seek out each occasion on which I have personalised debates in relation to her. If she is able to find them, I would be happy to reconsider what I might have said.

The Deputy Speaker—I would like the Attorney not to use the personal pronoun.

Mr Ruddock—I will be happy to continue to refer to the member for Gellibrand. In the United States I was recently explaining the law passed by the congress of the United States in relation to military commissions. I outlined fully my understanding of what the United States has done in its law. The legislation there makes it clear that evidence obtained by torture will not be admitted in a military commission process. It is important to understand that they also defined in some general terms common article 3 of the Geneva conventions, by which they have agreed to be bound. But the issue as to what constitutes torture will be left to the military commissions to determine, taking into account the totality of circumstances.

They have other provisions that deal with evidence of a different character, and that is evidence that was obtained by coercion. The question of the degree of coercion which may be admitted, if a judge finds it to be reliable or probative and in the interests of justice, was the matter that I was addressing. It is quite clear, if you look at statements obtained after 30 December 2005 in the United States military commission process, that there is now an additional requirement that interrogation methods do not amount to ‘cruel, inhuman or degrading treatment’ as prohibited under United States law. It will ultimately be a matter for a judge to determine the totality of the circumstances.

I was asked a question in relation to what might constitute torture. Let me give you my answer. Torture, in my view, is where a person commits or conspires to commit an act specifically intended to inflict severe physical or mental pain or suffering upon another person within his custody or physical control. If people want to get into the business of what is behaviour of that sort—that which is
inflicting severe physical or mental pain or suffering—let them define what that behaviour is. If it is sleep deprivation per se without any other acts involved—and the member suggested that I might have been sleep deprived when I made these statements—then clearly that does not constitute torture. But it can constitute torture—

Ms Roxon—Finally—it can.

Mr RUDDOCK—Yes, it can constitute torture if it is linked with other behaviour that constitutes—

Ms Roxon interjecting—

The DEPUTY SPEAKER—The member for Gellibrand is warned!

Mr RUDDOCK—as I said, acts which are intended to inflict physical or mental pain or suffering. All of the examples that I have heard which people have used to try and condemn me as condoning torture—

Ms Roxon—Including POWs.

Mr RUDDOCK—Yes. All of those examples have involved additional acts. That is the only point I make. Interestingly, I found recently a quote by somebody whom the member for Gellibrand would probably want to eulogise, and that is the former President of the United States, Bill Clinton. At the University of Berkeley, when he spoke at Zellerbach Hall, he said: ‘I’ve spent 30 years sleep deprived and I’ve got used to it.’ The only point that I am making is that sleep deprivation per se, without further steps, is not necessarily torture. I was speaking about these issues in a context in which I made it clear that torture was specifically outlawed under the military commission process. Even further, if it were coercive, it would have to be judged in terms of its probative value.

There were some other issues on which I have been verballed today by the member for Gellibrand. Let me make this point: I support freedom of speech. But, like every human right, it is not absolute. I have talked about these matters before. Some people assert particular human rights as if they are more absolute than others. The fact is, in dealing with terrorism, governments have a responsibility to protect people’s rights to life, safety and security. But that may mean that you have to put some limit on people’s freedom of movement or on what they might say. In the sedition laws we certainly did put limits upon those who were going to incite others to carry out acts of violence.

In relation to these matters, it is very interesting—particularly when I get into the question of classification powers, about what may be published or not published—to find that there are those who are quick to say that the Attorney is involved in restricting people’s freedom of speech and burning books if I act against books which might encourage people to carry out terrorist acts. But I tell you that it surprises me quite frequently how many people come forward and say that if a book is encouraging people to break another law—say, the one about graffiti—then we ought to have much more vigilant provisions to deal with that. Recently, I found that they make the same point about the conduct of people in relation to schools. I am sorry that this debate, which is a very important debate, has been demeaned by the way in which the question was argued. (Time expired)

Mr McMULLAN (Fraser) (4.48 pm)—On 30 November 2005, an impressive cross-section of Australians gathered on the lawns in front of Parliament House to call for leniency for convicted drug smuggler Van Nguyen, not because any of us there sympathised with his crime but because we were and remain genuinely opposed to the death sentence. It was particularly moving to hear the speech of Brian Deegan, whose son died in the Sari Club blast. He repeated his earlier eloquent opposition to the death penalty, including for Amrozi, who has been convicted
for his involvement in that terrible massacre. It is by that standard that those who claim to be opposed to the death penalty should be judged.

Opposition to capital punishment is like advocacy for other civil liberties: the genuine test of commitment is what we advocate for the worst of us—what we say about the hard cases, not the easy ones. I found a very interesting quote from former United States Supreme Court judge Felix Frankfurter, who said:

It is a fair summary of history to say that the safeguards of liberty have been forged in controversies involving not very nice people.

That is essentially right. The progress is made when we are prepared to stand up for civil liberties in unpopular circumstances. It was not hard in Australia to stand up against capital punishment for Van Nguyen. I am not critical of the Australian government for its defence of him. I, like many of the ministers, sought to intercede on his behalf with friends of mine in the government and parliament of Singapore and made no progress because they were committed and determined. But it is hard to do it for Amrozi, and that is what is important.

Let me quote from the member for Griffith’s recent excellent article in the Monthly magazine. He posed his argument on Christian principles, which I do not hold—I am not a religious person. But he said:

We must conclude that capital punishment is unacceptable in all circumstances and in all jurisdictions.

That is what I have always thought Australia’s position was. That is what I have always thought that all governments in Australia have advocated. But that has been compromised by recent equivocation by the Australian government on this matter.

I will quote Michelle Grattan, who talked about this in an edition of the Age in September of this year. To some extent, this article refers to the Michael Fullilove essay to which the member for Gellibrand so correctly referred earlier, because it is an excellent essay. Michelle Grattan said:

It is very hard for the Australian Government to ask for clemency except on straight special pleading grounds. Australia would be better armed in such situations if internationally it argued the general anti-capital punishment case more robustly.

In a recent Lowy Institute paper, Capital Punishment and Australian Foreign Policy, Michael Fullilove observes that while Australia “engages in modest advocacy” against the death penalty, most of Canberra’s work is on behalf of individual Australians.

Australia has a double problem: “Australian diplomacy is making little progress towards universal abolition, a bipartisan national policy; and our bilateral relationships are being damaged because of our perceived hypocrisy on the issue.”

The PM’s selectivity has made Australia appear hypocritical. Howard, while declaring himself an opponent of capital punishment, has made it clear he’s happy enough for the death penalty to be applied to the Bali bombers. He declared in early 2003 that there “won’t be any protest from Australia” against the death sentence.

Fullilove urges Australian leaders to bring consistency to their rhetoric, and also suggests Australia should initiate a regional coalition against capital punishment.

It is to that point about the regional coalition that I now turn, because if you want to build a national campaign you need to advocate on the basis of a strong and consistent principle. We will be more effective in our advocacy on behalf of Australians if we are consistent. We will have more chance of succeeding diplomatically if we are consistent. And if those reasons are not powerful enough, it just happens to be the right thing to do.

The prospect of a successful campaign is not without encouraging signs at the mo-
ment. Over half the countries in the world have now abolished the death penalty in law or in practice—86 countries for all crimes; 11 for all but exceptional crimes, such as those committed during wartime; and 25 which can be considered abolitionist in practice, for, while they retain the death penalty, it has not been enforced for 10 or more years. That makes a total of 122 countries in law or practice, and since 1990 over 40 countries have abolished the death penalty for all crimes.

We cannot expect that it will all happen immediately, that it will all happen over-night. It will take a lot of very hard work. But the signs are encouraging in another matter to which the Attorney referred, which is the initiative by the Philippines to abolish the death penalty. I greatly welcome that. The Philippines abolished the death penalty in 1987—they were the first country to do so—but it was reintroduced until 2000, when former President Estrada announced a moratorium. President Arroyo has continued that practice through her presidency. She advocated that the Philippines congress should pass a law abolishing the death penalty, which it recently did, and I greatly welcome that.

It is very important that we look at building a campaign, particularly in our region—not because the death penalty is more important in our region than in other countries like the United States but because we have the capacity to more effectively campaign in this region. It is where our diplomatic resources are, it is where our influence is the greatest and it is of course where Australians are most prone to getting into trouble as a result of the death penalty in some of our neighbouring countries.

We must start to seek to encourage more countries in our region to sign up to the second optional protocol. It is a top priority for-
years, and it appals me that Australia applies lower standards in the defence and advocacy of the rights of our citizens than any other Western country with regard to this matter. The standards that are being applied to David Hicks cannot apply to UK citizens, because the British government will not allow it.

What is more appalling is that the American government will not apply this standard to their citizens. When US citizens were charged with offences in Afghanistan, they were tried in open court—and they should have been. As my recollection goes, they were found guilty and sentenced, but they were tried properly. Why can that same standard not be applied to Australians and why can the Australian government not get the courage to argue for it? This is not a matter for sharp partisan political tricks, clever weasel words or dog whistles in the hope of rustling up a few votes in Australia. This is a matter, as I said, on which those of us with the privilege of being elected to this place are called upon to lead.

Over three or four decades all our political leaders, irrespective of political persuasion, have shown that lead. It is a cause of regret to me that that leadership appears to be missing in the Australian government today. I hope and trust the Prime Minister and the Attorney-General can find it in their hearts to rise above the temptations of the short-term partisan advantage and return Australia to a principled leadership on this issue. (Time expired)

Mr ClOBO (Moncrieff) (4.58 pm)—I am also pleased to rise in support of the general terms of the MPI that is before the House this afternoon:

The importance, on the fourth annual World Day Against the Death Penalty, for Australia to continue to advocate strongly and consistently for the abolition of the death penalty, and for the promotion of human rights both at home and abroad.

I am pleased that the matter of public importance takes note of the continuation of the strong advocacy and the consistency of this advocacy under all three major political parties in this chamber. As a nation, and as a people, we have a proud track record of being advocates in opposition to capital punishment and of being advocates in support of fundamental and basic human rights.

Indeed, in speaking in the chamber today, I am proud of the fact that the party that I represent has as its bedrock individual rights and the concerns of individuals over those of the collective and over those of the state. I have argued in my party room and in other Liberal Party fora that I believe those who are concerned with human rights and matters such as capital punishment can take stock of the Liberal Party as being the natural party to advocate for such positions. However, I do not intend to dwell on partisan areas. I simply highlight this as a matter of track record.

In speaking on the matter of public importance that is before the House today, I am mindful of the fact that Australia has had, for some 40-odd years now, a proud tradition of being opposed to the death penalty. We are a signatory to the International Convention on Civil and Political Rights and its second optional protocol, which requires Australia to abolish the death penalty in its jurisdiction and ensure that no-one within its jurisdiction is subject to the death penalty. In fact, in this country each jurisdiction has, independently and separately, abolished the death penalty. It has not been used in Australia since 1967. It was formally abolished by all jurisdictions, with the last state, New South Wales, abolishing the death penalty in 1985.

I am mindful of the fact that opposition to capital punishment and to the death penalty is not universal. I am also mindful of the fact that there are a substantive number of Australians who would be in support of the rein-
troduction of capital punishment. That is not my personal point of view, and I would suggest that it is not the point of view of the majority of members who make up the House of Representatives. Notwithstanding that, in being an advocate for opposition to capital punishment, I need to provide sound reasons and arguments as to why I hold the position that I hold.

I understand comprehensively that some Australians would take the view that the Bali bombers, for example, deserve to be sentenced to death. Again, it is not a point of view that I share. Notwithstanding that, those of us who stand opposed to capital punishment must be strong advocates for why we are opposed to it. That advocacy must rise above mere examples of saying, ‘Well, because it’s right.’ The basis on which we hold the position that all of us have been talking about today must be promulgated in such a way as to compel other Australians to join us.

In the same way that we must meet that test within Australia, we as a nation must also meet that test internationally. We sit in a region of the world in which there are a number of countries that still maintain, in active service and on their books, the death penalty. In the last 10 years, in a number of countries we have seen the successful abolition of the death penalty. Cambodia, Nepal, Timor-Leste, Bhutan and recently the Philippines—to which the Attorney-General made reference—have all, in the last 10 years, abolished the death penalty. I am certainly very pleased about that.

As a nation we have work to do with our other surrounding neighbours, in highlighting to them what we believe to be the inadequacies involved in maintaining the death penalty on their books. But that is a dialogue that I believe needs to be put strongly with the passage of time. I am also mindful of the fact that many nations hold the view—in their view legitimately—that the death penalty is something which they as sovereign states have the right to impose. So our advocacy, in the first instance, must surely involve protecting what we believe are the fundamental rights of Australians who may be sentenced to death in other nations.

This government has a very proud record of doing just that—as, indeed, have governments of other political persuasions in Australia’s history. There have been many instances when the Prime Minister, the Minister for Foreign Affairs, the Leader of the Opposition, the shadow minister for foreign affairs and others have highlighted to foreign governments our belief that the death penalty is the wrong outcome. The government’s policy is that we will always make representations and seek clemency on behalf of any Australians who are sentenced to death. That stands as an absolute. Notwithstanding that, the second priority for this government and for the opposition, in opposing capital punishment, will be to start to address the matter of other foreign nationals who may be sentenced to death, and highlighting the reasons why we believe they should not be so sentenced.

In taking up that argument, we must be mindful of the fact that within those sovereign states it is the view of their governments—and most often it will be a duly elected government—that the death penalty should remain. Whether it is a country such as Indonesia, which actively practises the death penalty, or a great democracy such as the United States, we must be mindful of the fact that that remains as a legitimate point of view in their law. Therefore, while I note the arguments that the opposition have put forward regarding the position that the Prime Minister has taken, I do not agree with them. I believe it is only natural for the government, the Prime Minister and others to say...
that our first priority is to act as an advocate in seeking clemency for Australians who are detained abroad and who are facing the death penalty. Our second priority is to then look at persuading sovereign governments in other jurisdictions that they should change their policy. They are distinct priorities, and I think it is justifiable that they remain distinct.

In the few minutes remaining to me, I turn to a second area covered in the matter of public importance that is before the House today which other speakers have not really touched upon—that is, the notion of human rights. I have mentioned in this House my belief in a bill of rights, so I am pleased to speak about what I believe to be the fundamental and inherent right of all Australians to have human rights—subject, of course, to the need for the state to be able to function with peace, order and good government.

Australia, under both political parties, has a proud track record of protecting and promoting human rights. We certainly take human rights and our obligations under international covenants and under our own laws very seriously. Domestically, the government has consistently stood by the rights and responsibilities of all Australians under federal antidiscrimination laws and ensured that legislation and programs comply with those laws. In addition, the government has taken many major and far-reaching initiatives in the area. Significant among them are the Age Discrimination Act 2004; standards that we have developed for transport and education for those with disabilities; the improvement of the Sex Discrimination Act 1984 to clarify protections that are provided and afforded to pregnant women; as well as developing Australia’s national framework for human rights, the national action plan.

Internationally, Australia has a very long tradition of supporting human rights around the world and was closely involved in the development of the international human rights system from its inception. For example, we contributed to the crucial negotiations on the UN charter to ensure that human rights were placed alongside peace, security and development as the primary objectives of the United Nations. We also participated in the eight-member committee charged with drafting the Universal Declaration of Human Rights. Our heritage in this regard is long and very proud, and I am certainly pleased to be part of a people and of a nation that will continue this advocacy both for human rights and in opposition to the death penalty.

The DEPUTY SPEAKER (Mr Jenkins)—Order! The discussion has concluded.

COMMITTEES

Selection Committee

Report

Mr CAUSLEY (Page) (5.08 pm)—I present the report of the Selection Committee relating to the consideration of committee and delegation reports and private members’ business on Monday, 16 October 2006. The report will be printed in today’s Hansard and the items accorded priority for debate will be published in the Notice Paper for the next sitting.

The schedule read as follows—

Report relating to the consideration of committee and delegation reports and private Members’ business on Monday, 16 October 2006

Pursuant to standing order 222, the Selection Committee has determined the order of precedence and times to be allotted for consideration of committee and delegation reports and private Members’ business on Monday, 16 October 2006. The order of precedence and the allotments of time determined by the Committee are as follows:

COMMITTEE AND DELEGATION REPORTS

Presentation and statements
1 JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE
The Committee determined that statements on the report may be made — all statements to conclude by 12:40pm
Speech time limits —
Each Member — 5 minutes.
[Minimum number of proposed Members speaking = 2 x 5 mins]

2 JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES
Report on the visit to Norfolk Island: 2 - 5 August 2006
The Committee determined that statements on the report may be made — all statements to conclude by 12:50pm
Speech time limits —
Each Member — 5 minutes.
[Minimum number of proposed Members speaking = 2 x 5 mins]

3 PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY
Review of the re-listing of Al-Qa’ida and Jemaah Islamiya
The Committee determined that statements on the report may be made — all statements to conclude by 1:00pm
Speech time limits —
Each Member — 5 minutes.
[Minimum number of proposed Members speaking = 2 x 5 mins]

PRIVATE MEMBERS’ BUSINESS
Order of precedence
Notices
1 Mr Somlyay to move:
That the House:
(1) commends the people of Hungary as they mark the 50th anniversary of the 1956 Hungarian Revolution, which set the stage for the ultimate collapse of communism in 1989 throughout Central and Eastern Europe, including Hungary, and two years later in the Soviet Union itself;
(2) expresses condolences to the people of Hungary for those who lost their lives fighting for the cause of Hungarian freedom and independence in 1956, as well as for those individuals executed by the Soviet and Hungarian communist authorities in the five years following the Revolution, including Prime Minister Imre Nagy;
(3) welcomes the changes that have taken place in Hungary since 1989, believing that Hungary’s integration into NATO and the European Union, together with similar developments in the neighbouring countries, will ensure peace, stability, and understanding among the great peoples of the Carpathian Basin;
(4) reaffirms the friendship and cooperative relations between the governments of Hungary and Australia and between the Hungarian and Australian people; and
(5) recognises the contribution of people of Hungarian origin to this nation. (Notice given 6 September 2006.)

Time allotted — 30 minutes.
Speech time limits —
Mover of motion — 5 minutes.
First Opposition Member speaking — 5 minutes.
Other Members — 5 minutes each.
[Minimum number of proposed Members speaking = 6 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.

2 Mr Hatton to move:
That the House:
(1) deplores the totally inadequate nature of Australia’s current broadband communications infrastructure;
(2) denounces the Howard Government’s piecemeal dithering with broadband over the past ten years;
(3) declares that Australia should be a world leader in broadband communications along with the Netherlands and South Korea, rather
than one of the last to take up fast broadband; and

(4) demands a modern, 21st Century, national broadband communications infrastructure for Australia, as set out in federal Labor’s broadband plan to build a fast network for the whole of Australia. (Notice given 9 October 2006.)

Time allotted — remaining private Members’ business time prior to 1.45 pm

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

[Minimum number of proposed Members speaking = 3 x 5 mins]

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

3 Mr Bartlett to move:
That the House:

(1) expresses its concern at the tragically high incidence of extreme poverty in the world;

(2) supports the Australian Government’s commitment to the Millennium Development Goals;

(3) recognises recent increases in Australia’s commitment to overseas aid; and

(4) urges continues efforts towards the achievement of the Millennium Development Goals and the halving of world poverty by 2015.
(Notice given 9 October 2006.)

Time allotted — 30 minutes.

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

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

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

4 Mr McClelland to move:
That this House:

(1) notes:

(a) the Parliament’s and the Government’s abhorrence of suicide terrorism as a tool of any organisation or movement;

(b) the global prevalence of suicide terrorism as the most lethal method of murder for many terrorist groups;

(c) the critical roles that actors other than the perpetrators play in the process, providing incitement through:

(i) education of youth;

(ii) statements and encouragement by religious and political leaders; and

(iii) inflammatory materials broadcast by media outlets and made available on Internet websites; and

(d) the vital necessity of defining terrorism for the purpose of international criminal law, and particularly suicide terrorism; and

(e) the benefits for international law enforcement and Australia’s national security in establishing such a multilateral enforcement framework; and

(2) calls on the Government to:

(a) promote initiatives for the drafting of an International Convention on Suicide Terrorism, which would:

(i) provide a definition of suicide terrorism, including the meaning of the word ‘terrorism’; and

(ii) create an offence of suicide terrorism; and

(b) ensure that the content of such an offence would:

(i) be defined as a ‘crime against humanity’, attracting universal jurisdiction and the international legal consequences associated with such status;

(ii) include ‘direct and public incitement to commit suicide terrorism’ as a punishable offence by the same criteria as incitement under Article 3(c) of the Convention on the Prevention and Punishment of
the Crime of Genocide (the Genocide Convention);

(iii) be punishable against constitutionally responsible rulers, public officials or private individuals in the same form as Article 4 of the Genocide Convention;

(iv) include a provision requiring mandatory enactment of the offence in the domestic jurisdiction of contracting parties, in the same form as Article 5 of the Genocide Convention; and

(v) exclude the defence of political crimes for the offence, in the same form as Article 7 of the Genocide Convention; and

(c) commit to sponsoring a completed Convention, and actively promoting its adoption by the international community. (Notice given 7 September 2006.)

Time allotted — remaining private Members' business time.

Speech time limits —
Mover of motion — 5 minutes.
First Government Member speaking — 5 minutes.
Other Members — 5 minutes each.
[Minimum number of proposed Members speaking = 6 x 5 mins]

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

MEDICAL INDEMNITY LEGISLATION AMENDMENT BILL 2006
AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT) BILL 2006
AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT) (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2006

BROADCASTING LEGISLATION AMENDMENT BILL (No. 1) 2006

Referred to Main Committee

Mr BARTLETT (Macquarie) (5.09 pm)—by leave—I move:
That the bills be referred to the Main Committee for further consideration.
Question agreed to.

OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT BILL 2005

Returned from the Senate
Message received from the Senate returning the bill without amendment or request.

COMMUNICATIONS LEGISLATION AMENDMENT (ENFORCEMENT POWERS) BILL 2006

Cognate bill:

TELEVISION LICENCE FEES AMENDMENT BILL 2006

Second Reading

Debate resumed from 14 September, on motion by Mrs De-Anne Kelly:
That this bill be now read a second time.

Mr RIPOLL (Oxley) (5.10 pm)—I rise to speak in this cognate debate on the Communications Legislation Amendment (Enforcement Powers) Bill 2006 and the Television Licence Fees Amendment Bill 2006. These two bills constitute part of a package of four bills that implement the government’s media law changes that were announced in July. It is fair to say that the bills before this House today represent the less contentious elements of the package. The other place is dealing with the legislation implementing the government’s plan to abolish the cross-media ownership laws. It is my view and hope that this legislation will not make it into this place.
National Party senators delivered a damning criticism of the government in their dissenting Senate committee report last week agreeing with Labor that the government’s plan undermines media diversity and threatens our democracy. On this side of the House we only hope that they hold their nerve, that they follow through and that they keep their commitment, not only to the Senate but to the people they represent. But unfortunately past experience teaches us all that that is often very different from the reality of what the National Party may do. The people of Australia do not want another grandstanding exercise like that around the Telstra debate, where the National Party talked tough but ultimately sold out for a pittance. In contrast to the cross-media ownership legislation in the other place, Labor will support the passage of the two bills we have before the House today.

The Communications Legislation Amendment (Enforcement Powers) Bill contains reforms that are long overdue and ought to be passed. The bill strengthens the enforcement powers of the regulator of the broadcasting and online content industries, the Australian Communications and Media Authority, ACMA. The measures in this bill, in large measure, reflect the findings of a report by Professor Ian Ramsay, a noted academic lawyer from Melbourne university. Back in April 2004, ACMA’s predecessor, the Australian Broadcasting Authority, commissioned Professor Ramsay to assess the effectiveness of its enforcement powers under the Broadcasting Services Act, the BSA. The ABA had become concerned that the powers at its disposal did not reflect parliament’s intention as expressed in section 5 of the BSA—that breaches of the rules should be dealt with effectively and that penalties should be proportionate to the seriousness of the breach concerned. In particular, the ABA believed that it did not have adequate powers to deal with a range of items: narrowcasters providing broadcasting services, breaches of industry codes of practice, and breaches of licence conditions and standards. These are significant matters and powers to deal with them should be part of the capacity of the ABA.

Broadcasters typically pay millions of dollars in licence fees for the privilege of providing commercial services to the community. It is unfair if narrowcasters, who are licensed to provide niche services, are free to breach their operating conditions of business without an appropriate penalty. This would be an unfair system in a very complex and difficult market. Licence conditions and the industry codes of practice reflect community standards of what is acceptable conduct by broadcasters more generally. They deal with things like program classification, accuracy of programs, fairness of programs, advertising, program promotions and complaints handling. There is no point in having strong laws if they are not effectively enforced. This crosses all paths in life. Laws are only as effective as their enforcement and the adherence of organisations to them.

The most recent annual report from the regulator showed that breaches of the act, licence conditions and codes of practice had more than doubled over the previous year. Breaches of the commercial television code of practice in fact tripled, to 30. That is a fair bit, considering the previous numbers. Clearly some broadcasters are not taking the rules seriously and need to be brought into line. The ABA was quite right to seek to address this issue. Having identified its concerns, the ABA asked Professor Ramsay to assess the effectiveness of its enforcement powers under the Broadcasting Services Act, the BSA. The ABA had become concerned that the powers at its disposal did not reflect parliament’s intention as expressed in section 5 of the BSA—that breaches of the rules should be dealt with effectively and that penalties should be proportionate to the seriousness of the breach concerned. In particular, the ABA believed that it did not have adequate powers
lator did not have a flexible range of sanctions at its disposal. He stated that the costs of this to the regulator and industry could be high indeed. He said that it would result in less compliance. Faced with this warning, we really need to ask the question: what did the minister, Senator Coonan, do? Unfortunately, the minister just sat on her hands and sat on the report. She did not even release it to the public, which is a great pity. I am sure there were plenty of people out in the community who would be very interested in what the report had to say.

In early 2005 the government created the ACMA by merging the ABA with the Australian Communications Authority. This was a purely administrative merger. The government did not take the opportunity to strengthen the powers of the new regulator, and if I remember correctly I spoke on that bill at the time. It was not until November 2005 that the government finally released an issues paper canvassing options for enhancing the ACMA’s powers under the BSA.

I would like to spend a little bit of time talking about some of the problems with the current act as identified by Professor Ramsay and how this bill actually does address them. The ACMA’s current powers comprise a mix of criminal and administrative penalties. A breach of statutory licence conditions, for example, is an offence. However, pursuing criminal sanctions often presents difficulties for the ACMA. Many offences under the BSA have a subjective element that is difficult to prove under the required standard of beyond reasonable doubt. For minor offences like failing to comply with reporting requirements on time, criminal prosecutions are regarded as excessive. The ACMA is not able to launch criminal prosecutions on its own; it has to actually refer the matter to the Director of Public Prosecutions. The most significant administrative penalty is the power to suspend or cancel a licence. The ACMA could impose such a penalty, for example, if a broadcaster breached a licence condition that it should comply with the code of practice. The ACMA has historically been reluctant to use this power because it has the effect of punishing audiences who use the service as well as the broadcaster. So you can see the difficult circumstances in which the authority finds itself. It is seen as a penalty for extreme circumstances; something not to be used lightly. The ACMA or its predecessor has only cancelled a licence once since the legislation was enacted.

The bill seeks to address the ACMA’s problems with criminal sanctions by establishing a civil penalty regime for a range of offences under the act. These include situations where an open narrowcaster provides a service that is not in accordance with the relevant class licence or where there is a breach of a standard licence condition by a broadcaster. The maximum civil penalty that may be imposed is the same as the maximum fine that could be imposed if the equivalent criminal offence were proved. The introduction of the civil penalty regime will make it much easier for the ACMA to enforce the act properly. The ACMA will be able to pursue civil penalty action on its behalf in the Federal Court. These matters will not need to be referred to the Commonwealth Director of Public Prosecutions.

Most importantly, the ACMA will face a lower evidential burden. It will only be required to show that the breach was committed on the required standard of beyond reasonable doubt. For minor offences like failing to comply with reporting requirements on time, criminal prosecutions are regarded as excessive. The ACMA is not able to launch criminal prosecutions on its own; it has to actually refer the matter to the Director of Public Prosecutions. The most significant administrative penalty is the power to suspend or cancel a licence. The
identified 17 cases where narrowcasters were found to be operating commercial services. An injunction power should assist the ACMA in an area that has proved problematic for a number of years. The bill will also allow the ACMA to accept enforceable undertakings. At present the ACMA can accept voluntary undertakings in relation to its telecommunications functions, but they are not enforceable. This will change under this bill. The bill addresses this anomaly and gives the ACMA similar powers to those of the ACCC and ASIC.

Enforceable undertakings have proved to be a successful tool for regulators in Australia and overseas. Enforceable undertakings are often a more efficient means of ensuring compliance than litigation. They save the time and expense involved in drawn-out litigation processes. They also encourage industry to cooperate with the regulator rather than pursue an adversarial approach. Enforceable undertakings also allow regulators to achieve a more flexible remedy than could be obtained through the court process. The bill also gives the ACMA the power to issue infringement notices in relation to the failure by broadcasters to report changes in control and directorships, to submit annual financial returns or to make records available to the ACMA.

Professor Ramsay also reported that there was a lack of small penalties for minor breaches of the BSA. The consequence is that there are insufficient incentives for compliance. So the bill provides for penalties of up to $6,600 to be imposed on a commercial and subscription broadcaster through an infringement notice. Upon the payment of the penalty specified in the notice, liability for the breach would be discharged and no further regulatory action would be taken. It is felt that companies will simply comply with the notice rather than contest the matter in court, which would be a more complicated, drawn-out and expensive process.

Before I conclude my comments on the Communications Legislation Amendment (Enforcement Powers) Bill 2006, I would like to deal with one other matter. There were a number of significant recommendations made by Professor Ramsay that were not taken up by the government. In his report, Professor Ramsay recommended that the regulator should be given the power to require the broadcast of a statement relating to the findings of an investigation. That power could only be used where the regulator found a breach of a code of practice or a licence condition. This recommendation was strongly resisted by broadcasters in their responses to the issues paper on reforming ACMA’s powers. Labor believes that the power to effectively shame broadcasters for failing to comply with the code of practice could be a useful remedy. Professor Ramsay’s report highlights a number of programs that have repeatedly breached the commercial television code in relation to things like failing to present stories accurately and fairly and breaches of privacy rules.

Labor will not seek to amend this bill now to give ACMA the power to require broadcasters to make these statements. The much needed expansion in ACMA’s powers contained in this bill has already taken too long and Labor will not stand in the way of passing this bill as quickly as possible. Broadcasters should be aware, however, that the community expects better compliance with the codes of practice than has been the situation in the past. If broadcasters do not lift their game, and instead continue with their poor practices, then they must expect tougher regulation and greater application of tougher penalties.

If compliance does not improve, one of the additional measures that Labor would
consider is giving ACMA the power to require on-air statements, something I am sure the broadcasters would find somewhat embarrassing and which would chew into their air time. In this bill, however, Labor believes that the additional range of powers proposed is a good step forward in the right direction. It is something that has taken too long and is well and truly due. The bill will help ACMA to deal with things like the cash for comment affair that plagued commercial radio a few years ago or the breaches of classifications standards by Ten’s *Big Brother* program in 2005, a situation that could be resolved in a more timely and expedient manner.

I would also like to briefly address the Television Licence Fees Amendment Bill 2006 and related issues. This bill is related to the Broadcasting Legislation Amendment (Digital Television) Bill 2006, which is currently before the Senate. It makes a series of amendments to the BSA to allow broadcasters to provide additional content on digital channels, a practice known as multichannelling. The intention is to stimulate the sluggish demand for digital television. At present, it is estimated that only around 20 per cent of households have invested in the necessary equipment to receive digital free-to-air broadcasts. My understanding is that that take-up is still very slow. There does not seem to be any drive out in the community for this new technology.

There are a number of reasons why this may be the case. There is certainly a low level of awareness in the community about the benefits of digital television and what it can provide. Late last year, ACMA released research on the views of people who had not yet made the switch to digital. It found that 17 per cent of respondents had never heard of digital television and probably did not understand exactly what it meant. There is no doubt that, given that we currently get a fairly good signal on free-to-air and a range of other services, people are not yet sure as to exactly what benefits they would get from digital and why they should make the jump. Forty-five per cent of people did not know if digital services were available in their area and 42 per cent said that they were just not interested in switching to digital. Again, this is probably because they found that the current services meet their expectations or they do not know that they can get a better service.

There is strong evidence that providing extra content is the key to driving take-up. You need to educate people and deliver something new and better; otherwise people will not be making that leap forward. The current regime greatly restricts new content. For example, only the ABC and SBS can run multichannels and even they are restricted in the range of programming that they can show. The take-up of digital TV matters from a policy perspective because, when we reach the point that analog broadcasting can be switched off, huge amounts of valuable spectrum will become available for other uses like new TV stations or wireless broadband. There is a whole range of great opportunities.

The switch over to digital will also end the costly simulcasting of analog and digital that currently takes place. On the government’s own figures, it costs taxpayers $50 million a year to pay for the analog transmission costs of the ABC and SBS. As I mentioned earlier, digital TV relaxes the regime so that broadcasters can provide additional content. Relevantly for this bill, broadcasters will be able to run one high definition multichannel from 1 January next year. From 2009, commercial broadcasters will be able to broadcast one standard definition multichannel. Once digital switch-over is achieved, all restrictions on multichannelling will be dropped.
The Television Licence Fees Amendment Bill 2006 contains amendments reflecting the fact that broadcasters will soon be able offer these additional services. Commercial broadcasters are subject to licence fees that are levied as percentages of the gross earnings of the broadcaster. This bill amends the definition of ‘gross earnings’ to reflect the fact that commercial broadcasters may soon be also earning revenue through their multichannels.

During the recent Senate committee inquiry into the media bills, free-to-air broadcasters expressed concern about the decision to extend the licence fee to these new multichannels. They argued that the fee should not apply until it was clear that the services were viable. For the next couple of years, there will still be some quite significant restrictions on multichannelling. Initially, broadcasters will only be able to multichannel in high definition format and there is currently a very small market for high-definition television in Australia. The Seven Network told the Senate committee:

We do not have plans to commence a HD service at this stage. The reason is that high definition is only available to about five per cent of the population, making it very difficult to justify when you have to fund it through advertising revenue. Also, the cost of equipment to consumers is three times the cost of SD equipment.

The government is also going to restrict broadcasters from showing antisiphoning list sport on the multichannel. Broadcasters may see the imposition of a licence fee on the multichannel equal to nine per cent of the revenue it generates as excessive. Labor will not oppose this legislation, but it may be that the government needs to revisit the issue of licence fees if broadcasters do not commence multichannelling next year. Multichannelling is likely to be a key driver of digital take-up in the future. The government must ensure that its regulatory framework allows multichannelling to get off the ground; otherwise costly simulcasting will go on well beyond the planned switch-off date of 2012. I give Labor’s support to this legislation.

Mr TUCKEY (O’Connor) (5.30 pm)—These amending bills—the Communications Legislation Amendment (Enforcement Powers) Bill 2006 and the Television Licence Fees Amendment Bill 2006—are fairly routine matters but they raise issues that I am anxious to address in this House. The member for Oxley has given a clear and fairly precise description of their meaning, and I will not necessarily touch on that. I think it is interesting in consulting the explanatory memorandum under the heading ‘background’ to look firstly at the objects of the Broadcasting Services Act. These are of course integral to these issues, which relate to the rights of, in particular, the ACMA, the Australian Communications and Media Authority, in conducting its supervision of our broadcasting services and imposing penalties on those who do not comply. It is pretty interesting to look at what it needs to do in this regard. The objects of the BSA, the Broadcasting Services Act, are contained in section 3 and include:

(a) to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information ... Sometimes one might wonder just what diversity we do get. It goes on:

(b) to provide a regulatory environment that will facilitate the development of a broadcasting industry in Australia that is efficient, competitive and responsive to audience needs ...

It is quite interesting, and I will come back to it, that not everything in this regulatory arrangement and the potential to prosecute in civil proceedings really pays attention to the audience. It goes on:

(c) to encourage diversity in control of the more influential broadcasting services; and
(d) to ensure that Australians have effective control of the more influential broadcasting services; and

(e) to promote the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity; and

(f) to promote the provision of high quality and innovative programming by providers of broadcasting services; and

... ... ...

(g) to encourage providers of commercial and community broadcasting services to be responsive to the need for a fair and accurate coverage of matters of public interest and for an appropriate coverage of matters of local significance; and

(h) to encourage providers of broadcasting services to respect community standards in the provision of program material; and

(i) to encourage the provision of means for addressing complaints about broadcasting services ...

The second last of those provisions is of some interest to me. It is, typically, why we will not have full-frontal nudity and we will not have this and we will not have that. As I raised in our party forums this morning and as I have stated in press releases, it amazes me that these television stations are still prepared to promote sportmen who have a drug problem, but, because it is with recreational drugs, by some means or other it is okay.

One reads of Channel 7 and its partner Channel 10 paying $700 million for the rights to broadcast AFL football, yet if you are an AFL footballer you know that the first time you are tested—yes, you get tested—and show a positive to one of these so-called recreational drugs, even if you are a minor, a 17-year-old that has been drafted to an AFL club, the only persons that will know outside of the testing authority are you and the club doctor. Your parents will not get told. If you offend again, things get really tough! The only persons that will then know are you, the club doctor and the AFL doctor. So, if on the law of averages you are unlucky enough—considering this is random testing—to get caught a third time, something is going to happen. We do not know what, but something will happen. This only happens in the AFL; some of the other codes have demonstrated recently a much more zero tolerance approach. I think a rugby league footballer was just told not to come back. In other words, he lost his living.

Might I add, as a one time administrator and chairman of the West Australian Turf Club, that is also the attitude of the racing industry. They do not have a lifetime measure but certainly a very substantial suspension away from your income if you test positive. It is three months the first time and six months on the second occasion. With one offence of which I am aware the offender was relicensed on the grounds that they submitted a monthly urine test—remembering that cannabis, for instance, as with some of these other drugs, will show up for that period of time. AFL is the sport whose grand final attracted the biggest viewing audience of any elite sport. Yet the players, the very recipients of all this money through their players league, have threatened to strike if those rules are changed.

I think it is time that somewhere in the section of the Broadcasting Services Act that talks about respecting community standards there is included a prohibition on the broadcasting of elite football clubs that fail to have, police and prosecute a zero drug tolerance system. As I said, the racing industry, which I think quite unfairly is occasionally portrayed as a bit dodgy, has a tougher zero tolerance policy on drugs than does the AFL, and it extends to all licensed personnel in that industry, including track riders and anybody who needs a licence. And what did we see in Perth the other day? The Eagles come
back and 20,000 people are there to welcome them, a large number of whom are teenagers. And isn’t it a nice example we give through our broadcasting medium? I sincerely hope that other members of the House might think about a policy that stops this sort of abuse. Again, as a person with some knowledge of the racing industry, I think I could quote a very long shade of odds on someone getting caught three times in a random testing system of probably a thousand people. So it is an issue for this and for other legislation should it ever come to this parliament.

The other factor that comes out in those statements of what is a proper broadcasting facility is a common theme of the rights of the listener or the viewer. That is fair enough, except that when we get into the second reading speech of the Parliamentary Secretary to the Minister for Transport and Regional Services it is quite interesting that she said:

The bill will enable ACMA to seek injunctions to prevent the operation of unlicensed broadcasting services. The provision of unlicensed commercial broadcasting services—usually by broadcasters in other licence categories, such as narrowcasting—is potentially highly damaging to the commercial viability of licensed commercial broadcasters.

Isn’t it amazing that this parliament, and most state parliaments equally so, considers regulation as a requirement that people make profits. I quoted this morning in our party forum how enraged I am every time I sit in a taxi in a capital city—and more particularly the biggest ones—to think that I am paying a dividend through the fare to a foreign investor who in many cases has paid $300,000 for a licence so that I can sit in a $30,000 vehicle and be driven around by somebody who typically is not in the higher income tax brackets. But that is our system. We should be restricting access to taxi licences on the grounds of the quality of the vehicle and, of course, the integrity of the driver, but instead we have to see that people make a profit and we now have taxis worth virtually half a million dollars running around the countryside, expecting and receiving a fee from some battling worker running late for work which represents that investment.

This is what we have done collectively in this parliament with broadcasting licences. We encourage obscene payments—millions—for a licence. People fight over them. Why? Because we restrict the number—not in the interests of listeners, not to guarantee a diversity of product, but because it seemed a good idea at the time and, of course, we like the revenue. Who pays for that? The consumer does. The listener does. You might say the advertiser does. If you thought they did not include advertising costs in their balance sheet you would be pretty silly. Of course, when Mr or Mrs Worker—whoever happens to be doing the shopping—goes down to the supermarket they pay part of the price to pay off the fee paid to the government for a licence.

Why do we do that? Surely the test is based on the quality of the equipment. The member for Oxley said, ‘Oh, it is all too tough for these television stations to have to run both analog and digital transmissions.’ There are some very good reasons why we should be forcing digital on the community. One of these was pointed out to me years ago and it is probably even more the case today. A single analog television station requires as much of the spectrum as 100,000 mobile telephones. Today a mobile telephone is virtually something you cannot do without—more’s the pity I think, particularly as every journalist has discovered my number. But the fact is that we have this situation where we need to clear the spectrum of analog.

I am one of those in this town fortunate enough to remember when suddenly colour
television turned up, and it was obscenely expensive also. We all bought it and the more of us who lined up to buy it the cheaper it got. I would disagree with the member for Oxley on his casual remark. People quote the percentage of people who have taken up digital and, more particularly, high-definition digital. I do not think Harvey Norman or, in my state, some of the other retailers—Rick Hart, Retravision and others—would be running two-page ads nearly full of a variety of LCD or plasma broad-screen television sets if the sets were not going out the door at a particularly fast rate. The price has dropped from virtually $10,000 to $2,000 for the equivalent set. As that happens, more and more people will take up digital. I am not entirely across the technology, but I think you can purchase a digital set-top box that will run your old analog TV anyway and I do not think a pretty basic outfit is any more than a couple of hundred dollars. I have made the shift. I am probably a bit financially better off than others who might go into that shop, but I think HDTV is amazing and, as your eyesight dims a little, it gives you a point of clarity that you would not otherwise realise. I am sure some people who might be sight challenged because of some personal disability would find the service of those brilliant screens well and truly worth it.

My concern is that whilst we quite properly and sensibly resort to commercial penalties for breaches of the legislation—and some of those could be a failure to provide a service that meets community standards—if that failure were sufficiently bad, I would say that a criminal penalty might be the appropriate answer. But for most of the activities of a licensed broadcaster I think that the legislation and its capacity to impose enforceable undertakings is a sensible move. The legislation in that regard is sensible and necessary, as the second reading speech on the other piece of legislation relating to fees indicates. It simply extends the right of government to collect licence fees for other forms of broadcasting that are now imminent, particularly digital technology.

So both pieces of legislation are sensible. But I am concerned that we continue to have this view that government should collect very substantial ingoing fees and restrict the number of licences that can be issued. I was in the hotel industry and I thought it was pretty good that nobody else could get in. That protected my profits. That is not a common view today, and the Labor state government in Western Australia is attempting to relax those conditions quite substantially. They have my philosophical support and I think they are gradually getting the support of my Liberal colleagues in Western Australia who had a conservative view about that.

The reality is that we are looking at giving people services. There is other legislation that I presume will be debated in this place that talks about some of these matters and reform. As I have said, if you are worried about consolidation in the industry, that is because you restrict the number of licences. If you opened up the number of licences, would Mr Murdoch buy one of the existing ones to complement his newspapers or would he start a new one? As far as I am concerned, he should have the opportunity to start a new one. But I will not go any further into that because it is an issue for another day.

In terms of this legislation, we are changing the penalty regime so that ACMA can protect the commercial rights of licensed broadcasters. I do not agree with that. I do not think that is their job. Nothing on that list I read to you says that they are there to protect the commercial rights of licensed broadcasters. They are all things to look after the people, and I am totally supportive of that. I
would just like to put these matters forward and I hope that it will draw the attention of other people to those facts. One day they might find themselves in a position to deal with these matters in the community interest.

Of course we want maximum standards in terms of transmission. We do not want static and we do not want snowy screens and all those sorts of things. We must make sure that when we license someone they provide the best available equipment and their programming of course is of an acceptable standard—and I wish I could add ‘has some diversity’, but that is a little bit hard. I will not go into some of the examples I gave some time ago when the member for Melbourne, Mr Tanner, had to correct me on my naming of a particular program. I think I got it right, but not in terms of the label that one sees on the screen.

It is a fact of life that this legislation—and I welcome the opposition’s support for it—is good, practical stuff. It addresses much more sensibly the way that ACMA does business with these people. It is not appropriate to have criminal penalties for many of the breaches that will occur. On the other hand, I wish that they did not have to prosecute people simply on the grounds that they are affecting the commercial viability of another company. Thank you.

Mr TANNER (Melbourne) (5.49 pm)—It is often said that if you hang around in politics long enough you see everything, and this evening I have achieved a new first. Finally, after 13½ years in the place, I have heard the honourable member for O’Connor, Mr Tuckey, say something sensible. I should note that down in my diary as a very significant event for 2006! I endorse his comments on the importance of competition in broadcasting. Sadly, I think the government does not endorse them and the legislation before the House this evening does not either. We are seeing yet another instalment in what is slowly becoming possibly the longest, most painful, most prolonged, most embarrassing public policy fiasco in Australian history. There are a few contenders for the title, I concede. There are one or two contenders. Nonetheless, the painful, protracted and messy transition to digital broadcasting in Australia, which has now been going for not far short of a decade and is still nowhere near completion, is witnessing today another small instalment in the endless tinkering, fiddling, protecting and, ultimately, messing with what should be a reasonably straightforward process.

We only need to look at the level of take-up of digital receivers in Australia to see what an extraordinary failure the transition from analog to digital broadcasting has been. The take-up is still extremely low, for a very simple reason: there is no substantial motivation for anybody to buy a set-top box even though prices are now fairly cheap. I have not got one. I still have only an analog TV. I have got Foxtel so I have got a digital pay TV service, but I do not have a digital terrestrial service because there is no reason for me to. I get no particular benefit from it—and, from 1998, when I did not have Foxtel, I saw no reason to get a terrestrial free-to-air digital service through a set-top box over that period either. Why? Because it meant simply that I was watching, by and large, the same programs through a different transition mechanism. There was no graded choice, no greater diversity, no proliferation of different options that gave me an incentive to go digital.

Contrast this with the United Kingdom and the introduction of FreeTV, which is owned by a consortium of different media companies, which sends roughly 30 digital channels and signals into about 55 or 60 per cent of British households. Although most of those channels would not particularly excite
the average viewer, if you put together 30 or so channels there is a reasonable chance that there will be something for just about everybody to supplement the viewing experience that traditionally has been based on only four or five analog channels. This has given people an incentive to get a set-top box to go digital. In Australia, there has been virtually no incentive and, as a result, the government’s strategy to transition to digital has failed. So the package of legislative measures that we are in part dealing with this evening is designed to tweak that process without unduly upsetting anybody who may have a bit of political power—that is, incumbents in the industry. Therefore, it is not addressing the core problems that exist.

The core problems are things like mandating that the broadcast be in high definition. Initially, it was for 20 hours a week and then it was subsequently converted—in one of the numerous fiddles that the government has undertaken—to 1,040 hours per year. There is a list of other deficiencies, including the refusal up until now to allow multichannelling and the refusal to contemplate wider competition. There is a long list of deficiencies in the government’s approach to digital broadcasting which have all collectively manifested themselves in a transition that is not happening. If it continues at the rate at which it has been occurring, it will probably be consummated in about 2070 or thereabouts, by which stage we will probably all have TV screens implanted in our heads or something. I think that is a very damning indictment of the government’s approach to this issue.

The previous framework legislation that was adopted seven or eight years ago by the parliament, with the support of both sides, contemplated a switch-over to digital and a shut-off of the analog spectrum by 2008. It has been widely recognised for several years that that was an impossibility and that it is not going to happen. This legislation now contemplates that changeover occurring somewhere between 2010 and 2012. I doubt whether there is anyone in the government who would confidently assert with a straight face that the digital switch-over is going to occur according to that timetable. It is almost inevitable that we will see further backsliding, further delay and further procrastination that will ensure that the ultimate switch-off point for analog broadcasting in this country will be substantially later than the new delayed target dates.

The bill that we are dealing with this evening is in effect a relatively minor toe in the water for slight, further liberalisation of the regime that was put in place by the government some years ago. The genre restrictions that apply to the national broadcasters, SBS and the ABC, with respect to their multichannels are to be lifted—not immediately, but they are to be lifted. The commercial broadcasters are to be permitted to multichannel one standard definition multichannel from 2009 and one high-definition multichannel from next year but, until such time as the analog switch-off is completed, they are not allowed to broadcast sport on either of those multichannels. The restrictions on multichannelling generally are supposedly to be lifted at the point of switch-over, from which time one would assume that the commercial networks will be free to broadcast as many multichannels as they can fit within the spectrum to which they are entitled.

The extraordinary thing about the debate on multichannelling over the years has been the demand by two of the three commercial broadcasters that multichannelling should not be permitted because they could not establish a business case for it. So, in other words, you have people who are ostensibly capitalists, who believe in free markets and competition, arguing for the government to ban them from a particular use of the spec-
trum which they have lawfully acquired and are lawfully using, not because there is some kind of antisocial dimension to the use of that spectrum in this particular way or because this might hurt anybody else but because they do not think they can make money out of it. It is vaguely the equivalent of telling a pub that they are not allowed to sell red wine because they do not think they are going to be able to sell any bottles—something which I find, frankly, completely bizarre.

What is even more bizarre is that up until now—and still, to some degree, even now—the government accepts this argument: there is something wrong with allowing full use of the digital spectrum which these companies have been given and allowing them the option—not requiring them to send out three or four different channels or signals but allowing them the option to do that—which has been sought for many years by one of them, the Seven Network.

The government is dipping its toe in the water of reform on this front. It is taking very small microsteps towards liberating the possibilities that digital does actually open up. But it is extraordinary that the government has gone to great lengths to prevent the potential for diversity, greater content and greater choice that digital broadcasting opens up because it is a much more efficient user of spectrum than analog broadcasting. Even now, with this slight liberalisation, there are still restrictions, regulations, interventions and all kinds of things that restrict the capacity for people to innovate, test markets, try new things and narrowcast to particular sections of the community.

One of the fundamental weaknesses of free-to-air broadcasting in this country for many years has been the one-size-fits-all dimension, the inevitable lowest-common-denominator dimension, which is driven by the fact that there are only three signals. All of those companies that are competing in this market have to go to the predominant mass market and they have very little opportunity to target intermediate sized markets. Ultimately, this has been in many respects the core business of the ABC—to cater for the intermediate sized viewer markets that are not adequately catered for by the commercial networks. But there is no particular reason why the ABC should have a monopoly on those markets and why people with those interests should only have one option to choose from, one mechanism through which to view broadcasting content that is of interest to them.

The particular aspects that I have referred to are part of a wider package which is currently being considered in the Senate. Some of the more exciting and titillating parts of that package are the subject of interesting negotiations between members of the government and ostensible members of the government who belong to the National Party. This legislative package has a number of key features. Firstly, there will be no new competition for the existing free-to-air broadcasters. Secondly, there is a recycled, rebadged and revised version of Richard Alston’s failed datacasting experiment, where the two datacasting licences that were put on the block some years ago—and that, ultimately, nobody was interested in—have been kind of tarted up and fiddled with a bit so that you now have one datacasting licence that is yet to be fully defined and another that is available for broadcasting to mobile phones. In a recent extraordinary backflip by the government, the initial proposition that the existing free-to-air broadcasters were not going to be permitted to acquire these licences was abandoned, so they are now free to bid for these pieces of spectrum for limited and narrow broadcasting purposes. Finally, there is of course the removal of fairly longstanding
cross-media and foreign ownership restrictions that are designed to guarantee a minimum level of diversity and Australian ownership in the Australian media market.

The net dominant factor in all of these proposals is that they differ only very marginally from the propositions advanced by the former, longstanding communications minister Senator Alston. There is very little difference. There is a little tweak and a little fiddle here and there, and there are slight modifications, such as broadcasting to mobile phones and the like, but basically the orientation of these changes is pretty much the same as what Senator Alston advocated. In fact, it is with some amusement that I have noted that apparently the government has agreed with the National Party to make the two out of three restriction—in other words, prospective proprietors would be prohibited from owning any more than two out of three of a newspaper, a TV station and a radio station—a national restriction. There was somebody in the past who actually proposed this as an alternative way of dealing with cross-media ownership regulation: Senator Alston. So, bit by bit, Senator Coonan is drifting into precisely the same propositions, sets of proposals and ideas that were promoted and largely abandoned by Senator Alston as communications minister in the past.

The fundamental problem with this package, of course, lies in the effective abrogation of the cross-media ownership laws. Although the proposition that is being floated has danced around from time to time, and we are yet to see what the final proposition put to the Senate will be, there is an underlying problem. Whether we have the complete removal of the cross-media ownership laws or whether we have the ludicrous five-voices test that says that sports radio station SEN in Melbourne, Gold 104 or Vega, in the domain of influencing and forming public opinion and in providing public debate, have significance equal to the Herald Sun, 3AW, Channel 9, Channel 7 or Channel 10, there is the ludicrous proposition that somehow this test would act as a protector of diversity. That has been abandoned, by the sound of it. That is certainly a good thing. But whether a two out of three mechanism is of any great benefit to the Australian media, in terms of protecting diversity, is entirely debatable because it still leaves open the possibility that we will end up with a media in this country that is almost completely dominated by two giant corporations—one built around News Ltd and one built around Telstra.

With Telstra being privatised and with the effective abolition of the cross-media ownership laws, although the two out of three provision, if that is what the government adopts, would in practice probably end up keeping such giant corporations out of radio—perhaps we should be grateful for small mercies—it would nonetheless still enable a massive concentration of ownership and power, particularly in the case of Telstra, which would end up potentially owning, for example, the Nine Network, Fairfax, three-quarters of Foxtel and, of course, the vast bulk of Australia’s telecommunications infrastructure, two-thirds of the entire activity in telecommunications and over 90 per cent of the profits. That would enable a privately owned Telstra to have massive dominance in the formation of public opinion in this country, enormous control over content, enormous market power to the great disadvantage of not only people who have alternative points of view and seek to have differences in public debate but also prospective competitors in both the infrastructure and the content spheres. This legislation opens up that possibility.

If you think it is fanciful, reflect on the fact that, even under its previous management, which was a significantly less aggres-
sive management than the current one, Telstra tried to buy the Nine Network and Fairfax. So those ambitions are there, the pockets are deep, the possibilities are endless and there is every chance—maybe not immediately; maybe not even this year or next year—that, if the legislation does ultimately go through, then, even in the form of a two out of three test, the end result will be a massive concentration of power in a very small number of hands and a massive reduction in the number of voices in our mass media, which is ultimately the overwhelmingly dominant point of intersection between the ordinary citizen and the democratic process.

The reality that we all face as representatives in this House is that, if we are to obtain a mass audience, if we are to get a message across to a large number of people to seek to persuade or influence people to our point of view, it has to go through a relatively small number of media outlets. Although it is true to say that the development of internet and digital technology—notwithstanding the government’s best efforts to retard the shift to digital broadcasting—is slowly eroding the dominance of traditional media like newspapers and television, that is a slow process. The companies that own those media are busily moving into new media like the internet and establishing very powerful positions as well. It is not of much benefit to anybody to say that we will effectively regulate for a world that might be 15 or 20 years away. It is not much of benefit to public debate and democracy in this country to regulate on the basis that we are already at that point, when in fact it could well be 20 or more years away before we literally have the unlimited voices and the enormous diversification that, supposedly, the emergence of the internet and digital broadcasting will provide. Eventually it will happen, but it could be a long way away.

Finally, it is worth noting that the position the Howard government has taken with respect to digital broadcasting is characteristic of its attitude to competition, which is, namely, that competition is a very good theoretical proposition which should be applied to individual workers—especially individual workers who do not have much bargaining power and do not earn much money—in order to drive down their wages and conditions. The government is very strongly in favour of competition for those people. However, the government supports compulsory unionism for wheat farmers. It is very strongly opposed to compulsory unionism for workers, but it is gung-ho in its support for compulsory unionism for wheat farmers through the AWB, notwithstanding that the AWB turned out to be world champion briners of Saddam Hussein. The government is very strongly in favour of protecting pharmacies from wider competition from companies like Coles Myer and Woolworths. It is very strongly in favour of protecting Qantas from wider competition in areas like the Pacific route, even though that would be of substantial benefit to the Australian tourism industry. And it is very strongly in favour of doing nothing to enhance the degree of competitive pressure on Telstra to ensure that we get serious high-speed broadband in this country, accessible to all Australians.

The broadcasting example is just the most extreme example of how, in practice, this government always goes for the special interest. It always goes for the special interest; it never pursues real competition when big-business mates and special interest groups are in there with their interests to protect. All those people out in the Australian community like plumbers, hairdressers, panelbeaters and accountants, who do not get protection from competition, who do not get special deals, who have to put up with the prospect of somebody setting up shop next door to
them and competing with them, should think about the Howard government’s attitude to competition. (Time expired)

Mr NEVILLE (Hinkler) (6.10 pm)—The Communications Legislation Amendment (Enforcement Powers) Bill 2006 goes to the heart of my concerns about the enforcement of rules that we as legislators lay down for broadcasting content. My concerns in this matter are well known. I hold a fundamental belief that, when an industry is allowed to regulate itself through a code of practice, it has a clear and unambiguous obligation to maintain those standards. I also believe that we have seen too many examples of where this has not happened. The government must give the Australian Communications and Media Authority, ACMA, and the Australian Competition and Consumer Commission, ACCC, the teeth to significantly penalise broadcasters who wantonly flout accepted standards.

ACMA was created last year by amalgamating the Australian Communications Authority and the Australian Broadcasting Authority so that the government could better regulate and administer our rapidly evolving communications sector. Until recent times, the nature of communications technology and infrastructure meant that we could clearly delineate between the responsibilities of the ABA and the ACA. That is no longer the case. When I spoke on the Australian Communications and Media Authority Bill last year, I confessed that I was one of the most strident critics of the old ABA, and I said I wanted to see ACMA have greater focus and rigour in carrying out its responsibilities. So I gave fair warning that I was one of the most strident critics of the old ABA, and I said I wanted to see ACMA have greater focus and rigour in carrying out its responsibilities. So I gave fair warning that I would hold ACMA to high and rigorous standards, but unfortunately I have been somewhat disappointed in that respect.

That is why I welcome the opportunity to speak to this bill. I believe ACMA should have the tools in its armoury to properly enforce standards in both broadcasting and regulation, and I want to see the body use those powers wherever and whenever necessary. This bill does not create new offences; rather, it enhances ACMA’s broadcasting regulatory powers under the BSA by providing ACMA with key new powers in the areas of civil penalties, injunctions, enforceable undertakings and infringement notices. The bill also requires ACMA to develop guidelines relating to the exercise of its broadcasting enforcement powers.

The Broadcasting Services Act spells out very clearly what ACMA’s purpose is. A number of those objectives reinforce the importance of a firm regulatory system for Australia’s media and telecommunications sectors. One of those objectives is:

(b) to provide a regulatory environment that will facilitate the development of a broadcasting industry in Australia that is efficient, competitive and responsive to audience needs ... Let me stress that: ‘responsive to audience needs’. This cannot be emphasised strongly enough, and it is something Australian audiences are not afraid to speak out on.

Just one example of the need for ACMA to be given some teeth is the appalling content we saw broadcast on free-to-air television in recent times in the form of Big Brother Uncut. Quite apart from dumbing down national television standards, it was mind numbing in its presentation. It was full of banality and random crudeness; it really scraped the bottom of the barrel when it came to Australian programming. While those programs are flourishing, there are going to be even fewer opportunities for quality programming, let alone for giving jobs to young drama graduates and practitioners of the theatre so they can get a fair slice of the radio and television opportunities that should exist.
I do not resile from the public stance that I and other MPs took on *Big Brother Uncut* which prompted the Australian Communications and Media Authority to discipline Channel 10 for breaching the Commercial Television Industry Code of Practice. ACMA declared the network in breach of the code for three episodes of the program which had systematically aired coarse language and demeaning and gratuitous sexual activity to titillate its broad audience. Setting aside its promotion of erotic content, I have to say that the episodes I watched were mind-numbingly dull. To my way of thinking, they plumbed the depths of poor standards of broadcasting. It is insulting to Australian viewers to suggest that a semicircle of double beds containing nubile girls and fit and healthy young men in a group situation is reflective of community standards in this country. It is simply a nonsense and it is demeaning of our young population.

A number of episodes were clearly beyond the MA15+ classification. After much hue and cry from the parliament, ACMA found that to be the case in at least three instances. People have a right not to be confronted with free-to-air programming that would otherwise be excluded under normal censorship provisions. I well understand and empathise with the anger of people who have been affronted by this program. When the water cooler topic of the day is whether John and Susie have actually had sex under the doona while other people are in the room, I think the time has come to ask ourselves whether it is not better to switch off the TV or at least switch off those sorts of TV programs. That is a thought which should send shivers down the spines of program developers. Funnily enough, another of the objectives of the Broadcasting Services Act is:

... to promote the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity ...

If turkey slapping, constant foul language and unbridled sexual activity are an accurate reflection of the identity and character, much less the culture, of this country, it is very sad indeed for all of us.

One of my suggestions—that *Big Brother Uncut* be subject to viewing and classification prior to broadcast—was actually adopted by the ACMA in its rulings. As I have previously said, I am no prude. But when people rent videos, go to the movies or buy an X-rated product from the ACT or the Northern Territory, they do so with the clear knowledge of what they are buying and what they are getting.

Australia has a fairly good censorship regime. We have ‘General exhibition’ and ‘Parental guidance recommended’ classifications. We have two levels of M certification, one requiring accompaniment by adults. In addition to that, we have the R classification category. Everyone knows what they are watching and what they can expect to see when they access that type of material. But free-to-air television is a different medium. The public has a right to expect that licensed television stations will maintain the high standards expected of them and work within the guidelines of the code of practice. We are entitled to expect that free-to-air television will maintain high standards because of the very definition of free-to-air content.

As it stands, many breaches of provisions of the Broadcasting Services Act or of the basic licence conditions established by the BSA are subject only to criminal penalty. I think that is a mistake. It has not been possible in those instances to apply civil sanctions to a broadcaster. In those instances, ACMA has to comply with the rigorous process of referring to the Commonwealth Director of Public Prosecutions and then establishing the breach of the criminal standard of proof and demonstrating a broadcaster’s intent to
breach the provisions. That makes it a very high bar. This makes it very difficult for ACMA to see penalties imposed for such breaches.

This bill will rectify the situation by establishing civil penalties in relation to a number of breaches of the BSA and licence conditions, thereby giving ACMA the tools to initiate Federal Court action against licensees, with a lower civil standard of proof. The bill will also give ACMA more teeth when it comes to the broadcasting of unlicensed material, via new powers to issue remedial directions. Instead of just issuing a notice to broadcasters airing such content, ACMA will have the power to bring civil or criminal action against licensees which provide unlicensed services or breach licence conditions and certain codes of practice. ACMA will also be granted further powers to seek an order from the Federal Court to prevent unlicensed broadcasting. This is aimed primarily at licensees such as narrowcasters which are outside commercial broadcasting categories.

This bill will also fix an anomaly in relation to the enforcement of voluntary undertakings in the broadcasting, content and datacasting areas. As it stands, ACMA can accept voluntary undertakings in these areas, but they are not enforceable. This is in stark contrast with its powers in the area of telecommunications. Although undertakings in the areas of broadcasting, content and datacasting will remain voluntary, measures contained in the bill will now give ACMA the power to bring Federal Court action for any breaches. As is understandable, ACMA will also be required to consult with the industry to develop guidelines for the appropriate use of enforceable undertakings, infringement notices and civil penalties.

The Television Licence Fees Amendment Bill 2006 has been included for debate with this legislation. It is related to amendments made to the Broadcasting Legislation Amendment (Digital Television) Bill 2006. In a nutshell, it will alter the definition of the term ‘gross earnings’ contained in the Television Licence Fees Act 1964 to reflect the fact that, when commercial broadcasters are able to provide more than one service, their revenue sources—that is, advertising opportunities—will expand correspondingly. As of 1 January next year, commercial broadcasters will be able to provide a non-simulcast high-definition or HDTV service—that is, multichannelling. From 1 January 2009, broadcasters will also be able to provide one standard definition and a number of multichannels from the end of the simulcast period. This is provided for in the Broadcasting Legislation Amendment (Digital Television) Bill 2006.

Under existing legislation, the fees payable by broadcasters are calculated on the basis of the gross earnings of the licensee. Accordingly, this bill amends the definition of ‘gross earnings’ to reflect the fact that commercial television broadcasting licensees will be able to earn revenue from the provision of multiple services. The effect of the bill is that all revenue derived by a commercial television broadcasting licensee from the televising of advertisements or other material on all services provided by that licensee will be included for the purposes of calculating the licence fee.

Moving away from the technical side, this bill is one of several that we are going to consider over the next few days. I have to say I am looking for greater transparency in a number of areas. One thing that I really want to see come out of this process—and it may have to wait until after the Elmi case is resolved—is the development of an associates test or a related entities test to make it absolutely and abundantly clear that one company or proprietor of a media outlet cannot, by way of financial control or program
or content control, exercise influence over another broadcaster or another media outlet. I suspect that in an indirect way that is already happening in the market, and it should be stamped out.

We should also have tracing provisions. While we are talking today about these new regulatory and enforcement powers, we should also be looking at tracing provisions, because inherent to a number of the bills that we will consider in the coming weeks is the fact that there will be some limited concentration in the capital city and regional media markets. I think that fact carries with it an added weight of responsibility for the broadcasters and the newspaper proprietors. That goes not only to having an associates or related entities test but also to having a tracing test. The public are entitled to know, especially when media is concentrated beyond the levels we have accepted over recent years, where we are going in the future. They have a right to know who exactly owns and runs that company—who controls it. The tracing provisions should go to the provision of financing. They should go to things like financial instruments. They should go to things like shares. They should go to debt structuring and the like. At any time, any Australian citizen should be able to know who owns any media entity in their particular market. I think the combination of those two things will lead us to much higher levels of probity.

Television and radio in particular—the electronic media—are very important parts of our daily life. They have an immense capacity to influence public opinion. For nine years I have closely monitored how the media in this country works. I have stood on many occasions, and I will do no less with the current bills, which we will consider over the coming weeks. We should not be too sanguine or passive about the idea of the fourth estate. It is not just some amorphous concept. It is real. It is tangible. It guarantees our freedom of expression. When you bring it down to a country or regional and rural level, it is the way of expressing the hopes, the expectations, the character, the culture and the community of the regions that those radio stations, television stations in particular and, to a lesser extent, daily newspapers serve.

I welcome this raft of measures. As I said before, after the Elmi case we still have some distance to go. There is also a good case, I think, for strengthening the power of the ACCC in relation to the media. The ACCC does a marvellous job and I have immense respect for Graeme Samuel, but I would like to see it hand in hand with what I have spoken about today. I would like to see the increase in the power to enforce that will be given to ACMA extended by some amendment to the ACCC, giving it a wider focus on the field of the media. I think this is one of a number of good measures that we are going to see in the near future, and I commend the bill to the House.

Mr MURPHY (Lowe) (6.28 pm)—While the member for Hinkler is still in the chamber, I would like to respond to what he had to say towards the end of his contribution on the Communications Legislation Amendment (Enforcement Powers) Bill 2006, about the other media bills that are going to be coming before the House and the Senate, this week; and the fact that there will be some limited concentration of media ownership in the cities. With great respect, I need to respond.

I will start by giving the member for Hinkler a tick for taking the battle to the government in relation to this issue. He, like me, has had a passionate interest in media ownership since we worked in the 39th Parliament on the House of Representatives Standing Committee on Communications, Information
Technology and the Arts. As the member for Hinkler will recall, I wanted to have an inquiry into media ownership in Australia. He has done a great job standing up for his community against the potential impact of having one powerful media company owning television stations, radio stations, newspapers and monopoly pay television with virtually no other serious competition in the constituency that he represents.

Let me give the member for Hinkler some insight into the consequences of this bill for Sydney. If the proposed bill goes through the parliament, both PBL and News Ltd will have a stranglehold on media ownership in a city like Sydney. News Ltd and PBL would own all the major metropolitan dailies because, under this legislation, PBL could buy Fairfax, and News Ltd could buy a free-to-air television network like Channel 7 or Channel 10. The Minister for Communications, Information Technology and the Arts has consistently avoided, most dishonestly, answering my questions in relation to the two big media companies being allowed to hang on to all of their existing assets and also being allowed to purchase new media. This is going to lead to a massive concentration of media ownership in Australia, to the detriment of the public interest and our democracy. In Sydney, you would find the two big media companies owning all the newspapers, two of the three commercial free-to-air television networks—and no-one else being allowed to own a fourth free-to-air television licence—and having a monopoly on pay television and 70 per cent of the news and information sites on the internet. That is an outrage.

I am most concerned that this government is selling out our precious democracy. That is why I keep raising it in my speeches and in the innumerable questions that I have asked Minister Coonan and her predecessors over the years that I have been in this House. This is a critical issue. The Prime Minister, who does not think that it is much of an issue for him, has made it quite plain that he is not prepared to use much political capital in relation to this legislation. I am pleased that the member who represents the communications minister has come into the House.

There can be absolutely no doubt that Australia’s broadcasting and communications regulator, the Australian Communications and Media Authority, must play an increasingly important role in ensuring that media companies are complying with basic legislative obligations and that they are meeting basic audience expectations. I note that the member for Dawson, in her speech in the second reading debate, stated that ACMA and its predecessor, the ABA, have for some time been concerned about the paucity of regulatory powers available for breaches of the Broadcasting Services Act. The key words are worth repeating, and they are ‘for some time’.

It has long been known that there are a number of deficiencies in the powers of the regulator to adequately address breaches of the act and the standards and industry codes, yet the government has done nothing about it. It has been known since 2000—six years ago—that the polarised regulatory powers of the Australian Communications and Media Authority and its predecessor, the ABA, were making these authorities effectively toothless tigers. The media regulator’s powers are focused on the high end of the scale, including criminal penalties and licence cancellations. Often these remedies are anything but appropriate for low- or mid-range breaches of the Broadcasting Services Act. It would not be naive to assume that the absence of sanctions which are not unduly harsh could mean that ACMA has been unable to effectively deal with breaches of the Broadcasting Services Act, even allowing some breaches to
go without consequence for want of there being a suitable punishment.

As the Centre for Media and Communications Law at the University of Melbourne has correctly noted, the potential for breaches to go without punishment clearly ‘undermines ACMA’s role in ensuring regulatory compliance and calls into question the public’s confidence in ACMA to fulfil its function’. Professor Ian Ramsay’s report also identifies shortcomings in the suite of powers available to Australia’s media regulator. He said, inter alia:

The lack of flexible remedies inhibits the capacity to engage in negotiations that might produce better compliance by licensees.

He also said:

There is a lack of useful small penalties for minor breaches so that there are insufficient incentives for compliance with reporting requirements under the BSA.

Given the large number of code breaches and the pattern of recurring breaches that occurs with some licensees, there can be no doubt that a lack of appropriate remedies is hindering ACMA’s ability to take action. There is nothing worse than a regulator that is unable to regulate.

It is not sophistry to suggest that there have been occasions when the lack of available remedies may have hindered ACMA’s ability to deal with compliance issues. In 2000, concerns were raised that the ABA had no power to impose fines or other civil penalties on radio stations involved in the so-called cash for comment affair. In the absence of clear moral culpability, it was concluded that the issues raised did not warrant criminal sanctions or licence cancellation. As Professor Ramsay has alluded to, ACMA’s unwillingness to enforce criminal penalty provisions is no surprise, given that the moral culpability of many of the offences under the Broadcasting Services Act is relatively low. Irrespective of whether the then ABA would have had cause to use civil penalties against those involved in the cash for comment affair, the government was clearly made aware of potential problems with the scope of remedies available to the regulator. Yet the government did nothing about it.

The Communications Legislation Amendment (Enforcement Powers) Bill 2006 proposes many long-overdue amendments. The bill gives legislative effect to recommendations in a report by Professor Ian Ramsay, entitled Reform of the broadcasting regulator’s enforcement powers, which identified numerous deficiencies in our media regulator’s ability to, of all things, regulate. Remarkably, despite landing on the minister’s desk in September 2004, absolutely no action was taken by the government to implement the report’s recommendations for over a year. It was not until November 2005 that the government released an issues paper canvassing options for enhancing ACMA’s powers under the Broadcasting Services Act. It is now almost six years since the cash for comment incident, a year since the release of the issues paper and two years since the original report was provided to the minister—two years. No doubt the minister will put this absurd two-year delay down as a win for extensive public consultation. I ask: why won’t the minister provide a two-year public consultation period for other elements of the government’s media reform package, notably its intention to abolish cross-media ownership laws in our country?

It takes two years to implement relatively simple changes to ACMA’s powers; yet, with an issue that strikes at the heart of media diversity and Australia’s democracy, the minister has ridden roughshod over public consultation processes with that shotgun Senate inquiry of 28 and 29 September into the Broadcasting Services Amendment (Media Ownership) Bill 2006. The failure to prop-
erly tackle the challenges proposed by further media concentration is appalling and an absolute disgrace, as I said three times in this House on Monday.

In any event, the Communications Legislation Amendment (Enforcement Powers) Bill will finally enable the regulator to impose graduated penalties that vary in severity according to the gravity of the contravention involved. While it has been a toothless tiger in the past, it is important that ACMA is now being given teeth to apply fitting and proportionate penalties for regulatory breaches. This reform, unlike the media ownership legislation, is in the public interest and will encourage greater regulatory compliance in the media industry. The public will, hopefully, see the benefit of a more active regulator, armed with more teeth, addressing things like breaches of the commercial television code of conduct. Incidents such as those that occurred last year on Big Brother should no longer go unpunished or be treated with, dare I say, a mild slap on the wrist.

The reforms in this bill will also bring ACMA’s powers into line with other industry regulators, such as the Australian Competition and Consumer Commission. The new powers provided to ACMA will include two important reforms that I wish to speak to in more detail. The bill will allow civil penalties for a range of offences under the Broadcasting Services Act that are currently punishable only by criminal penalties. This will not only hit the hip pocket of those that breach regulations but also reduce ACMA’s burden to prove a breach beyond reasonable doubt. It is patently clear that criminal penalties place an onerous standard of proof on ACMA, including a subjective element that may be difficult to prove for many offences covered by the Broadcasting Services Act. It is also clear that criminal penalties are often an inappropriate and disproportionate reaction to many of these offences.

The bill will also enable ACMA to accept enforceable undertakings in those regulatory areas where it cannot currently do so. Enforceable undertakings have been used with great success by a range of other regulators, including the ACCC and ASIC. Enforceable undertakings provide a new approach to compliance that avoids, where possible, the spectre of a drawn out and costly legal battle. By promoting a working relationship between the regulator and the regulated, it becomes more possible to foster a commitment from the industry player that is subject to regulation. This bill will now enable ACMA to accept enforceable undertakings in relation to its broadcasting, datacasting and internet content regulatory functions.

The bill will also give the power to ACMA to issue infringement notices for breaches of reporting and notification requirements and the power to seek injunctions to prevent the operation of unlicensed commercial broadcasting services. I wish to note further comments made previously by the member for Dawson that the bill will ensure ‘ACMA can undertake the critical regulatory functions required of it in the new media regulatory framework that will be established by the government’s media reform package’.

This bill will undoubtedly improve the ability of ACMA to achieve compliance with existing and future broadcast regulation. As has been mentioned by the Centre for Media and Communications Law, the reforms in this bill will not increase the ambit of ACMA’s regulation over broadcasters but merely enhance the regulator’s ability to seek compliance with requirements and obligations under the Broadcasting Services Act. That gravely concerns me in light of the government’s wilful destruction of important cross-media ownership laws. ACMA will be powerless to act against media giants, who will be given tacit approval to concentrate media in this country by buying radio sta-
tions, television stations, newspapers and magazines in a single market. Who will protect diversity of the press and a healthy democracy in this country? Clearly, the Howard government is not going to. Given the planned changes to cross-media laws, this bill will certainly mean that ACMA will not be able to either.

I now want to say something about the Television Licence Fees Amendment Bill 2006—or the digital TV bill—because it is also part of this debate. The intention of the Television Licence Fees Amendment Bill 2006 is to stimulate the sluggish demand for digital television so that analog broadcasts can be switched off some time between 2010 and 2012. However, I doubt that this bill will do anything of the sort. I do not think that this bill will increase the number of people who choose to take up digital television and I do not think it will benefit consumers as much as it will benefit the powerful commercial interests this government attempts to appease in nearly every piece of communications legislation that is debated in this place.

I do think this bill is a symbol of the government’s incompetence when it comes to handling the issue of media reform. Everything the government tries to do in terms of digital television is nothing short of a triumph for incompetence, a win for stupidity and a victory for ineptitude. We have seen the date marked for the switching-off of analog television moved from 2008 to some time between 2010 and 2012. I doubt this bill—or indeed the entire media package—will do anything to attract more consumers to digital television. It is only a matter of time before the date is shifted again.

According to industry data, only around 20 per cent of households have purchased the necessary equipment to receive digital free-to-air broadcasts. I can assure the House that many constituents in my electorate of Lowe who have taken up digital television are not happy. Only recently I was speaking to a constituent, Dominic Ofner, a resident of Concord, who said his family had recently taken up digital television but were not convinced of its merits, especially due to the restrictions on multichannelling on both ABC and SBS and also the commercial networks. I know the government can do something about this, but clearly it is not going to.

I notice that this bill allows commercial broadcasters to multichannel solely in high definition until 2009. The key words here are ‘solely in high definition’. In my view, this makes no sense. It makes no sense when the market for high-definition services is too small at this stage to entice broadcasters to begin multichannelling. It makes no sense when not even Channel 7 is considering plans to commence a high-definition service. I notice also that the multichannelling genre restrictions on the ABC and SBS are being lifted in this bill. I point out to Minister Coonan that this was Labor Party policy prior to the last election. I am sure the former shadow minister for communications, Lindsay Tanner, the member for Melbourne, is chuffed that the government is adopting our policies. On his behalf, I thank the government for that.

The Television Licence Fees Amendment Bill, however, cannot be passed in its current shape or form. The minister needs to release amendments dealing with the regulatory arrangements surrounding the new digital channels. Furthermore, I believe this bill can be improved by allowing the ABC and SBS to show sport that is on the antisiphoning list on their multichannels. Such a movement would, for instance, allow the ABC to show netball tests live on ABC2 without interrupting vital programming such as the news or The 7.30 Report.
I also note the repeated use of the phrase ‘use it or lose it’. What does this term actually mean? The minister has failed to provide any clear meaning for this phrase. Is the minister talking about showing sport coverage no matter whether or not it is live? Is the minister talking about whether or not sport is shown at a reasonable hour? Is the minister talking about delayed coverage shown at 1 am?

I am passionate that we must do whatever we can in relation to antisiphoning lists to protect Australian families, to protect middle Australia, from having to pay hundreds of dollars a year to watch sporting events that they currently see on the free-to-air networks. I challenge the minister to join me in that fight. The reality is that the restriction on the broadcasting of antisiphoning listed sport is clearly designed to address the interests of our big media proprietors and, in particular, the proprietors of Foxtel, which as you know, Mr Deputy Speaker, is partly owned by Mr Murdoch and Mr Packer. You can only think that the communications minister and the Prime Minister were interested only in what Mr Murdoch and Mr Packer thought when they drafted the media legislation that is coming into the House. As I keep saying, I cannot sit back and let this government run over the democracy of this nation, and I am appalled at the inability of members sitting opposite to realise the serious consequences of the Howard government’s— (Time expired)

The DEPUTY SPEAKER (Mr Lindsay)—I am sorry, member for Lowe; I would like to allow you to continue, but standing orders do not allow me to.

Mr Murphy—Someone could move for an extension of time.

The DEPUTY SPEAKER—The honourable member does not have the call.

Mr Hunt (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (6.48 pm)—In presenting the case for the government on the Communications Legislation Amendment (Enforcement Powers) Bill 2006 and the Television Licence Fees Amendment Bill 2006, I want to start with a contextual point and then deal with, firstly, the comments from those on both sides of the House; secondly, some of the specific provisions of the enforcement powers bill; and, thirdly, the Television Licence Fees Amendment Bill.

Firstly, I want to put the legislation in the context of technological development. These bills come about for a very clear reason. They come about because of an evolution in technology. The world that was in place
decades ago, even a decade ago, is evolving rapidly. Against that background, Senator Coonan, the Minister for Communications, Information Technology and the Arts, has set out to revolutionise the marketplace for media and communications. These bills are within that context. In particular Minister Coonan is helping to establish a regime which will allow Australia over the next 20 years to maximise the opportunities for new content, for ordinary consumers throughout Australia to have access to as wide an array of content and as many options as possible, through the creation of digital TV and the supporting services that provide it. In addition, this is about ensuring that there is adequate protection for the consumers, for the viewers and for the general population against any abuse of market power or of the broadcasting regime.

Let me turn now to the comments of those who have spoken. I thank all five members who have contributed to the debate today. I want to deal firstly with the point raised by the member for Oxley. He made a passing reference to the fact that this legislation was overdue. We make no apology for the fact that we were utterly comprehensive in our consultations with the community. We began with the Ramsay report recommendations of 2004 and went on to the discussion paper in November 2005. There was the establishment, along the way, of ACMA, and now we have this legislation in 2006.

The honourable member for O'Connor made some powerful points about the need and the capacity to link what we are doing with the social subject matter of much of television—in particular, sports—and the fact that this legislation or subsequent legislation could become a vehicle for ensuring that there is compliance on drug testing. Whether or not this is the appropriate vehicle, his substantive point is powerful. There should be no soft options in this community and over the coming 20 years for our major sporting bodies in Australia to avoid drug testing and drug detection.

The member for Melbourne set out a case which was allegedly pro competition in theory but unreservedly afraid of the market in practice. He diverted largely from much of the substance of these two bills but focused very much on the general notion of competition in broadcasting. I reject absolutely the fundamental principle that the government's direction is anticompetitive. What we are doing is precisely what he in theory seeks to achieve—and that is to allow the market to provide as many options as possible. What we are seeking to do is to remove restrictions. That is the broad general direction which the minister for communications and the Prime Minister are taking in pursuing our suite of communications reforms. These two bills fit within that context because they would provide hard enforcement mechanisms if there were any attempts to misuse that position, whether direct, intentional or even negligent. We are putting forward a new regime to protect the public, and we do that without apology to anybody and with recognition that the complaints made by the member for Melbourne are absolutely and utterly unfounded.

We also heard from the member for Hinkler. He set out a position which I think is very important. He is concerned about standards in the Australian community as is the member for O'Connor. His view is that we have to be ever vigilant of abuse of the public's capacity to watch in confidence without knowing what may befall young Australians under the age of 16 if there is not adequate warning of what is about to be seen. Again, his points about protecting public sensibility and morality are strong and powerful and are consistent with a view he has taken over many years.
The final member to speak, the member for Lowe, set out a position effectively against the general population having a full right of access to as many different sporting events as possible. There was an implicit endorsement of siphoning. It was a position which I found quite extraordinary. What he was effectively saying was, ‘Let’s walk away from the antisiphoning provisions which we have set in place to protect the broad population against the loss of events and icons which are essentially of national importance and national significance.’ I thank all of the speakers, but I respectfully make those answers in response.

In relation to the two different bills, the first thing I want to do is to look at the Communications Legislation Amendment (Enforcement Powers) Bill 2006. To sum up the government’s position, this bill reforms the Australian Communications and Media Authority’s regulatory powers in order to strengthen its capacity to effectively regulate the broadcasting industry. Essentially it fills a gap, because at present ACMA only has at its disposal the options to impose criminal penalties or to cancel or suspend licences. It lacks appropriate responses where incidents are minor or are one-off events. Against that background, this bill seeks to set out an appropriate regime which allows for the graduation of enforcement powers. I think that that is a sensible, moderate and reasonable step which responds to the new regime.

The second of the two bills in this cognate debate is the Television Licence Fees Amendment Bill 2006. This bill relates to the amendments to be made in the Broadcasting Legislation Amendment (Digital Television) Bill 2006, the digital TV bill. That provides a commercial television broadcasting licence which will hereafter authorise the provision of more than one service—or channel, if you prefer—from 1 January 2007. The key thing here is that it allows for the bundling or grossing-up of fees across an entire entity. The bill amends the definition of ‘gross earnings’ to reflect the fact that commercial television broadcasting licences will be able to earn revenue from the provision of multiple services. It recognises the reality of how these services operate. Taken together, these two bills represent an evolution in the broad package of protections in relation to communications legislation and television licence fees. They represent a recognition of the role to be played by digital television and, hopefully, will assist that process and help more Australians to see digital television. For those reasons I am delighted to commend both bills to the House. I thank the minister for communications, Senator Helen Coonan, and all of those officers and staff who have worked with her on creating this package of legislation.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (6.58 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

TELEVISION LICENCE FEES AMENDMENT BILL 2006

Second Reading

Debate resumed from 14 September, on motion by Mrs De-Anne Kelly:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.
Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (6.59 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

HOUSING LOANS INSURANCE CORPORATION (TRANSFER OF PRE-TRANSFER CONTRACTS) BILL 2006

Cognate bill:

HOUSING LOANS INSURANCE CORPORATION (TRANSFER OF ASSETS AND ABOLITION) REPEAL BILL 2006

Second Reading

Debate resumed from 13 September, on motion by Mr Pearce:

That this bill be now read a second time.

Mr SWAN (Lilley) (7.00 pm)—The Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts) Bill 2006 and the Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Repeal Bill 2006 seek to finalise arrangements in relation to the winding up of the Commonwealth Housing Loans Insurance Corporation in 1997. The Housing Loans Insurance Corporation was established by the Menzies government in 1965 to address structural deficiencies in the highly regulated financial system. Its primary purpose was to assist low-income earners with small deposits to obtain housing finance. It did this by insuring lenders against the cost of mortgage defaults.

At the time its purpose was articulated by the then Minister for Housing, Mr Bury, as follows:
The scheme aims to assist people to borrow, by means of a single loan secured by a first mortgage, the difference between available personal savings and the cost of a home suited to their requirements. The amount of the loan would, of course, be related to the ability of the borrower to repay it over a reasonable period. It is our hope and intention that this scheme will progressively remove the present need for many creditworthy borrowers to obtain a second mortgage loan, frequently on oppressive terms and conditions.

Since the introduction of the scheme and financial deregulation during the 1980s, the market for mortgage insurance matured considerably, progressively making a Commonwealth funded scheme redundant. The HLIC was at that time the largest mortgage insurer in Australia, having insured more than 1.3 million loans.

In the early 1990s, the former Labor government proposed to transfer the corporation to the private sector. However, the transfer process itself became untenable due to the lack of competitive neutrality in the regulations under which the corporation operated. Its liabilities were guaranteed by the Commonwealth and its exemption from supervision by the industry regulator meant it did not have to comply with the capital adequacy arrangements applying to its competitors. As a consequence, the former Labor government proposed restructuring the Housing Loans Insurance Corporation as a company incorporated under the companies law and subject to the regulations of its competitors, as well as those of the states and territories. It was proposed that the corporation cease writing business on the day before the new company came into existence. The then existing insurance policies—the so-called old book—would then be directly taken over by the Commonwealth. Finally, the Commonwealth would then contract with the new company to administer the old book insurance obligations, with the Commonwealth making any payments arising from this old business.

A bill was presented to and passed by the House in October 1995 to achieve this but...
lapsed in the Senate. Upon coming to office, the current government reintroduced the bill in 1996. Upon the bill passing, the new entity, HLIC Ltd, was sold to the private sector in 1997. However, pre-transfer contracts remained under Commonwealth ownership. These contracts are currently managed on behalf of the Commonwealth under a management agreement that is due to expire on 31 December this year. The principal amount covered by the Commonwealth’s guarantee was estimated in 2005 to be $5.087 million, considerably less than the outstanding amount of $19 million in 2003.

The government has stated that it no longer has a desire to continue to be involved in the business of mortgage insurance through its ownership of the pre-transfer contracts. Labor is of the view that this is a reasonable position and is an evolution of policy advocated by successive governments. The bills we are debating today do not commit the Commonwealth to transfer its ownership of the residual contracts but would enable the transfer to occur if required.

Labor notes that in divesting itself of the pre-transfer contracts it is likely the Commonwealth will need to compensate the new owner of the contracts for risk involved. These bills propose that a standing appropriation be used for this purpose, as it is not possible to estimate what the risk is valued at by a new owner. However, given that the total balances outstanding on the pre-transfer contracts are now worth less than $5.4 million, it is unlikely that any compensation for risk will be significant.

It is worthwhile noting, however, that the risk associated with mortgage defaults has increased in recent times. A sharp increase in repossession action against borrowers has occurred, following the seven back-to-back interest rate hikes since 2002. Figures from the Supreme Court of Victoria show that in the first half of this year there were 1,474 repossessions, or more than 2 1/2 times the 563 in the first half of 2003. In New South Wales the figures are also striking. The data from the Supreme Court of New South Wales clearly show a rapid and concerning acceleration of mortgage repossessions in New South Wales since 2002—precisely when interest rates started rising. The figures show mortgage repossessions in New South Wales have more than doubled since 2002 and are now 50 per cent above levels recorded in 1991. In the ACT, similar figures are available which show a marked pick-up in repossession actions since 2002.

This is a deeply concerning trend and serves to highlight the impact on families of the government’s seven back-to-back interest rate hikes. It is nothing new to the Prime Minister. Figures on foreclosures show that there was an almost fourfold increase in mortgage repossessions when he was Treasurer, from 246 in 1978 to 952 in 1981. Those opposite might find it uncomfortable, but the fact is that there was a fourfold increase in repossessions under Treasurer Howard. We can add that to his record interest rate of 22 per cent on 8 April 1982.

There is a complacency evident in this government’s recent stewardship of interest rates. Families have taken on a lot more debt relative to their incomes and, as a consequence, prevailing interest rates today can no longer be considered low. This government arrogantly suggests that it can hit the snooze button until interest rates hit double digits. I do not believe that it can afford to do any such thing. Households are becoming increasingly stretched.

Official RBA figures show a record proportion of household disposable income is now consumed by mortgage interest repayments. In fact, the share of income consumed by mortgage interest today is 50 per cent
higher than it was under Mr Keating. The Reserve Bank, in their most recent Financial Stability Review, talked at some length about this surge in the debt servicing ratio and the factors behind it. They highlighted the increased prevalence of owner occupied and investor housing as well as an easing in credit standards that has resulted in an increase in overall levels of debt. However, the conclusion they reached is important:

Nonetheless, the increase in the aggregate servicing ratio does mean that the financial position of the household sector is more sensitive to changes in the economic and financial climate than was the case a decade ago.

In this environment the government should be doing everything it can to put downward pressure on inflation and downward pressure on interest rates. Sadly, there is little evidence of that occurring. On that note, I wish to conclude my remarks. As I said earlier, Labor will be supporting these bills. They will lessen the contingent liabilities of the Commonwealth into the future and there is every chance the private sector mortgage market will readily accommodate the pre-transfer contracts that are currently guaranteed by the Commonwealth.

Mr BAKER (Braddon) (7.08 pm)—I also rise to speak on the Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts) Bill 2006 and the Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Repeal Bill 2006. The passage of the Housing Loans Insurance Corporation bills will enable the government to bring a long-running process to an end and its involvement in the mortgage insurance business to a conclusion. The bills represent a significant step forward in ensuring that the Commonwealth can now divest ownership of the remaining mortgage insurance contracts written by the Housing Loans Insurance Corporation prior to its abolition in 1997.

The Housing Loans Insurance Corporation was established as a statutory body over some 40 years ago to meet a structural deficiency in the availability of mortgage insurance at that time. The corporation insured lenders against the costs of mortgage defaults, thereby providing important assistance to low-income earners with small deposits to obtain housing finance. However, since 1979 successive governments have recognised that there is no justification for the Commonwealth’s continued involvement in the mortgage insurance business because the private sector has the full capacity to undertake this function. In addition, government involvement was distorting prices and inhibiting the growth of the market, as well as imposing a burden on the budget.

As has been stated, a number of attempts to sell the corporation and exit the mortgage insurance business have been made. An exit was first attempted by the then coalition government in 1979, but processes were overtaken by the election in 1983. Following the election, the then Labor government made two further attempts at a sale, neither of which was successful. In 1996 the Australian government restructured the corporation to place it on a more commercial footing, the intention being to make it a more attractive sale proposition in time. The Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Act 1996 gave effect to this restructure. The restructure involved abolishing the corporation and establishing a new company to continue the mortgage insurance business.

Contracts written by the corporation prior to its abolition, known as pre-transfer contracts, remained under the Commonwealth’s ownership. Claims against these contracts are managed on behalf of the Commonwealth under a management agreement. In 1997 the corporation was abolished. The new company and rights to the renewal business...
were sold to a private purchaser. To this day, the government remains involved in the business of mortgage insurance via its continued ownership of these residual pre-transfer contracts. The Commonwealth’s involvement is no longer financially viable and will only become increasingly burdensome to administer over time. The passage of these bills will allow the government to reduce the amount of moneys currently being spent on management costs.

The current management agreement expires on 31 December 2006. Actuarial analysis undertaken by the Australian Government Actuary shows that there will be few, if any, claims coming through after 2006, when all policies will be at least 10 years of age. In addition, the Australian Government Actuary has advised that present market conditions and the current profile of the portfolio provide the Commonwealth with the best opportunity it has had to complete its exit from the lenders mortgage insurance business. Any delay in amending the current legislation may diminish the government’s negotiating position in the interests of the Australian public. For these reasons, the government considers that it is timely now to consider transferring ownership of these contracts to a private insurer to manage the run-off of the remaining contracts.

This package of bills will enable the government to finally remove itself fully from this business. That makes good sense. The HLIC has achieved its purpose. It has fostered the creation of a market for lenders mortgage insurance in Australia, and conditions suggest that the best opportunity to negotiate a transfer of the remaining pre-transfer contracts is now. The pre-transfer contracts are in run-off and have no remaining premium value, thus creating a legislative environment for the divestment of these contracts, which is fiscally responsible because management of the contracts is exceeding the value of the claims.

The bills and any disposal of the pre-transfer contracts will not affect homebuyers in any way, as the disposal relates to contracts between the Commonwealth and the lenders. Any transfer would be subject to final agreement between any interested parties and the government. The bills do not create a disposal but, very importantly, give the flexibility required to ensure that disposal in the future can occur. There has been bipartisan support for this measure since 1979, and these bills give effect to that longstanding commitment. I commend these bills to the House.

Mr BOWEN (Prospect) (7.14 pm)—I take the opportunity to make some brief remarks on the Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts) Bill 2006. This bill enables the government to transfer to private ownership the pre-existing mortgage insurance policies that were in place before the privatisation of the Home Loans Insurance Corporation. The total amount of the premiums that we are talking about is $5 million, approximately. This bill enables the government, as previous speakers have said, to negotiate a consideration for the transfer to the private sector of these existing policies. The explanatory memorandum says that there is no fiscal impact to this bill. I am not sure that is the case, and I will return to that point shortly, but I do acknowledge that any fiscal impact is likely to be relatively minor. This is a sensible approach. The previous government began the process and this government has continued it. The ALP have supported it at each stage and we will continue to support it.

Mortgage insurance is a very important issue in my electorate and elsewhere in Western Sydney and in other areas, particularly capital cities. During the peak of the housing
boom many families had to take out mortgage insurance to finance the purchase of their home. Commonly, if you need to borrow more than 80 per cent of the value of the house that you are purchasing, you need to have mortgage insurance. We can be talking about very significant amounts of money. We are not talking about premiums of $500 or $600. We are talking about premiums of $10,000 to $15,000 not being uncommon in parts of Sydney. In some circumstances you can get this money back if the proportion of your loan falls below 80 per cent. In some circumstances you can reclaim a percentage of the premium. But the easiest way for that to happen is for the property price to increase through some combination perhaps of you making extra repayments on your home loan and property prices rising. Many people, hopefully, will be able to reclaim their mortgage insurance premium, or a percentage thereof, some time within the first two years of their mortgage. But we are seeing this become harder and harder. In Sydney, property prices have fallen by two per cent. In Fairfield and Liverpool, the area that I represent, property professionals are very clearly of the view—and you do not need to be a genius to work it out; all you need to do is look at the prices in the newspaper or get your house valued—that property prices have fallen by 20 per cent in the last two years.

There is a very real connection between mortgage insurance and defaults. I have referred to defaults in this House previously. There was a 58 per cent increase in mortgage repossessions between 2004-05 and 2005-06 in Victoria—a 58 per cent increase. In New South Wales, repossesson orders have also reached record levels: they are 59 per cent higher than they were in 2004 and there was a further increase in the first six months of this year. They are even higher than they were in 1982, when interest rates hit 20 per cent. In the ACT, the Consumer Law Centre reports that repossessions increased by 39 per cent between 2004-05 and now.

This has several ramifications for the bill under consideration by the House tonight. Firstly, the increase in repossessions indicates an increase in risk for whoever holds those premiums. If they are transferred to a private sector operator, I expect that the private sector operator will seek a higher level of consideration than they might otherwise have done to take over the risk. I do not want to overstate this. I think that it is fair to say that the majority of repossessions that are occurring would be of loans that were taken out in the latter part of the housing boom. I do not think that many of them would be mortgages taken out pre the 1997 privatisation of this government instrumentality. But I have no doubt that a private sector entity considering taking over these loans would say: ‘Repossession rates are at a record level and people are defaulting on their mortgages at record rates across the country. If we are going to take over the risk of these insurance policies, we want an increased level of financial consideration. We want increased compensation for taking over this risk.’ I have no doubt that any private sector manager would attempt that, and it would be their job to do it. So I do think that this bill will have financial implications. We are only talking about $5 million in premiums. I do not suggest that we are talking about sums that will break the budget, but I do think that there will be an increased level of compensation sought.

It is clear that many people have been placed under financial pressure because of the combination of the collapse in property prices—in Western Sydney in particular. Why have property prices collapsed? Primarily, as anybody in the real estate industry will tell you, it is because the seven consecutive interest rate increases we have seen since
2003 have put downward pressure on property prices. This includes the three that we have seen since the last election when, of course, the government promised to keep interest rates at record lows and many people considering taking out a mortgage took that promise at face value. They thought that the Prime Minister was saying that interest rates would remain at record lows. He was re-elected, so they did not build interest rate increases into their calculations. People should always do that; people should always build interest rate increases into their calculations. But, when you have the Prime Minister and Treasurer saying that, under them, record low interest rates would remain, you can understand that some people would take extra risks.

What is the impact of this financial pressure—the combination of the reduction in housing prices, the increase in petrol prices and the increase in repayments through interest rate increases? We have seen the figures from the Reserve Bank showing that the percentage of household income going to repay mortgages is the highest it has ever been, higher than under the Hawke or Keating governments, higher than under the Fraser-Howard government. Today it is the highest it has ever been, under the Howard-Costello government. In the area I represent we have seen unemployment double in the last 12 months. The government walk in here at question time and crow about the unemployment rate, but we never hear them talking about unemployment in Western Sydney having doubled over the last 12 months. It has now reached 11 per cent. The collapse in the property market has meant that new construction has also declined and that there is a general reduction in economic activity. Couple that with higher interest rates and increased petrol prices and you are seeing the economy of south-western Sydney contracting very significantly.

When we try to engage the government on this issue and ask the Prime Minister, he says: ‘I know what we should do. We should get the state government—it is all the state government’s fault—to release more land.’ That will reduce housing prices further, but I am still at a loss to know what it will do for somebody who bought a house when housing prices were a lot higher than they are, who has had seven interest rate increases, who is paying more for their petrol and has therefore had to reduce their expenditure, and who is also dealing with 11 per cent unemployment.

The Prime Minister says, ‘Blame the states; they should be releasing more land.’ I happen to think that releasing more land will not put massive downward pressure on housing prices, but it would put on some pressure. If there were a massive housing release, there would be a further reduction in housing prices in Western Sydney. And you know what we would see then? We would see repossession rates go even higher, we would see unemployment increase even more and we would see more pressure on family budgets.

The Prime Minister ignores the impact of unemployment in Western Sydney. The government responded to unemployment in South Australia—and I do not begrudge that; I think that it was a good decision. We saw a factory close down in Adelaide and that day the government announced a $30 million rescue package because 500 jobs, I think, were lost. We see unemployment in Western Sydney doubling in 12 months, and the government is struck dumb. Unemployment in Western Sydney has doubled because this government has done nothing to put downward pressure on interest rates by fixing the skills crisis and fixing the infrastructure bottlenecks, which the Reserve Bank governor has said are one of the major causes of interest rate increases. It has done nothing about
them and nothing about the record levels of reposessions—

Dr Stone interjecting—

Mr BOWEN—which are higher than they were in 1990, for the benefit of the minister at the table, and higher than they were in 1982. We see the impact of this.

I noticed a very good article in the Sydney Morning Herald last week, on 4 October, by somebody who has shown an interest in what is happening in Western Sydney and has written a series of good articles about the economic impact of what is happening there. It is a very worthwhile quote by the economics correspondent of the Sydney Morning Herald, Matt Wade, who said:

... the rise and fall of house prices over the past decade has inflicted disproportionate damage on the most vulnerable parts of the city. In Sydney’s west and southwest, fragile suburban economies have been harmed, jobs have evaporated and lives have been ruined.

They are not my words, although they could easily be; they are the words of the Sydney Morning Herald, which I have referred to in the past as ‘that well-known socialist journal’. It is not always a newspaper which picks up the arguments of the ALP but, in this case, they have done a very thorough analysis of what is happening in the economy of Western Sydney, and I wholeheartedly endorse those comments.

It would be nice if the government turned its attention to this issue and recognised that there are major financial pressures, that more and more people in Western Sydney have had to take out mortgage insurance to purchase their home and that the skills crisis, for example, saw the cost of construction of a house increase by 58 per cent. We saw this property boom going on and people struggling to amass enough capital to buy a house and taking out mortgage insurance to do it, hoping perhaps that property prices would continue to rise and they could reclaim part of that premium, which, as I said before, was $10,000 to $15,000 in some cases—more in some cases and less in others, obviously. I am aware of lots of mortgage premiums of $10,000 to $15,000 that people have had to find in order to buy a house in the Western Sydney market.

The Prime Minister’s solution to all this is for the states to release more land. When in doubt blame the states—but blame the states in a way which makes absolutely no sense. There is not even a cover of respectability or logic; it is simply an easy political solution for the government to flick responsibility for this onto another level of government.

As I indicated at the outset to the House and whips, I only had brief remarks to make. The ALP will continue to support this bill, but it would be nice to see the government take a bit of interest in, do something about and show empathy towards the people dealing with the economic situation in Western Sydney.

Ms KING (Ballarat) (7.27 pm)—The Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Repeal Bill 2006 and Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts) Bill 2006 seek to finalise arrangements in relation to the winding-up of the Commonwealth Housing Loans Insurance Corporation in 1997. The Housing Loans Insurance Corporation was established by the government of Sir Robert Menzies in 1965 to provide a government backed housing loans insurance scheme. The main purpose of this scheme was to assist prospective home purchasers to obtain a loan at a reasonable rate of interest by providing mortgage insurance. The scheme was changed substantially in 1996 and then sold off to the private sector in 1997. The mortgage insurance products that
we have today are quite different to those that existed in 1965.

The bills provide the opportunity to reflect on the context of housing at the time of Menzies in 1965 and the establishment of the HLIC, and what is happening currently in relation to housing affordability. In 1965 a couple in their late 30s bought their first home in the newly established suburb of Mount Waverley. Based on a 10 per cent deposit, the average mortgage at this point was $8,460 and the average weekly income at that time was $53.80. Buying a new brick veneer home for this family of five children was a significant step on a single income. It took this couple until they were 60 to pay this house off, not without some considerable sacrifices and yet another child. This couple were my mum and dad, and they still live in the house in Mount Waverley today. They were fairly typical of couples in the 1960s—the dream of homeownership required sacrifices and hard work but it was still affordable for families on single incomes.

Today the story of homeownership is very different. Home loan repayments, as a proportion of income, have skyrocketed. Today 33 percent of the family budget is eaten up by mortgage repayments. While figures were not kept measuring the proportion of income families paid towards the mortgage repayments in 1965, we can go back as far as 1979-80, when the proportion was only 17.4 per cent. Almost twice as much of a family’s income is now being swallowed up in mortgage repayments than it was in the 1970s and 1980s.

Over the past few months, I have travelled around Australia meeting families in suburbs, regional towns, shopping centres and markets as part of Labor’s Family Watch Task Force. I have heard from many families deeply concerned about their ability to meet mortgage repayments—families who have concluded that the dream of owning their own home is completely beyond their means, and grandparents who despair over the opportunities for their grandchildren to ever own their own homes. As the member for Lilley has already articulated, these concerns are backed up by figures from the Supreme Court of Victoria which show that in the first half of this year there were 1,474 repossessions, or more than 2½ times the 563 repossessions in the first half of 2003. This trend is being replicated in New South Wales. The figures show that mortgage repossessions in New South Wales have more than doubled since 2002 and are now 50 per cent above levels recorded in 1991.

Surrounded by the spiralling cost of living, many families cannot make ends meet. Research shows that 30 per cent of Australian families have experienced some form of financial hardship in the last 12 months alone. The Family Watch Task Force, which I chair, as a part of its inquiry into the cost of living, is carrying out a national survey of financial pressures on Australian families. The comments that we are receiving in the surveys are illuminating and shine a light on the financial pressures that many families face. Responding to the Family Watch Task Force survey, a Queensland mother said:

My husband is doing more overtime to help cover increases to mortgage, fuel, healthcare and groceries costs. He is spending less time at home and family responsibilities fall on to me.

A second respondent said:

With the cost of everything going up we can not afford to live in our own home anymore.

And another said:

Even though my husband and I both work our son is not entitled to any benefits for being a full-time student. We totally support him as well as our daughter and try and pay the mortgage. We find this very hard.
Wherever we travelled, the stories were the same. A New South Wales family responded by saying:

These workplace laws are impossible to deal with when you have a mortgage, kids, school and childcare, rising petrol prices and increasing interest rates. Are we going to be out of pocket soon? I hope not.

Another family said:

I rely on my husband solely for income and we find we are the working poor. Mortgage, bills and food left nothing to save or get ahead.

It is not surprising that that low- and middle-income families are struggling to make ends meet. They have had to not only endure seven consecutive interest rate rises but also, under the Howard government, cope with childcare costs increasing by 95 per cent, petrol prices increasing by 90 per cent, education costs increasing by 77 per cent and dental costs increasing by 65 per cent.

The original purpose of the Housing Loans Insurance Corporation was to assist low-income earners with small deposits to obtain housing finance. It did this by insuring lenders against the cost of mortgage defaults. Ironically, the reality for many low- and middle-income families today is that they cannot afford to save even a small deposit. Owning a home has never been easy, and it certainly was not easy for my parents in 1965. However, faced with spiralling household debt and record health and transport costs, owning a home today has become almost impossible for many low- and, to some extent, middle-income families.

I note the presence in the chamber of the member for Isaacs, who has been travelling with our task force and meeting with families in shopping centres and markets across the country. A family from South Australia told the Family Watch Task Force:

Wages we earn just cover living expenses, no money to save, no holidays, live from week to week, wages too low. We would love to be able to save for a deposit to purchase our own home—but can’t.

Families right across the country have told me that in many cases they are faced with the unenviable choice of deciding between buying a home or increasing the number of children in their families. Buying a house or starting a family, or having more kids, should not be an either/or decision. While the Treasurer may lecture families about having a third child for the country, he has in fact created an interest rate reality—along with the rising cost of living—that is discouraging some couples from even having a child in the first place.

Official Reserve Bank of Australia statistics show a record proportion of household disposable income is now consumed by mortgage interest repayments. In fact, the share of income consumed by mortgage interest repayments is 50 per cent higher today than it was under previous Prime Minister Paul Keating. Housing affordability is one of the biggest problems facing Australian families today. However, instead of showing national leadership on this issue, we see blame-shifting to the state governments. While the Howard government is playing the blame game, families are struggling—struggling to pay household bills, struggling to pay footy club registration fees and struggling to pay off their family home.

The Family Watch Task Force has received hundreds of comments from families across Australia. While all of the results are yet to be tallied, it is clear that families are under increasing financial pressure under the Howard government. Families are struggling to save for deposits or make mortgage repayments. In some cases, they even rely on credit cards to meet basic household needs. The Prime Minister may claim to be a friend of families, but the reality for many families is very different from the Prime Minister’s
rhetoric. They have been badly let down by the Howard government’s broken election pledge to keep interest rates at ‘record lows’. Many families are relying on credit cards to pay for life’s essentials. Groceries, school shoes and power bills are contributing to the growing debt burden of Australian families.

In conclusion, Labor will be supporting these two bills. They will lessen the contingent liabilities of the Commonwealth into the future, and the private sector mortgage market will most likely be able to accommodate the pre-transfer contracts that are currently guaranteed by the Commonwealth. However, the bills should also act as a reminder of the plight that many families are in with regard to paying off their home loan or, in fact, merely saving for a deposit to achieve the dream of having a home in the first place. It is not that buying a home and raising a family was easy when the Housing Loans Insurance Corporation was established back in 1965, but it was possible. There is no easy fix to the problem of housing affordability. These are complex problems which will involve a multipolicy and cross-portfolio approach. In contrast, the Howard government wants to deal with this very important issue by yet again shifting blame to someone else: state and, to some extent, local governments. And, yet again, the Howard government has failed to show national leadership in relation to housing affordability.

Mr Pearce (Aston—Parliamentary Secretary to the Treasurer) (7.37 pm)—in reply—The government would like to thank those honourable members who have taken part in the debate on the Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts) Bill 2006 and the Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Repeal Bill 2006. To start with, I think it is important that I rebut some of the—frankly—nonsense that we have just heard from the member for Ballarat and, before her, the member for Prospect and, before him, the member for Lilley. They raised issues about housing affordability and mortgage defaults and all that sort of thing. What is important to understand first is that these bills do not affect homebuyers. That said, the Howard government has done more to assist homebuyers than the opposition did in its entire 13 years of government.

The Reserve Bank found in its recent Financial Stability Review that aggregate measures of household finances are sound, are supported by solid growth in household disposable incomes and continued growth in net wealth, and that the unemployment rate is at 30-year lows. Real wages have increased by 16.4 per cent since March 1996. This compares with a 0.2 per cent decline in real wages recorded over the whole 13-year term of the previous government. We did not hear that figure from those members opposite, did we?

Over 1.9 million jobs have been created by the Howard government since March 1996. Arrears in bank home loans remain low by both historical and international standards. The rise in mortgage arrears has largely been in low-doc and sub-prime loan areas—products for which the Treasurer has been very active in reminding lenders to maintain credit standards.

Increases in the value of land have increased house prices. Housing prices in general have outpaced construction costs. State and territory governments need to do more to release land for housing. This is central to the housing affordability issue. What is also central, and which we did not hear from those members opposite of course, is that state government stamp duties impose significant additional unnecessary costs on home purchasers and particularly impact first home buyers. That said, household borrowing is occurring in an environment of greater
confidence after 10 years of consecutive economic growth; unemployment is at around 30-year lows; and households are enjoying better standards of housing than ever before. This is all backed by net wealth that has nearly tripled over the term of this government.

Having cleared up those facts, it is important to remember that these bills will bring to an end the long-running process of ceasing the Commonwealth’s involvement in the mortgage insurance business—and this makes perfect sense. When the Housing Loans Insurance Corporation was first established in 1965, the government was responding to a gap in the housing finance market—a gap that if left unfilled would have prevented lower and middle-income aspirational homeowners from achieving their dreams. The HLIC fostered the development of the mortgage lenders insurance market in Australia. In this, it has served its purpose very well. But, as can be expected, much has changed since the HLIC was established, and the financial sector in Australia is now characterised by multiple financial services providers and numerous products. Indeed, since 1979, successive governments have recognised that with the entry of private insurers in the market there was no longer justification for the Commonwealth’s continued involvement in the lenders mortgage insurance business.

In 1997, the Australian government commenced its formal exit from the housing loans insurance market by abolishing the Housing Loans Insurance Corporation and successfully selling a new company, the Housing Loans Insurance Corporation Ltd, which would contain the renewal business. However, the pre-transfer contracts—the ones written prior to 1997—remain vested in the Commonwealth under the existing legislation.

These bills propose to amend the existing legislation to allow the Commonwealth to divest itself of ownership of these contracts, without which an exit from the lenders mortgage business is impossible. Importantly, the bills do not commit the government to a divestment of the remaining contracts but instead provide the necessary framework to enable any transfer to occur.

The Australian Government Actuary advises that current market conditions suggest we have before us now the best opportunity to negotiate the sale of the pre-transfer contracts. I look forward to the completion of this endeavour in the interests of the Australian public. I commend the bills to the House.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (7.42 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

HOUSING LOANS INSURANCE CORPORATION (TRANSFER OF ASSETS AND ABOLITION) REPEAL BILL 2006

Second Reading

Debate resumed from 13 September, on motion by Mr Pearce:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.
Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (7.43 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT BILL 2005**

Debate resumed from 9 August.

**Second Reading**

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (7.44 pm)—I move:

That this bill be now read a second time.

The purpose of the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 is to make amendments to the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and to the Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987.

The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 preserves and protects places, areas and objects of particular significance to Aboriginal and Torres Strait Islander people. It contributes to this protection at the national level, but is available concurrently with the laws of most Australian states and territories. In 1987, however, it was extended to include a series of provisions that would apply specifically to, and only in, Victoria. These provisions serve the national framework for Indigenous heritage protection, at the state level, but they also stand in the way of state legislation being put in place by Victoria for this purpose. All other states and territories have legislation to protect this heritage. The Victorian government wrote to the Australian government this year to explore how this obstacle could be removed to allow proposed new Victorian cultural heritage legislation to be put in place.

This bill proposes to amend the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 to remove the Victoria-specific provisions. The Australian government legislation will then provide the same level of protection in Victoria that it provides for Aboriginal and Torres Strait Islander heritage in other parts of Australia. Pursuant to the amendments contained in the bill, the Victorian government will then be able to administer Aboriginal heritage protection directly through its own new legislation, as is the case for all other Australian states and territories.

The Victoria-specific parts of the Australian government legislation will not be removed, however, until a time to be set within a 12-month period. This will allow their repeal and replacement by the proposed new Victorian legislation in a coordinated fashion and prevent any lapse in protection for Victoria’s significant Aboriginal cultural heritage.

The consequential amendments to the Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987 contained in the bill remove references to the Victoria-specific provisions of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. The consequential amendments would remove an exception to the obligation upon two Aboriginal landowner corporations to not disclose information about sacred or significant places without the appropriate permission. After the amendment, the obligation to protect the information about sacred or significant sites will continue without exception.

The bill makes other changes to the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 that are needed to ensure that Australians continue to have opportunities to see, in Australia, significant Aborigi-
nal cultural heritage objects that are owned by institutions overseas.

Museums and other cultural institutions in Australia are often entrusted with objects under contractual and other loan arrangements for temporary exhibition in Australia. Overseas institutions are reluctant to loan material unless they have the protection of a certificate under the Protection of Movable Cultural Heritage Act 1986, to allow the return of the important objects to the lender and owner overseas. Recently, the return of a number of loaned Aboriginal objects was prevented by declarations made under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. This occurred even though a certificate to allow return had been obtained under the Protection of Movable Cultural Heritage Act 1986. The objects were eventually returned, but only after court proceedings. Uncorrected, this kind of uncertainty would discourage overseas institutions from ever allowing items from their collections to be exhibited in Australia.

The bill provides that a certificate allowing the return of loaned cultural heritage objects cannot be overridden by a declaration under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. In this way, it will help to secure the framework for future international cultural exchanges of benefit to Australia.

The bill also provides for technical amendments to be made to the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 to bring it into line with the Legislative Instruments Act 2003. These amendments help clarify which class of instruments contained in the act are non-exempt legislative instruments for the purposes of the Legislative Instruments Act 2003. I present the explanatory memorandum to this bill and I commend the bill to the House.

Mr ALBANESE (Grayndler) (7.50 pm)—On behalf of the Australian Labor Party, as shadow minister for heritage I rise to make a contribution to the debate, which is important, on the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005, which is before the House. There is an ongoing debate about Australia’s national identity and about what it is that makes us Australian. People talk about mateship, our love of sport and our sense of fair play. They are all important. But the truth is that the starting point of Australian identity is our Aboriginal and Torres Strait Islander heritage. It is a heritage that is too often ignored in public debate. It is certainly ignored for the most part by the Howard government. But it remains an inconvenient truth for that government.

The last 10 years has seen a complacent attitude towards our Indigenous heritage. For 10 years now there has been an obvious need for reform of Indigenous heritage protection, but that reform has not been delivered. I will come back to that. I think it is important to first get a sense of what we are talking about when we refer to Indigenous heritage. The excellent Australian Heritage Commission publication Ask First: A guide to respecting Indigenous heritage places and values states: Indigenous heritage is a unique, irreplaceable part of Australia’s national cultural heritage that requires greater recognition and protection ... Indigenous heritage is dynamic. It includes tangible and intangible expressions of culture that link generations of Indigenous people over time. Indigenous people express their cultural heritage through ‘the person’, their relationships with country, people, beliefs, knowledge, law, language, symbols, ways of living, sea, land and objects all of which arise from Indigenous spirituality.

Ask First defines Indigenous heritage places as:
... landscapes, sites and areas that are particularly important to Indigenous people as part of their customary law, developing traditions, history and current practices.

Indigenous heritage values include spirituality, law, knowledge, practices, traditional resources or other beliefs and attachments.

That is a very powerful way of looking at heritage and, it seems to me, a very different way to how we often approach our heritage. The two main pieces of legislation that provide for the protection of Indigenous heritage are the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and the EPBC, the Environment Protection and Biodiversity Conservation Act 1999.

In looking at the bill before us it is important to first consider the historical context in which the legislation was put in place. The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 was introduced by the Hawke Labor government. In introducing the original bill, on 6 June 1984, Senator Susan Ryan stated that it would:

... fill a gap in the law of Australia which can allow sites of significance to be damaged, destroyed or desecrated, and can allow objects of significance, including Aboriginal human remains, to be traded, displayed and otherwise used in ways which are anathema to Aboriginals and their traditions.

... fill a gap in the law of Australia which can allow sites of significance to be damaged, destroyed or desecrated, and can allow objects of significance, including Aboriginal human remains, to be traded, displayed and otherwise used in ways which are anathema to Aboriginals and their traditions.

The preservation and protection of this ancient and significant culture from the destructive processes which have been operating at different rates across this country can only enrich the heritage of all Australians.

This was an important piece of legislation, produced at a significant time in Australian history and a significant time in the relationship between Indigenous and non-Indigenous Australians. I pay tribute to the work of the Hawke Labor government in this regard. Although the legislation was significant, it was always intended as a stopgap measure while the then Labor government developed more comprehensive national land rights legislation. When it became apparent in 1986 that such legislation would not be forthcoming at that time, its sunset clause was repealed. The stopgap measure in the end became a permanent measure.

In 1995, the then Aboriginal affairs minister, my friend Robert Tickner, announced a review of the act by Justice Elizabeth Evatt. The Evatt inquiry, which reported on 21 June 1996, outlined a number of concerns with the implementation of the act. Its report noted that the act was intended to operate as a last resort after the application of state and territory laws, but expressed concern, saying:

... the interaction between Commonwealth and State/Territory processes is not clearly established.

The Evatt inquiry starkly warned:

... Aboriginal people consider that the Act has not protected their heritage.

The Evatt inquiry went on to make some major recommendations. Included in those was one which said that we needed to:

... provide a straightforward and simple procedure at Commonwealth level where State or Territory legislation does not provide effective protection for an area or site, or where that protection is withdrawn by the State or Territory Minister.

I mention this because it was very clear in 1996 that there was a need for reform to further strengthen Indigenous heritage protection. The previous Labor government had established this inquiry. The inquiry had reported. But, unfortunately, it has taken 10 long years for this government to respond to that inquiry—to have this legislation and see some level of reform.

In fact, over the last 10 years, the Howard government has tried on many occasions to wind back Indigenous heritage protection, consistent with its general attitude towards Indigenous Australians. In 1998, the gov-
The government tried to amend the Aboriginal and Torres Strait Islander Heritage Protection Act to narrow the responsibilities of the federal government. The then shadow minister for Aboriginal affairs, my colleague the member for Banks, described that proposal as:

... the withdrawal of the Commonwealth from Aboriginal heritage protection in all but a few narrowly defined instances of a so-called ‘national interest’. In seeking to do so the government is walking away from its constitutional and international responsibilities.

These measures were opposed by Indigenous groups and by the Australian Labor Party. Because of this pressure, the 1998 bill was withdrawn. However, in 2003 the Howard government was able to push through the Senate a new heritage regime in the form of amendments to the Environment Protection and Biodiversity Conservation Act. The new regime essentially limited Commonwealth responsibility to those places on the National Heritage List and the Commonwealth Heritage List, and gutted the independence of the Australian Heritage Commission. That automatically changed the way that Indigenous heritage was protected.

Labor opposed the 2003 heritage bills, and history has shown we were right to do so. I pay tribute to my predecessor as shadow minister for environment and heritage, the member for Wills, Kelvin Thomson, who played an important role at that time in ensuring that a principled decision was taken by the Australian Labor Party with regard to that legislation. During debate on the 2003 heritage bills, the government actually acknowledged they had failed to adequately address Indigenous heritage protection. On 20 August 2003, the then Leader of the Government in the Senate, Robert Hill, stated:

We recognise the shortcomings in the existing system—

he was talking about Indigenous heritage protection—

Reform of that is long overdue.

He then went on to say that the government was:

... anxious to have a new and better piece of legislation put in place as quickly as possible.

That new and better piece of legislation never materialised, and the bill before us certainly does not complete the job. As I said before, Labor opposed the heritage bills of 2003, and we were right to do so. We were sceptical about the promise of further legislation, and this scepticism was justified. In particular, we were concerned about the impact of the new heritage regime on Indigenous heritage. On the very same day that Senator Hill made his comments, Senator Lundy said:

Labor have expressed our concern and asked direct questions of the minister about the Aboriginal and Torres Strait Islander Heritage Protection Bill and the proposals that are supposed to be forthcoming … We are particularly concerned about the impact of this legislation on Aboriginal heritage ...

Senator Lundy went on to say that the new heritage regime would:

... have the effect of making Indigenous heritage a very poor cousin of what Labor believe will be an already very weakened heritage regime.

ATSIC shared Labor’s concerns. In a letter to the Minister for the Environment and Heritage in August 2003, the then ATSIC Commissioner Rodney Dillon stated:

For ATSIC to support this bill—

the Environment and Heritage Legislation Amendment Bill—

it would need to be satisfied that:

• the government will commit in Parliament to immediately invigorate the negotiations with the ATSIHP Bill;

• ensure that the Register of the National Estate becomes a part of the matters of national environmental significance under the EPBC Act; and
Needless to say, the conditions were not met. The bill before us is not the reform that Senator Hill promised in 2003. It is not the reform ATSIC sought in 2003. It is not the reform that Justice Evatt recommended in her inquiry, which reported back in 1996. What we have before us instead is a very limited piece of legislation. It represents a lost opportunity.

We should not be surprised that the bill is a lost opportunity, because the Howard years have been characterised by a lack of respect for our heritage and a lack of due respect for Indigenous Australians. The Commonwealth Radioactive Waste Management Act 2005 demonstrates the government’s complacency towards our Indigenous heritage. Among other things, this draconian act overrides existing environment protection and Indigenous heritage laws in establishing a site for a nuclear waste dump in the Northern Territory. The government has made it very clear that Indigenous heritage protection will not get in the way of finding a site for a nuclear waste dump. The Howard government will always put its political interests ahead of the national interest.

If you want another example of the lack of respect for our heritage, look at the Howard government’s attitude towards Anzac Cove. In 2003, the Prime Minister promised to protect Anzac Cove forever. He promised to make it the first listing on the new National Heritage List. In fact, on 18 December 2003 the Prime Minister said:

It seems to me ... entirely appropriate that the Anzac site at Gallipoli should represent the first nomination for inclusion on the National Heritage List. And, although it’s not on Australian territory, anyone who has visited the place will know that once you go there you feel it is as Australian as the piece of land on which your home is built.

We all know that, instead of protecting Anzac Cove, the Howard government requested roadworks which damaged the geography of the site which had remained with its integrity in place for some 90 years. If the Prime Minister had been serious about protecting our heritage, he would have made sure that there was a heritage management plan for Anzac Cove and made sure that heritage experts and archaeologists monitored all the roadworks.

The fact is that the National Heritage List has failed up to this point. It was much vaunted by the government. It was to be the linchpin of the government’s heritage regime, but it has failed to live up to the rhetoric. It certainly is not protecting our Indigenous heritage and it is not protecting our precious natural heritage. Simon Molesworth, the head of the National Trust, has described the National Heritage List as ‘abysmal’—a view Labor would share.

When I first raised concerns about the National Heritage List in March last year, only seven places were on the list—seven places in 15 months. In the last 18 months, some 26 places have been added to the National Heritage List. I am pleased that the pressure from the Australian Labor Party and from the community has increased the number of places on the list, but there is still only one site listed in the Northern Territory and South Australia. It is outrageous that only one of our 16 World Heritage sites is protected through the National Heritage List. Imagine a National Heritage List without the Great Barrier Reef or Kakadu. That is what we have right now. A National Heritage List without the Great Barrier Reef is like a rugby league hall of fame without Clive Churchill.

When the Secretary of the Department of the Environment and Heritage was asked in Senate estimates in May 2005 why our World Heritage sites were not on the National Heritage List, even though there was a
six-month grace period under the act—a specific clause to allow this to happen smoothly—he said:

... there was clearly a misunderstanding in the department as to the act’s meaning. That, quite frankly, is a problem. Our understanding of the legislation is that the legislation was not what we thought it was.

That is from the Secretary of the Department of the Environment and Heritage. If he does not know what the legislation is about, how can it be expected that the public would know what the legislation is about? It is extremely disturbing that neither the Minister for the Environment and Heritage nor his department understands the main environmental and heritage legislation that they administer.

It is also disturbing when the Howard government misrepresents our cultural heritage. On Australia Day this year, Queensland’s historic Tree of Knowledge in Barcaldine was deservedly added to the National Heritage List. However, the Parliamentary Secretary to the Minister for the Environment and Heritage—who spoke for a few minutes on this bill in introducing it to the parliament—issued a press release about the adding of the Tree of Knowledge to the National Heritage List without mentioning the historic connection of the Tree of Knowledge with trade unions and the formation of the Australian Labor Party. This refusal to acknowledge the history of this nation was quite extraordinary behaviour from the government. Tragically, that tree in Barcaldine has been attacked.

Fran Bailey—It’s diseased, isn’t it?

Mr ALBANESE—The minister opposite, the Minister for Small Business and Tourism, said that the tree was diseased. No, the tree was poisoned and attacked in an act of exceptional vandalism to one of the sites which her government put on the National Heritage List. That may be a laugh for the government, but I think that it is a tragedy. It is particularly important for Australia’s history. It may well be that the tories opposite want to take us back to the industrial conditions which presided prior to 1891 when the Australian Labor Party was formed, but the fact is that this is an important part of our history—which is what this bill is about in acknowledging our heritage as a nation. For the government, who are quite happy to lecture people about history and people taking stuff out of history, to actually list the Tree of Knowledge at Barcaldine and not mention trade unions and the Australian Labor Party defies belief with regard to how petty they are prepared to be. We of course on this side of the House are very proud of our history and our associations with the labour movement.

The Howard government’s failure to respect our heritage extends to Indigenous heritage. Just look at Wave Hill. As the member for Kingsford Smith said recently, the events at Wave Hill, where Vincent Lingiari led a walk-off 40 years ago, changed the face of Australia. In the words of those great Australian singer-songwriters, Paul Kelly and Kev Carmody, ‘From little things big things grow’. I want to read into the Hansard a few of the lines that I think are so powerful from what can essentially be regarded as a poem but is certainly a great song. The song begins:

Gather round people let me tell you’re a story
An eight year long story of power and pride
British Lord Vestey and Vincent Lingiari
Were opposite men on opposite sides
Vestey was fat with money and muscle
Beef was his business, broad was his door
Vincent was lean and spoke very little
He had no bank balance, hard dirt was his floor
From little things big things grow
From little things big things grow
Gurindji were working for nothing but rations
Where once they had gathered the wealth of the land
Daily the pressure got tighter and tighter
Gurindju decided they must make a stand
They picked up their swags and started off walking
At Wattie Creek they sat themselves down
Now it don’t sound like much but it sure got tongues talking
Back at the homestead and then in the town
From little things big things grow
From little things big things grow
Vestey man said I’ll double your wages
Seven quid a week you’ll have in your hand
Vincent said uhuh we’re not talking about wages
We’re sitting right here till we get our land
Vestey man roared and Vestey man thundered
You don’t stand the chance of a cinder in snow
Vince said if we fall others are rising
From little things big things grow
From little things big things grow
It concludes:
That was the story of Vincent Lingairri
But this is the story of something much more
How power and privilege can not move a people
Who know where they stand and stand in the law.
That is a very strong evocation of the events
at Wave Hill that were absolutely instrumental
in the historic campaign to introduce land rights laws in the Northern Territory and for this nation.

In July 2004 the Minister for the Environment and Heritage announced that the Wave Hill walk-off site would be given priority consideration for inclusion on the National Heritage List. More than two years later, we are still waiting. Protecting our Indigenous heritage, it would seem, is not a priority for the Howard government. Just look at the Burrup Peninsula. The Aboriginal rock art on the Burrup Peninsula is of national significance. It is believed to have some of the largest concentrations of rock art in the world and some rock art may be up to 10,000 years old. There is no excuse for the destruction of rock art. We must make sure that it is protected.

The Howard government’s approach shows a real complacency towards our heritage, which is not substantially improved by the bill before us. Labor welcomes and supports the intention in the bill to give greater certainty to international cultural loan arrangements. That certainly is important. The submission to the Senate Environment, Communications, Information Technology and the Arts References Committee inquiry into this bill from the Australian Museum outlines the argument clearly:

... these proposed changes to the legislation ... would bring certainty to the process of acquiring Aboriginal cultural material for loan, exhibitions, research and Aboriginal community access from overseas cultural organization to Australia. It would place this material within a straightforward and secure legal framework ...

Labor also supports the provisions to enable the Victorian government to administer their own Indigenous heritage protection regime. It is right that the government should seek to amend that anomaly.

We support these provisions in the bill but, as I noted earlier, this was a missed opportunity to further strengthen the Indigenous heritage protection available in this nation. Given that it is now 10 years since the Evatt inquiry reported, it is timely for the government to look again at a comprehensive review of Indigenous heritage protection, and I will be moving an amendment to that effect. Labor’s amendment also seeks to ensure that heritage protection declarations made by the minister under the act do not automatically cease after 10 years. Legiti-
mate concerns were raised by the Central Land Council in their submission to the Senate inquiry regarding the impact of the sunset clause in this act. This amendment would ensure that existing declarations do not have to be remade.

Given existing circumstances, Labor will support the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005. Labor supports moves to give greater certainty to international cultural loan arrangements and of course believes the Victorian government should administer its own Aboriginal heritage protection regime. But we remind the government of the promise made by Senator Hill in 2003 that there would be a ‘new and better piece of legislation’. Given that it is now 10 years since the Evatt inquiry reported, and given the government’s complacent attitude towards Indigenous heritage protection, it really is time for a fresh start. A comprehensive review of Indigenous heritage protection would be a useful starting point. I therefore move:

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

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

(1) notes that on 20 August 2003, then Leader of the Government in the Senate Senator Robert Hill stated in relation to Indigenous heritage protection that the Government recognised the shortcomings in the existing system, that reform was long overdue and that the government was anxious to have a new and better piece of legislation put in place as quickly as possible;

(2) registers its concern that the Howard Government has failed to address the shortcomings in indigenous heritage protection;

(3) expresses its concern that the Howard Government has failed to act on the recommendations of the 1996 Evatt Inquiry into the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984;

(4) notes that it is now 10 years since the Evatt Inquiry reported, and calls for a comprehensive review of Indigenous heritage protection, and

(5) calls on the Government to support the inclusion of a sunset exemption provision in the bill”.

I ask for the support of the House.

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

Ms Plibersek—I second the amendment and reserve my right to speak.

Mr TUCKEY (O’Connor) (8.17 pm)—I enter this debate as someone who spent nearly 30 years, prior to my arrival in this place, living in communities in the north-west of WA, where the population typically was about 30 per cent people of Aboriginal extraction. I use that term advisedly, because very few of them were full-blood Aboriginals, whether they worked on pastoral properties or lived on pastoral properties or resided in the township of Carnarvon. Nevertheless, I could include amongst my friends and acquaintances some who carried initiation scars on their chest. The interesting thing about those people at that time was that they were all so fluent in English and they could tell you all sorts of things.

Fran Bailey interjecting

Ms Plibersek interjecting

Mr TUCKEY—When the women at the desk realise that I have got the speaking engagement, Minister, I would be appreciative. No; she is too busy talking, Mr Deputy Speaker. You might ask her to be quiet.

The DEPUTY SPEAKER (Mr Hatton)—The member for O’Connor can—

Mr TUCKEY—There is only one person who gets the call in this place at any time, Minister. I have a speech to make—

Ms Plibersek interjecting—
Mr TUCKEY—and the giggling one from the other side giggles at everything in this place.

The DEPUTY SPEAKER—I thank the member for—

Mr TUCKEY—Mr Deputy Speaker, this is serious stuff.

The DEPUTY SPEAKER—I know. I understand. I thank the member for O'Connor.

Mr TUCKEY—if we are going to have a girls’ chat, we know where to have it.

The DEPUTY SPEAKER—if the member for O'Connor wishes to continue, he might allow me to speak first.

Mr TUCKEY—why do you tell me to be quiet when you didn’t tell them to be? Now, let me get on with the job.

The DEPUTY SPEAKER—No. I am choosing to intervene here and I am asking you to be quiet for a moment. I was aware of the cross-table conversation between the minister and the shadow minister. I have been aware of that and have monitored that. It was conducted in a relatively quiet and civilised way. I understand that you may have been disturbed by that. I made the assessment that it was not materially affecting the delivery of your speech to the House. If you wish to, you may continue.

Mr TUCKEY—let me tell you, Mr Deputy Speaker, that when we start to talk about Aboriginal heritage matters, when we have an amendment put by the opposition and we are talking about these matters, if people choose to occupy this House—and they are typically in the minority—it is not a bad idea that they listen or otherwise carry on with the business that they might have brought to the chamber. Obviously the member for Sydney did not, because she has not got any.

The DEPUTY SPEAKER—Member for O'Connor, I think that is inappropriate. What the minister at the table and the member for Sydney were discussing was in fact material to the member for Grayndler’s speech and the disagreement about that. It was relevant. I listened to that as I have listened to you.

Mr TUCKEY—then they can both nominate to address the House on these matters.

Ms Plibersek—Mr Deputy Speaker, I rise on a point of order. I just need to correct the record. The minister and I were actually agreeing on a very important point that was raised by the previous speaker. We were not disagreeing. We were having a civilised conversation. I am very sorry if it disturbed the member for O'Connor. I have noticed that he does tend to interject and speak during other people’s speeches. I thought perhaps, in his significant time in the chamber, he had learnt to ignore other people’s conversations, because certainly he does tend to carry on while other people speak. But, if I have disturbed him by agreeing with his colleague the minister on a very important point relating to the legislation, I am happy to go back to my work—and I do indeed have much work with me.

The DEPUTY SPEAKER—I thank the member for Sydney and I call member for O'Connor. If we can come back to the bill—

Mr TUCKEY—in response to those comments, as those who are knowledgeable in this place know, if there is a private conversation to be discussed they go behind your chair. But, having said that—

Mr Price—Mr Acting Deputy Speaker, I raise a point of order.

Mr TUCKEY—come on! I picked on both sides. We do not need your help.

Mr Price—I have two points of order. Firstly, when the member for Sydney had the call and the call was withdrawn from the member for O'Connor, he failed to resume
his seat, which is disorderly and contrary to the standing orders. My second point of order is that it is for you to control the House—not the member for O’Connor and not for me. We can make points of order, we can seek to have you consider certain matters, but sole authority rests with you and not the member for O’Connor. I would ask the member for O’Connor not to reflect anymore on the chair.

The DEPUTY SPEAKER—I thank the Chief Opposition Whip. Aware as I was that the member for O’Connor should have resumed his seat, I chose to overlook that, given the nature of the interaction we have had. I accept and appreciate the fact that the Chief Opposition Whip has made a valid point in regard to the operation of this House—that I in this position am the arbiter of these proceedings, not the member for O’Connor or anyone else. Accordingly, I thank him for that. I ask the member for O’Connor to resume his speech in relation to this bill.

Mr TUCKEY—I am anxious now to conclude my speech, but I will be very anxious to remind the opposition whip of his remarks on future occasions. The issues before us today are very significant, but they also have to be addressed in a practical manner. The Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005, in the first instance, provides for the state of Victoria to pass its own legislation with regard to Aboriginal heritage. One might wonder just where it will place the circumstances of a group of Aboriginals who, during the Commonwealth Games, chose to set up a camp in one of the principal parks of Melbourne, notwithstanding that they had never thought that a necessary activity up until the Commonwealth Games. I am not sure that it did anything for reconciliation.

I am interested in the opposition’s amendment and the words of the member for Grayndler. It is interesting that he—and I think properly so—wanted to give a significant focus to heritage. Heritage, of course, is often referred to as history. Yet there is a significant disagreement in this House on the teaching of history—whether it is a relevant matter and, to the words of the Prime Minister, whether it should be black armband history. History is a matter of fact. Since the occupation of this landmass by persons of the Northern Hemisphere, there has been a fairly clear written record. Further, there has not been a written record of Aboriginal history. It was distributed by word of mouth.

As I have said, amongst my friends and acquaintances were fully initiated Aboriginal persons. It was not a large number. One of the points I have never forgotten was the time when one of those persons, fully initiated, said to me, ‘We never had sacred sites, but we did have sacred objects.’ They were carefully husbanded and protected. There were certain people, particularly women, who could suffer personal injury were they even to look at these sacred objects. We say they did not have a written history, but he pointed out to me how in fact the young people, prior to initiation, had to read boards—I have not seen them, but I assume they had symbols upon them—and to understand them.

One of my ancestors is recorded in a book called The Wreck of the Barque Stefano, in which an Aboriginal tribe eventually assisted two remaining survivors of a wreck. For those who have not read that book I would encourage them to do so because it is very factual. I think the Aboriginal people felt they could feed the two survivors, as compared to the other eight or nine who got ashore. The others died. The description in that story of two castaways is an extremely interesting commentary on the life of Abo-
iginal people before they had an influence from the European settlers—withstanding that they were then well settled in the Swan River territory.

The period in which they had to keep moving to follow the food trail was something which was almost too difficult for the survivors. I make that point because when an initiated Aboriginal tells you that they had sacred objects, not sacred sites, that is consistent with a people who were on the move. Reference was made to the Burrup Peninsula and a virtual mass of drawings. I assume—and I am quite happy to accept—that those drawings were done a long time ago. A lot of them are repetitive.

Whether there is an obligation on the Australian nation of 20 million people to protect every one of them is questionable in my mind. It is a view held by the state Labor government in Western Australia that some should be protected, and hopefully within the locality. That makes sense. But to prevent or discourage massive development of the associated natural gas industry, in my mind, does nothing in reality for the Australian people, be they Aboriginal or otherwise. Notwithstanding that this legislation is designed to possibly—and certainly in Victoria—further extend the role of heritage, I stand here to point out that Aboriginal heritage should be interpreted by people of Aboriginal extraction. I get quite amazed sometimes to read of Aboriginal elders who were bits of kids in Carnarvon when I was there and who are of significant Asian extraction being quoted in the media as Aboriginal elders with significant knowledge of Aboriginal heritage.

I support the protection of heritage and I strongly support the recording and teaching of history, but I am deeply concerned that these laws, produced with the greatest level of goodwill, have become an instrument that is sometimes used by non-Aboriginal people—and dare I say Hindmarsh Island—to prevent something that they do not want. I have visited Hindmarsh Island since its development. Once you observe what it is, you cannot advance any of the arguments that were put forward at the time. It is on the Murray River, stuck out over a relatively small stream of water. We know today that the drivers of that campaign were people who were not Aboriginal and who did not want development and were prepared to use arguments about Aboriginal heritage for the wrong reasons. It is extremely important that we do not.

The member for Grayndler chose to read for us components of a song. He talked about the strike at Wave Hill. I understand the desires of those people—Mr Lingiari and others—but, boy, I am not convinced that they gained very much. What did we, the legislators, do? We recognised their right to land and then locked them up in it. While they were on Wave Hill, the suggestion is that they worked for stores and rations. That was not correct. I am dashed if I know how those people who lived in communities on pastoral properties consequentially got cash to come to Carnarvon—in my case—and spend money in my hotel. They typically left their children back with the older people on the property. I do not know how they did that on rations. I do not know if they traded them when they came to town. They were paid and they lived in a reasonably safe environment, although not a salubrious one by our standards.

But what did they get when it was all over? They got rations. Unfortunately, one of the things they got was petrol. Yes, we pay them unemployment benefits and they spend those benefits at the local store and convert that cash to rations. That is a tragedy—and it has happened because of the goodwill of many people. Those people benefited little. In fact, the freedom that was referred to by
the member for Grayndler was, in my view, for many of these people—and this has been well exposed in this place in recent times—a freedom to live in isolation and poverty.

There was not a person of Aboriginal extraction that I knew over those years who did not have English. I am not saying English is something special, but to lock people in with English as a second language or with no English is the greatest burden you can place on them. I have said the same when it comes to people coming to this country from other countries. However you want to interpret a requirement for them to have English to get citizenship, they need English for their own wellbeing in our country. It does not matter what your heritage is: without English, you cannot communicate and you cannot live a reasonable lifestyle.

Heritage is fine, but this law does very little for it. There has to be some definition of ‘heritage’. There has to be something that says what it is so that claims do not materialise every time somebody wants to develop a subdivision or makes the mistake—in my mind—of finding a mineral deposit within the Australian continent. You are much better off today trying Africa. That is silly. People who have genuine concerns about heritage should know about it. But where are we? The Akubra hat has become a piece of heritage, notwithstanding the fact that Aboriginal people did not wear hats. The other day I saw a woman welcomed to the country at a university. She was wearing a knitted hat with the so-called Aboriginal colours. A flag has no basis in Aboriginal culture—but it goes down pretty well with the Europeans.

So, if we want to talk about culture and about those things, let us talk briefly about property rights. When I suggested we should close down the so-called Aboriginal embassy and recreate it as what it was—a protest of great significance under a beach umbrella—suddenly I got all these letters from people telling me that every Aboriginal in Australia had the right to sit there around the fire. The Ngunnawal people did not agree with that. There is nothing more cultural in Aboriginal society than property rights and property boundaries, and it is time some of these things were recognised. (Time expired)

Mr McMULLAN (Fraser) (8.37 pm)—I have pleasure in entering this debate to support the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005, extremely disappointing as it is, and the second reading amendment moved by the member for Grayndler. I listened with interest to the member for O’Connor. I always try in these speeches to start by finding something in what the member opposite says that I agree with. I was battling right until the end when the member for O’Connor said that this bill will not do very much. I certainly agree with that, but I do not think much of anything else that he said.

It is a very disappointing piece of legislation. It is a piece of legislation with a gestation period that has been sufficiently long to have produced several elephants, but it does not produce even a mouse. It is a piece of legislation more noteworthy for what it fails to do than for what it does. It is just a stop-gap measure to cover a few short-term problems. They are legitimate problems that I think needed to be addressed, and therefore the opposition have correctly said that we will not deny the bill a second reading and we will allow it to pass, but it does nothing about protecting Indigenous heritage. Not one extra piece of Indigenous heritage will be protected as a result of this legislation, unless the Victorian government uses the opportunity provided
for it to take some initiative, because this legislation takes none.

It is consistent, in my view, with the general emerging weakness that we see in the Howard government’s approach to heritage protection, in its approach to Indigenous issues and in the Howard government overall after 10 years. It seems to me that this bill reflects all those features of a very tired government that has lost its shape. It is darting hither and thither, putting fingers in dykes in various small issues, but there is no pattern, no purpose, no agenda, and no plan for the future in any of the areas of important public policy, and certainly none reflected in this bill.

There are a number of features of the amendment which I agree with and which I will refer to indirectly because they are covered by other things I want to say on the bill, but I want to pick up on one in particular which I really welcome. That is proposition (4) in the amendment which goes to the call for a review of Indigenous heritage protection. Too often in this place we call for reviews when in fact what we mean is that we are opposed to something or we have an alternative view. But in this instance it is absolutely correct. I have not felt comfortable about proposing merely in 2006 that we should implement the Evatt report. I thought it was a very good report in its time, and had we implemented it when it was brought down it would have been a big step forward, but the world has changed in a decade and I think another review would be appropriate.

I would prefer that this legislation had some of the features of the Evatt report in it. It would be much better legislation than that which we have before us. I am not being critical of Elizabeth Evatt, whose report, while I do not agree with every dot and comma of it, was very important in its day. But let us have a new look, a fresh look, post-native title. The state body of legislation is much better than it was 10 years ago, it is much more comprehensive, and we have a new piece of national heritage protection legislation. I am not a great fan of that act, but it is a new piece of legislation that has been in place for some time, some protections have been put in place under it and we have the effective operation of the moveable cultural heritage legislation.

So we are in a new situation, and we also have a different sense of Indigenous consciousness and a number of Indigenous people skilled in matters of heritage interpretation and experienced in the areas of heritage, museum management and cultural heritage who could really play a very fine role in such a review. To cite an example, without wishing to embarrass her because I have never discussed it with her, I can imagine Dawn Casey playing a terrific role in leading a review of Indigenous heritage. She ran the National Museum, she is now actively engaged in Western Australia, she has worked in Victoria, she has been a consultant and she is internationally respected in this area. Not only is she a person of Indigenous heritage who knows a lot about Indigenous heritage but also she has been a senior public servant and she understands the dynamics of government. So I think that is a very fine part of the amendment.

However, what really concerns me about this legislation is the extent to which it is a step back from the 2003 commitment by former Senator Hill that is referred to in the second reading amendment. I have a lot of respect for former Senator Hill. I have disagreed with him about things, but we were in the Senate together for a long time before he became a minister and I became an opposition member in the House of Representatives. I dealt with him often and I found him a person of integrity. When he gave me his word he kept it. Yet he came into the parlia-
ment in 2003 and promised that the government recognised the shortcomings of the existing system and that reform was long overdue and said he was anxious to have a new and better piece of legislation put in place as quickly as possible—but it never happened.

Was Senator Hill lying? No, I do not think he was. I think he meant it. I think he believed it was going to happen, and he got rolled. Why do I think that? I think it because there is a history. When I was shadow minister for Indigenous affairs and my friend and then colleague Senator Bolkus was the shadow minister for the environment, we negotiated an agreement with Senator Hill one evening while this House was sitting that we would support some legislation that he was introducing, provided there were some amendments. I will not go back over all the detail, but we came to an agreement and that legislation was going to go forward. In those days they needed some support other than from themselves for legislation to pass the Senate. The Greens and the Democrats would not support the legislation but we said that we would agree subject to those amendments.

Senator Hill agreed in good faith, I am in no doubt. I did not do the final discussion; Senator Bolkus did—but I think they came to a genuine agreement. What happened? Senator Hill got rolled by the National Party and he was never able to proceed with the proposition in accordance with our agreement. You could say that he welched on the agreement, but I do not believe that would be fair because I am sure that he acted in good faith and set out to use his best endeavours to implement the agreement that he had come to with us. He just got rolled in his party room—or in the cabinet, as I recall.

It was indicated at that time—and it is consistent with the latter part of that extraordinary speech from the member for O'Connor, Mr Tuckey—that the people who rolled Senator Hill then purported to speak on behalf of the mining industry in protecting them from the adverse consequences for them of the amendments being proposed for the Indigenous heritage legislation. I have to say, Mr Deputy Speaker, in my experience the mining industry is far ahead of the Howard government on Indigenous and heritage issues. I do not agree with all the positions taken by the Minerals Council on either heritage or Indigenous issues but I find them responsible, progressive and open. They are saying, for example: ‘Why is everybody worried about native title? We can work with native title.’ They are way ahead of the Howard government.

That is another reason why I think that if we had a review some of the fear mongering that was reflected in the contribution by the member for O'Connor, to the extent that he referred to the bill at all, would be dispelled. Time and again we find the agreement making that has flowed particularly from the native title legislation but also from some state Indigenous heritage legislation has created a very good relationship in many circumstances between miners and Indigenous groups. Just today we had another announcement of another mine going ahead as a result of an agreement with local Indigenous people. As I recall, it is in Queensland. I may be incorrect about that, Mr Deputy Speaker, but I am pretty sure it is in Queensland. That range of agreements is a very healthy thing and I think that, with decent Indigenous heritage legislation paralleling native title and what is left of land rights legislation after this government has finished with it, we could have a very fine body of legislation to balance the legitimate economic interests of miners and the long-term heritage and cultural, social and economic interests of Indigenous people.
There is nothing wrong with the tiny steps this bill does take in providing certainty for international cultural loans. Of course we should do that. But it does not do anything about protecting heritage. It is a useful thing to do. If there were a problem, as the parliamentary secretary to the minister outlined in the second reading speech, it should have been remedied. This legislation does it, and I have no trouble with that, but it provides no extra protection. To clean up the anachronism with regard to Victoria, where legislation was introduced in 1987 to overcome an impasse between the then Cain Labor government and an intransigent Victorian upper house, and put Victoria on the same basis as all the other states and properly allow for Victoria to put in place decent Indigenous heritage legislation with a fallback position if it did not occur—all that is a proper thing to do and I support it; but in itself this legislation does not protect one extra piece of Indigenous heritage. I am optimistic that after the Victorian election, which will be held quite soon, the Labor government will be returned and it will be able to pass a better piece of Indigenous heritage legislation than we have at the Commonwealth level. But this legislation itself does nothing about protecting Indigenous heritage. There are some technical matters about subordinate legislation which are broadly okay; I think that if I had a look at the fine print I might not agree with every dot and comma of it, but broadly it is okay. But it is not about protecting Indigenous heritage. It is about the government’s agenda, not about an Indigenous agenda.

I heard today advice that, after we finish debating this bill tonight—and we will not finish it and pass it—the government are not going to proceed with it. They are going to push it to one side and proceed with their Indigenous corporations legislation. It is another example of the government running Indigenous affairs according to their agenda and not reflecting the interests of Indigenous people. Indigenous people are not out there saying, ‘We want a new bit of legislation about how we manage our corporations.’ Broadly, I think what is being proposed for Indigenous corporations is probably a step in the right direction. But this shift just shows the government’s priorities as well as reflecting, as I said earlier, a government that has lost its shape, that is dashing hither or thither with no pattern or purpose or agenda or plan for the future.

What is wrong with this legislation is that there is not one real step forward. It is not as if there are not issues. Ten years ago the Evatt inquiry was recommending respecting customary restrictions on information, protection from disclosure, guaranteed access rights to sites of recognised significance, minimum standards for state and territory cultural heritage laws, the establishment of Indigenous cultural heritage bodies and particularly going to questions about intellectual property.

All of those issues are outstanding today. The one thing that is probably not so necessary—although I think Commonwealth legislation still needs to address it, but it is not so pressing—is the question of minimum standards for state and territory cultural heritage laws. There has been significant improvement in every state with regard to that—certainly, in a substantial number of states; I think in all of them.

There are important issues being addressed with the new capacity the internet gives people to have layers of information password-protected so that that information can be protected digitally and disseminated broadly. But a subset of that information could be made accessible only to people with a particular level of knowledge within the Indigenous community, and that could be
password protected and accessed only by those people. We should find the Commonwealth government giving assistance for those sorts of initiatives—modern ways of protecting heritage, making that which is generally available broadly available and protecting it for those people who have the right to special and sacred knowledge.

AIATSIS, the Australian Institute of Aboriginal and Torres Strait Islander Studies, based here in my electorate, has got some very promising propositions in that area that a government serious about addressing Indigenous heritage should be looking at. There may be a better proposition about than the Indigenous cultural network idea that I have seen at AIATSIS, and I would welcome that. It is not for me with my level of knowledge and expertise to say, ‘This is unquestionably the best proposition.’ But it is a direction in which we should go in protecting cultural heritage, preserving it and yet making it available—not locking it up so no-one can know and not making that which should be secret and sacred accessible to those who should not have access to it.

Modern technology allows us new ways of doing this. It was what the member for O’Connor could not seem to work out: heritage and cultures develop, change and evolve. I find his two propositions extraordinary. One is that nomadic people cannot have sacred sites—that would be a great revelation to a lot of nomadic cultures in countries all around the world; they would be amazed to find that it is inconsistent with a nomadic existence to have sacred sites. But I heard the member for O’Connor say it, and I am sure he believes it. Two, I was astonished to hear him say we did not need to protect the rock art at the Burrup because some of it was duplication. It would be terrible. Perhaps Monet painted too many haystacks, so we do not need to keep more than one; we could probably get rid of the rest and save a lot of money! It was one of those propositions where you have to pinch yourself to make sure you are awake when you hear it and then you say, ‘No, it’s really a nightmare.’

The one thing I will say about this legislation coming forward, poor and inadequate as it is, is that it gives us the opportunity to discuss the fact that Australian heritage needs to be protected. At the core of that protection is the need to protect the incredibly valuable and unique Indigenous heritage of this country. It is an obligation placed on our society—all of us; Indigenous and non-Indigenous—to recognise that we have in our country the world’s oldest living culture. We want to use our skills, our resources, our knowledge and modern technology to enable it to be protected. This legislation does nothing about that. That is why I support the amendment. I support the legislation because it will administratively make certain things operate more smoothly. I look forward to the review called for by the member for Grayndler and to an incoming Labor government actually introducing a decent piece of legislation that does something about protecting Indigenous heritage.

Mr WAKELIN (Grey) (8.57 pm)—In the two minutes I have left, I want to acknowledge a few of the comments the member for Fraser has made. I thank him for his acknowledgement of Senator Robert Hill and his integrity, and for his recognition that the Minerals Council is a responsible group working with the Indigenous community and the community at large for better outcomes. I am appreciative of the member for Fraser’s comments about Justice Evatt and that times have moved on, that we do have a stronger body of native title legislation and that state and territory legislation has moved apace over the last decade or so. In terms of the role of the government—that is, the government’s agenda, to quote the member for Fraser—at the end of the day, the national gov-
ernment has responsibility for this area. I believe that this legislation meets that very sensitive balance and does respect Indigenous people.

I want to go to two very important parts of the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005, where the amendments relate to loaned objects of important Australian cultural heritage held overseas. It seems to be inherently practical that this should be cleared up in this legislation. I welcome the legislation, particularly in relation to Victoria—and I am grateful because I was not aware of the history, that this had come about from a lower house and an upper house deadlock. It is the challenge of Federation to tidy these things up from time to time.

Debate interrupted.

ADJOURNMENT

The SPEAKER—Order! It being 9 pm, I propose the question:

That the House do now adjourn.

Parliamentary Standards

Mr JENKINS (Scullin) (9.00 pm)—On a day on which the Minister for Foreign Affairs, on behalf of the government and in a very patronising and neocolonial way, lectured some of the countries in the Pacific Islands about their problems with governance, I found it ironic that the government should continue to display their arrogance to the procedures of this place and continue to trash parliamentary standards. I have spoken on this quite often, but this year we have seen devices being used by this government that show further their contempt for proper discussion and debate within this chamber. I instance the quasi guillotine that is now used by the government. In the past when a guillotine was used, bills were adjudicated as being urgent and time limits were placed. One of the downsides for the government, of course, was that the minister could not finalise the second reading debate because the cut-off meant that they could not stand and justify the government’s case. In each case of a truncated debate that we have seen this year, the government have ensured that the second reading summing up speech can be made by a member of the executive, yet again further entrenching the advantage that the government have under the standing orders.

But today we saw one of the most incredible actions of an executive government that we have ever seen. I am in some difficulty because of standing order 74, which does not allow me to reflect on a vote of the chamber, but I think that I can make a comment on the suspension of standing orders moved by the Minister for Employment and Workplace Relations. I read to the House the motion that was supported by 78 members of this chamber, opposed by 56, and therefore passed. It read:

That so much of the standing and sessional orders be suspended as would prevent the House from condemning forthwith the Member for Perth.

I am at a little bit of a disadvantage because, regrettably, turn 18 is not in the House Hansard online, but my recollection is that the government thought that the moving of this motion was the final step in what they had set out to do, as the wording says, in ‘condemning the member for Perth’. Condemning him for what is not in the motion, so we have to rely on what was mentioned in the debate.

Through you, Mr Speaker, I remind members that it was a 25-minute debate because debates about the suspension of standing orders are limited. It has been the tradition in this place that when a censure or a condemnation motion has taken place it has had a lengthier debate. Why is that so, Mr
Speaker? Whilst *House of Representatives Practice* indicates ‘It is acknowledged, however, that ultimately the House may hold any Member accountable for his or her actions’, it goes on to say ‘in terms of the principle that charges of a personal character should be raised by way of substantive and direct motions’. In this case, there was no direct motion, there was no substantive motion; there was only the suspension of standing orders. Actually, over the last hour or so, I have calmed down a little bit about this motion because I have read it carefully. It is a nothing motion because it required further action. It says:

... so much of the standing ... orders be suspended as would prevent the House from condemning ... ‘Would prevent’—it does not say anything about action. So what is this motion really about? This motion is really just the culmination of the way in which the executive of the Howard government treat this chamber—as if it is their plaything. If they had set out to achieve what they thought they were achieving, there are proper processes of this place, but those processes were ignored. They believe that they achieved the outcome that they wanted, but they did not, because it required that a substantive motion be moved, and it was not moved. *(Time expired)*

**Mrs Madeline Halpin**

**Mr HARTSUYSKER** (Cowper) *(9.05 pm)*—I rise to make the House aware of the sad passing of a remarkable member of the community in the town of Bellingen in my electorate. Mrs Madeline Halpin passed away recently at the age of 96 after not only raising a family of five and running a local business but also performing a lifetime of voluntary work. She arranged flowers for Mass, weddings and other special services and produced the floral exhibit for the annual Bellingen Agricultural Show.

An active supporter of the St Vincent de Paul Society, Mrs Halpin’s home was frequently used as the venue for fundraising events for the society and for the women’s league. Her work for the church alone would have provided an admirable record of charitable work, but she was also active in many other areas. In 1958, Mrs Halpin joined the hospital auxiliary and went on to serve as president for 23 years, from 1972 to 1995, earning a 40-year service bar for her life membership. The Pink Ladies and the ambulance auxiliary have also been the beneficiar-
ies of her endless energy and selflessness. For 11 years she served as an organising secretary of the agricultural show committee and also worked with the local museum, fire brigade, junior football club and girls' hockey teams, and Meals on Wheels for 26 years.

Of course, all of this work for others was in addition to raising her own family of five children, 14 grandchildren—one of whom, as I said, sits in this House—and 20 great-grandchildren, a task which most of us would regard as sufficient for one lifetime and possibly more. In 1993, she and her husband Jack renewed their marriage vows to mark their diamond wedding anniversary. Sadly, Jack passed away some three years later.

I am sure she was the last person to seek recognition for her voluntary work, but her contribution to her community was rightly recognised. In 2002, she received the Bellingen Shire Citizen of the Year Award on Australia Day and later that same year was presented with the New South Wales Premier’s Award. I was privileged to recently attend a community celebration to recognise her award of the Order of Australia. Let me remind the House that the award is given to those who have made a significant contribution to the community. In view of the significance of rural community building to the building of our nation, it was only fitting that national recognition should have been given to Mrs Halpin through the awards she received from her state and from her shire.

It is difficult to pay fitting tribute to more than 70 years voluntary work in the five minutes I have available to me here, but I hope that I have given the House some idea of the immense service Mrs Halpin gave to her community, and the fact that she remained active all through her life. Last year, she performed the opening of the Bellingen Agricultural Show and the show president was quoted in the local press as saying of Mrs Halpin: ‘Her elegance and charm brought a touch of class and nostalgia to the official opening.’ As we know, Mrs Halpin’s qualities went well beyond her elegance and charm. I am delighted that we were able to honour her with the Order of Australia. I think that award is a fitting tribute to a great Australian who will be greatly missed.

Mr RW ‘Johnny’ Apple

Mr Rudd (Griffith) (9.09 pm)—I rise tonight to honour the memory of a citizen of the United States of America: Johnny Apple. He was a senior journalist of the New York Times, a legend of American journalism, a legend in American politics and, importantly, in this place—the parliament of Australia—a friend of Australia. Johnny Apple was a citizen of the world, at home equally in Saigon, in Paris, in Washington, in Sydney and at all points in between. He represented to us the very best of the liberal American spirit—blessed in everything that he wrote and did with the quality of American enlightenment, not shackled by a narrow world view or constrained by any form of ideology or any form of convention.

Johnny Apple was larger than life and he brought with him a largeness of mind. Johnny Apple had an insatiable interest in the world as it is in all its diversity, not to conquer it, not to have it conform to any particular world view but rather to savour, enjoy and explain it—that is, the diversity of the world as it was. And that very much represented the best of his tradition of American journalism.

Johnny Apple first fell in love with Australia in the 1960s when he would visit here on R and R from the Vietnam War while serving as Saigon bureau chief for the New York Times. He revived his love affair with Australia in the 1990s when he was a fre-
quent visitor here to participate in the Australian-American Leadership Dialogue, presenting his unique insights on contemporary American politics—from the impeachment of Bill Clinton to the quagmire that has become Iraq. He covered so many American presidential campaigns that in fact it is difficult to find anyone in modern American politics who does not remember an incisive Apple commentary and analysis of a campaign they remember from their own political experience.

Johnny encountered and brought to the world, through his reporting for the New York Times, the revolution in food and wine that would make Australia globally renowned. Guided and aided by a galaxy of Australian stars, Johnny cut a culinary swathe across Australia, accompanied always by his wonderful wife Betsey—chief navigator and embellisher of zest. He became so much an ambassador for modern Australia and the richness of its cuisines, its wines and its modern way of life.

Johnny’s articles whetted the appetites of New York Times readers worldwide and his reviews became the guideposts for hungry Americans making their rounds of Sydney, Melbourne and Perth. From the simplicity and freshness of Australian ingredients to the limestone strata that refined the soil for the wines from the west, Johnny chronicled the evolution of excellence and taste in Australian cuisine. The nation is indeed indebted to Johnny Apple for the way in which he brought that story of Australian life and style to a worldwide audience.

Johnny Apple was an ambassador for all that was and all that remains the best about America. Johnny Apple was equally a friend of Australia. In his dealings with this country, he always sought to bring to us the absolute best in the American tradition. On behalf of all members of the Australian-American Leadership Dialogue, I would like to express our profound appreciation to Johnny Apple’s family for the extraordinary contribution he made to us in this country by taking our message out to the rest of the world—a message blessed with balance, truth and humour, and elegance in the way in which he reported it. Our love, our respect and our best wishes go to Johnny’s widow, Betsey, and to all of his family. This was a life well lived, a contribution well made—and, in this country, he was a person who will be dearly missed.

Jack Young Centre

Mr FAWCETT (Wakefield) (9.14 pm)—I rise tonight to draw the attention of this House to the very good work done by the Jack Young Centre supporting members of our retired community in Wakefield. There has been a lot of talk recently about the ageing of the population and the requirement for increased services. There has been a lot of talk about policy that should be developed and funding that should be delivered. But, like many programs, the ones that have the very best outcomes are the ones that are actually driven locally and where there is a partnership—where the Australian government works with the local community to develop a solution that works for them in meeting the needs of that community. The Jack Young Centre is one such place.

The Jack Young Centre supports its members to lead healthy, active lives and, wherever possible, to maintain full participation in their community. The objectives of the centre include the provision of information and support to people over 50 as well as people with disabilities, the frail aged and their carers. The Jack Young Centre also delivers meal services that respond to the diverse and changing needs of its members. That is something I will come back to a little later. They also facilitate a broad range of activities. In partnership with a number of
organisations they provide services that help their members to age within the community. They also promote the principle of lifelong learning, which means that people are constantly able to access adult education opportunities and improve the quality of their lives.

None of these things happen just by themselves or just because funding happens to come in from Canberra and other sources. I would particularly like to recognise Councillor Betty Gill, who is the chairperson of the advisory committee for the Jack Young Centre and a councillor of the City of Salisbury, for the excellent work she has done as a long-time representative of the council working with the Jack Young Centre. Now, in her role as chairperson, she has given guidance to this group over some period of time. I would also mention Pam Pindral, who is the manager of Healthy Ageing and Access, and Rob Mercierre, who is the team leader of Positive Ageing Services.

It would be remiss of me not to mention Sylvia Fisher, who has now retired from the Jack Young Centre. For over seven years she provided an outstanding service to bring people together. In her own unique way—and I have heard many stories about her morning teas and training sessions that grabbed people’s attention—she breathed a real vigour, passion and interest into the group there which was supporting the aged in the community. I guess it is telling that, with that kind of leadership and passion, she drew into that place a real team of volunteers. The contribution that they as a team made to the community has been recognised by a number of bodies. The Heart Foundation, for example, has recognised them for their healthy heart moves program. Northern Volunteering, a group that operates within Wakefield, has recognised them for the volunteer program that they run. I congratulate the Jack Young Centre for that.

From a federal perspective, though, they have also partnered with us in some of the programs that this government has put in place to assist people in other areas. One that I particularly want to talk about is the Work for the Dole program. The Jack Young Centre has now had this program running with multiple fundings. Whereas most people tend to get one crack at it, they have had multiple fundings of the Work for the Dole program. In the last 12 months, they have prepared some 27,000 meals for aged people in that community. They have been able to integrate one of the programs from the federal government—one that helps people who have been long-term unemployed to gain real skills; in this case, skills around catering and working in this organisation—with real needs in their community. It has given them that capacity in that partnership with the federal government to actually develop a local solution that has benefits not only for the providers but also for the community. It is of note that that cafe and meal service is now self-sustaining. Even without the Work for the Dole funding, that will continue.

They have also made good use of the HACC funding which has come from the federal government—and that funding has more than doubled—as well as the Commonwealth Carelink Centre funding. This is just one very good example of the community working together in partnership to develop effective local solutions to meet the needs of those who have gone before us and built this country.

Food Allergies

Ms BURKE (Chisholm) (9.19 pm)—Last week a coronial inquest into the death of four-year-old Alex Baptist commenced. Alex died at kinder from an anaphylactic attack—an issue that could have easily been resolved had the appropriate training been given and medication been on hand. I will not go into
the details, obviously, as a coronial inquest is under way. But Alex is dead and his parents mourn. This case came to my attention for various reasons, but, as I have a four-year-old son at kinder who also suffers from a severe peanut allergy, it hit a bit closer to home than most.

It is estimated that up to 380,000 Australians will have an anaphylactic attack. Anywhere between three and five per cent of children also suffer from such attacks. It is alarming to learn that the number of children with food allergies in Australia has doubled in one generation alone. It is estimated that about 10 per cent of kids have a food allergy and about one per cent are allergic to peanuts specifically, as is my child and as was Alex. One child in 200 will experience a severe allergic reaction to food that could be life threatening. Up to 10 Australians die each year from anaphylaxis. Since 2002, three school-aged children—Alex was at kindergarten, so that is four children—have died from an anaphylactic attack.

Anaphylactic reactions can cause blocked airways, coma, heart failure and brain damage. Death can occur in minutes, even from very small traces. In most instances it is from touching somebody else’s food, because most of our children who have allergies know that they are not to go anywhere near peanuts. Adrenaline given immediately with an EpiPen is the only treatment. It opens up the blood vessels and, hopefully, buys 15 minutes to get a paramedic there in time. In Alex’s case, his kindergarten had his EpiPen. Unfortunately, it was not administered appropriately at the scene. By the time the paramedics got there, they could not revive him. This is a tragic case and it should not have happened. We have had other coronial inquests into children’s deaths and we need to be doing more about it.

Labor have committed to putting together $5 million for research into understanding the causes of severe allergies and to find, hopefully, a cure. But we also need to be doing something now. Something can be easily done across the board. The incidence of food allergies is growing. We need to ensure that all childcare centres, kindergartens and schools have standards and implementation policies in place. We need to know that our children are protected and also that their carers are protected—that they know how to identify anaphylactic reactions and how to administer the life-saving medication. I have had to learn how to use my EpiPen, and I am hoping I never have to do so. It is fairly easy to do, but you do need to know how. Obviously, if someone is having an attack, it is a fairly panicky situation.

On grand final day I went shopping. It is the best time in Melbourne to go shopping because no-one is in the shops; they are all at home watching the telly. After shopping, I took my son and daughter into a restaurant and ordered them a sausage roll. My son turned to me and said, ‘Mummy, why are there baked beans in my sausage roll?’ There were not; they were pine nuts. I went ballistic at the poor woman behind the counter. I said, ‘How dare you serve me something with nuts in it, and not advertise it.’ She was incredibly apologetic. She said it was a new batch, she did not know what was in there and she would give it to me for free. I went off my head and said: ‘That is not the point. The point is that my child could have had a severe reaction to it.’ Luckily, I do carry my EpiPen in my bag. But, as I said, I never want to have to use it, and neither do other parents.

We need to find a cure, and this can be done. This allergy does not know state boundaries. From the outset, we need to ensure that there are safeguards in place—that there is appropriate training for teachers,
carers and parents so that they know how to administer drugs and so that there can be no repeat of a four-year-old dying at kinder. I have spoken to Alex’s parents, who are never going to get over this accident, this tragedy, this loss of their son’s life. They have two young children and they watch them like hawks. They have had parents at their centre accuse them of being overly sensitive. As Alex’s mother quite rightly put it: ‘I have lost one child. I am not going to lose another.’ Hopefully, if we ensure that teachers, carers and kindergarten teachers across the nation know how to react and how to administer the drugs then we will never see another child die—(Time expired)

North Korea

Mr JOHNSON (Ryan) (9.24 pm)—As chairman of the Australia-Korea Parliamentary Group I want to join the Prime Minister, the foreign minister and other members of this parliament in expressing my outrage at yesterday’s testing of a nuclear weapon by the North Korean regime. I want to condemn in the strongest possible language North Korea’s dangerous and totally provocative action. As the world now knows, yesterday, at 11.36 am Australian Eastern Standard Time, North Korea joined the existing club of eight nuclear countries when it tested its nuclear device in the Hamgyongbuk-do region in North Korea.

Last night, I had the opportunity to speak to South Korea’s ambassador here in Canberra, Ambassador Cho, and conveyed my strong outrage and personal support of his government in their deep concerns for the people of South Korea. I would like to read into the parliamentary record the statement issued by the South Korean government. I think it is appropriate that members be aware of it. Paragraph 2 in particular reads:

This action taken by North Korea poses a grave threat that undermines stability and peace on the Korean Peninsula as well as in Northeast Asia. It is also an act of trampling on the hope of the international community to resolve the North Korean nuclear issue peacefully through dialogue in its quest for the denuclearization of the Korean Peninsula.

The world’s challenges are now, of course, all the more greater and all the more grave than could have been imagined. The threat of an arms race in the region is certainly now a distinct possibility. How could Japan, and South Korea especially, not wish to seek security and solace in the form of a greater military build-up and indeed in acquiring a nuclear capacity themselves? The new Japanese Prime Minister, Mr Shinzo Abe, has already expressed views that Japan should review its post World War II peace constitution to give Japan a greater status in global affairs, as befits Japan’s economic weight and influence in the 21st century.

North Korea has now joined, as I mentioned, eight other countries that have tested nuclear weapons—namely, the five permanent members of the UN Security Council plus Pakistan, India and Israel. While the world’s leading countries have a great challenge to collectively confront the North Korean regime and leadership, no country more than China has a unique opportunity, a great responsibility and a special challenge in its foreign and defence policy thinking. China must use its immense influence with North Korea to bring calm and stability to the region. China’s ambassador to North Korea will no doubt be kept very busy, but, knowing Ambassador Liu Xiaoming as I do, I have every confidence in his skills and talents.

And how ironic it is, Mr Speaker, that a Korean now succeeds Kofi Annan as the next United Nations Secretary-General. The 192-member UN General Assembly must of course give final approval to Ban Ki-moon’s nomination, which usually follows within a
week or two of endorsement, which was last night. Ban Ki-moon will bring a great capacity to his job as the new UN Secretary-General—the capacity to address this great challenge the world confronts. Again in my capacity as chairman of the Australia-Korea Parliamentary Group, I want to add my voice to the very warm congratulations on his imminent formal endorsement. As I said, it is quite ironic that a Korean is about to take the helm of an organisation that hitherto has failed in its efforts to address the tensions in the Korean peninsula.

Ban Ki-moon is a highly respected individual, a man of some 3½ decades of experience in the world of diplomacy and international affairs. He knows the workings of the UN, as a former ambassador for South Korea to the UN in 2001. He is a man of exceptional personal qualities and exceptional intellect and educational qualifications. He also knows how the world of government and politics functions, being a vice-minister and foreign minister of his country. I take the opportunity again in this parliament to formally express my support for his nomination and wish him very well in his new stewardship of the UN. The UN has a great opportunity in the 21st century to attend to some of the world’s most difficult issues, and none more so than the one we see today in the Korean peninsula. The United Nations has a bureaucracy of some 9,000 people, with a $US5 billion budget. It has more than 90,000 peacekeepers in 18 operations around the globe which cost another $US5 billion. The challenge is immense. The opportunity is special. I wish Ban Ki-moon all the very best in endeavours that affect everyday people around the world. *(Time expired)*

The SPEAKER—Order! It being 9.30 pm, the debate is interrupted.

House adjourned at 9.30 pm
QUESTIONS IN WRITING

Commonwealth Funded Programs
(Question Nos 2249 and 2252)

Ms Grierson asked the Minister for Foreign Affairs and the Minister for Trade, in writing, on 6 September 2005:

(1) Does the department or any agency in the Minister’s portfolio administer any Commonwealth funded programs for which community organisations, businesses or individuals in the electoral division of Newcastle can apply for funding; if so, what are the details.

(2) Are the programs identified in part (1) advertised; if so, in respect of each program (a) what print and other media outlets have been used to advertise it and (b) were these paid advertisements.

(3) In respect of each of the Commonwealth funded programs referred to in part (1), (a) what is its purpose and (b) who is responsible for allocating funds.

(4) With respect to each of the Commonwealth funded programs referred to in part (1), how many (a) community organisations, (b) businesses and (c) individuals in the electoral division of Newcastle received funding in (i) 2003-2004 and (ii) 2004-2005.

(5) What sum of Commonwealth funding did each recipient receive in (a) 2003-2004 and (b) 2004-2005 and what are their names and addresses.

Mr Downer—On behalf of the Minister for Trade and myself, the answer to the honourable member’s question is as follows:

To provide the information sought would entail a significant diversion of resources and in the circumstances I do not consider the additional work can be justified.

Commonwealth Property
(Question No. 2377)

Mr Bowen asked the Prime Minister, in writing, on 15 September 2005:

(1) What properties, or lettable floor areas at partially occupied properties, owned by the Commonwealth and in the possession of the department and each agency in the Minister’s portfolio, are currently not utilised by the department or agency in question, and are not let out.

(2) For how long has each property, or part of a property, identified in part (1) been vacant and why has it been left vacant.

Mr Howard—I am advised that the answer to the honourable member’s question is as follows:

(1) None.

(2) Not applicable.

Family Tax Benefit
(Question No. 3061)

Ms Hall asked the Minister for Families, Community Services and Indigenous Affairs, in writing, on 14 February 2006:

(1) In (a) Australia and (b) the electoral division of Shortland, how many recipients of Family Tax Benefit A received a debt notice in (i) 2002-2003 and (ii) 2003-2004.

(2) In (a) Australia and (b) the electoral division of Shortland, how many recipients of Family Tax Benefit B received a debt notice in (i) 2002-2003 and (ii) 2003-2004.
(3) What was the average Family Tax Benefit debt per family or individual in the electoral division of Shortland in (a) 2002-2003 and (b) 2003-2004.

(4) How many families or individuals in the electoral division of Shortland received a Family Tax Benefit debt notice despite having informed Centrelink within 14 days of a change in their circumstances.

(5) How many families with a Family Tax benefit debt had part or all of their income tax refund withheld to repay a debt in (a) 2002-2003 and (b) 2003-2004.

Mr Brough—The answer to the honourable member’s question is as follows:

Information on Family Tax Benefit (FTB) numbers and outlays are published each year in the department’s Annual Report and in the Portfolio Budget Statements.

FTB is paid based on individual entitlement and is not managed on an electoral division basis.

There is no requirement under the Family Assistance (Administration) Act 1999 for notification of changes within 14 days, and therefore no information is available on numbers of customers providing information within such a timeframe.

Chifley Electorate: Programs and Services
(Question No. 3211)

Mr Price asked the Minister for Employment and Workplace Relations, in writing, on 27 March 2006:

(1) What programs and services do the department and each agency in the Minister’s portfolio provide for indigenous communities and individuals in the electoral division of Chifley?

(2) In respect of each program, (a) what sum is spent annually (i) nationally and (ii) in the electoral division of Chifley and (b) how many people is it intended to assist (i) nationally and (ii) in the electoral division of Chifley.

Mr Andrews—The answer to the honourable member’s question is as follows:

(1) and (2)

<table>
<thead>
<tr>
<th>Programmes and services for Indigenous communities in electoral division of Chifley</th>
<th>2 (a) (i) Sum spent nationally 2005–06</th>
<th>2 (a) (ii) Sum spent in the electoral division of Chifley 2005–06</th>
<th>2(b)(i) People intended to assist nationally</th>
<th>2 (b) (ii) People intended to assist in the electoral division of Chifley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Network:</td>
<td>$1242m</td>
<td>$6.9m</td>
<td>1,350,000</td>
<td>11,400</td>
</tr>
<tr>
<td>Indigenous Employment Programme (IEP):</td>
<td>$26.8m</td>
<td>$16.500</td>
<td>3,505</td>
<td>3</td>
</tr>
<tr>
<td>—Structured Training and Employment Projects (STEP)/Corporate Leader Projects.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IEP—Wage Assistance</td>
<td>$7.1m</td>
<td>$35,508</td>
<td>2,658</td>
<td>15</td>
</tr>
<tr>
<td>IEP—Community Development Employment Project (CDEP) Placement Incentive</td>
<td>$3.3m</td>
<td>$20,636</td>
<td>2184</td>
<td>11</td>
</tr>
<tr>
<td>IEP—Indigenous Employment Centres</td>
<td>$12.6m</td>
<td>N/A</td>
<td>3566</td>
<td>49</td>
</tr>
<tr>
<td>IEP—Other</td>
<td>$21.7m</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>National Indigenous Cadetship Programme</td>
<td>$6m</td>
<td>$0</td>
<td>171</td>
<td>2</td>
</tr>
<tr>
<td>Community Development and Employment Projects (CDEP) programme</td>
<td>$356.6m</td>
<td>N/A</td>
<td>37,650</td>
<td>125</td>
</tr>
<tr>
<td>Job Search Support – Transition to Work (TtW) programme</td>
<td>$12m</td>
<td>$19,930</td>
<td>11,218</td>
<td>18</td>
</tr>
<tr>
<td>Vocational Rehabilitation</td>
<td>$141.1m</td>
<td>$1.8m</td>
<td>44,100</td>
<td>513</td>
</tr>
<tr>
<td>Job Placement, Employment and Training (JPET) programme</td>
<td>$19.8m</td>
<td>$323,890</td>
<td>14,000</td>
<td>230</td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
Programmes and services for Indigenous communities in electoral division of Chifley

<table>
<thead>
<tr>
<th>Programme</th>
<th>2 (a) (i) Sum spent nationally 2005–06</th>
<th>2 (a) (ii) Sum spent in the electoral division of Chifley 2005–06</th>
<th>2(b)(i) People intended to assist nationally</th>
<th>2 (b) (ii) People intended to assist in the electoral division of Chifley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Support Programme (PSP)(^1)</td>
<td>$63.7m</td>
<td>$1m</td>
<td>37,044</td>
<td>791</td>
</tr>
<tr>
<td>Better Assessments</td>
<td>$21m(^1)</td>
<td>$357,735(^4)</td>
<td>111,353(^5)</td>
<td>1,846(^6)</td>
</tr>
<tr>
<td>Disability Employment Network (DEN) formerly Disability Open Employment Services (DOES)(^7)</td>
<td>$211m</td>
<td>$2.3m</td>
<td>32,534</td>
<td>109</td>
</tr>
<tr>
<td>Enterprises—Indigenous Business Australia (IBA)</td>
<td>$27.7m</td>
<td>N/A(^8)</td>
<td>419</td>
<td>N/A(^8)</td>
</tr>
<tr>
<td>IBA—Home Ownership Programme</td>
<td>$122.9m</td>
<td>N/A(^8)</td>
<td>580</td>
<td>N/A(^8)</td>
</tr>
</tbody>
</table>

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1. Job Network is a national service administered by the Department of Employment and Workplace Relations (DEWR) and is available for indigenous and non-indigenous people. Job Network expenditure includes Job Network Service, Job Placement, New Enterprise Incentive Scheme, Harvest Labour Services, National Harvest Labour Information Service and the Employment Innovation Fund.

2. The Indigenous Employment Programme (IEP) measures participants in its programmes by commencement figures. While many Indigenous people are assisted across all of the IEP programme elements, DEWR officially reports commencements for the following: Structured Training and Employment Projects, Wage Assistance, Community Development Employment Project Placement Incentive, Indigenous Employment Centres and National Indigenous Cadetship Project. We cannot quantify the assistance in the same way for the remaining IEP programme element, i.e. ‘Other’ programmes.

3. Potentially all Indigenous Australians are eligible to be assisted through IEP – these figures only quantify those assisted.

4. Indigenous Employment Centres (IEC) services are contracted through a competitive purchasing process. A single organisation is contracted to deliver IEC services in the electorate of Chifley. For reasons of commercial sensitivity details of contracted funding for this individual provider of Australian Government Employment Services is not identified.

5. ‘Other’ programme elements of the IEP include the Indigenous Small Business Fund, the Emerging Indigenous Entrepreneurs Initiative, Indigenous Community Volunteers, the Indigenous Capital Assistance Scheme, Indigenous Youth Employment Consultants, Public Awareness initiatives and the Aboriginal Employment Strategy.

6. ‘Other’ programme elements of the IEP do not have information readily available at a Federal electorate level.

7. There is only one funded organisation in the electoral division of Chifley. Funding for each CDEP organisation is negotiated on an individual basis and cannot be identified for commercial-in-confidence reasons.

8. Includes all commencements in the TtW programme during 2005-06. Some of these job seekers may be Indigenous.

9. The TtW Programme is open to all eligible job seekers, targeting parents, carers and those of mature age. Some of these job seekers may be Indigenous.

10. Includes all commencements in Vocational Rehabilitation during 2004-05. Some of these job seekers may be Indigenous.

11. Includes all commencements in JPET during 2004-05. Some of these job seekers may be Indigenous.

12. PSP does not have a target number of people to be assisted each year. This table reflects the actual number of people assisted. Some of these job seekers may be Indigenous.

13. Does not include expenditure for assessments undertaken post 30 June, related to referrals up to and including 30 June 2006. Projected total expenditure is $24.4m.
Approximate cost based on contracted cost of face-to-face assessment for referrals from Centrelink’s Blacktown, Mt Druitt and St Mary’s Customer Services Centres. This does not include the cost of assessments to be undertaken post 30 June related to referrals up to and including 30 June 2006.

Better Assessment is a demand driven programme. During 2005-06 approximately 111,353 people underwent a Better Assessment. This figure does not include assessments to be completed post 30 June, related to referrals up to and including 30 June 2006.

Reflects the number of completed assessments following referral from Centrelink’s Blacktown, Mt Druitt and St Mary’s Customer Service Centres. This figure may increase following the completion of assessments in July and August 2006 for referrals made up to and including 30 June 2006.

Disability Employment Network (DEN) figures include jobseeker numbers only. Workers that are being supported by DEN members are not included. Some of these job seekers may be Indigenous.

Expenditure in the electoral division of Chifley is not available because IBA data collection is aligned to the former ATSIC regional council areas, not electoral regions.

Private Health Insurance Rebate

(Question No. 3389)

Mr Murphy asked the Minister for Health and Ageing, in writing, on 30 March 2006:

(1) Can he confirm that the decision to increase the private health insurance rebate, for persons aged 65 years and above, was aimed at encouraging people with restricted income earning potential to retain their fund memberships while premiums rose.

(2) Will the Government extend the increased private health insurance rebate to disability pensioners who also have restricted income earning potential; if not, why not.

Mr Abbott—The answer to the honourable member’s question is as follows:

(1) The decision to increase the private health insurance rebate for people aged over 65 years was made to provide assistance to older Australians by reducing the costs of premiums and to help them retain their private health insurance at a time in their lives that they most need it.

(2) The government does not plan to extend the increased private health insurance rebate to members under the age of 65. However, all Australians under the age of 65 will continue to receive the 30% rebate.

Media Ownership

(Question No. 3392)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 30 March 2006:

(1) Will the Minister explain why the Government proposes to allow Australia’s two biggest companies to own newspapers, radio stations, a free-to-air television network, a monopoly pay television operator and numerous news and information sites on the internet, all in the one market.

(2) What is the Government’s response to the Productivity Commission report into Broadcasting, published in April 2000, which suggested that regulatory barriers preventing entry by new players into the free-to-air television industry should be removed before the abolition of cross-media ownership rules.

(3) Will the Minister explain why the Government will not allow a fourth free-to-air television licence in Australia.

(4) Has the Minister read the article in the Sydney Morning Herald on 15 March 2006 titled ‘Opening the airwaves comes with trade-off’ which reported that the Government’s discussion paper envis-
ages a major rationalisation of media ownership in Australia, by allowing the consolidation of ownership to cut the number of media proprietors in Sydney from twelve to a minimum of five.

(5) Is the Minister aware that the Productivity Commission report into Broadcasting published in April 2000 concluded that diversity of opinion and information is more likely to be encouraged by greater, rather than less diversity in the ownership and control of media proprietors.

(6) How does the Government reconcile the apparent conflict between its plans to allow an increase in the concentration of media ownership in Australia, and the public interest in promoting diverse sources of opinion, news and information.

**Mr McGauran**—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) to (3) The honourable member’s attention is directed to the Minister’s answer to Question 3596.

(4) Yes.

(5) Yes.

(6) The honourable member’s attention is directed to the Minister’s answer to Question 3596.

**Sydney (Kingsford Smith) Airport**

(Question No. 3462)

**Mr Murphy** asked the Minister for Transport and Regional Services, in writing, on 9 May 2006:

(1) Has he read the article in the *Sun-Herald* on 22 January 2006 concerning tenancy and other fees at Sydney Airport titled ‘Operations charging as much as they can get away with’.

(2) Is there pricing surveillance of costs such as rents, parking fees, and other landside costs payable by tenants of Sydney Airport Corporation Limited (SACL); if so, what was the annual rate of increase each year of rents, parking fees and related landside costs for tenants at Sydney Airport since SACL was privatised.

(3) Has the rate of increase in rents, parking fees and related landside costs for tenants at Sydney airport been more or less than the rate of increase in the Consumer Price Index for each year since SACL was privatised.

(4) Is he taking action to ensure that price increases for tenants at Sydney Airport remain within the CPI; if so, what; if not, why not.

**Mr Truss**—The answer to the honourable member’s question is as follows:

(1) I am aware of an article in the *Sun-Herald* on 22 January 2006 on revenue from SACL commercial trading.

(2) Yes. Under Treasurer’s Direction No. 27 and pursuant to Part VIIA of the Trade Practices Act 1974, the Australian Competition and Consumer Commission (ACCC) is responsible for monitoring the prices, costs and profits of a range of aeronautical and aeronautical related services at the seven major airports.

The ACCC’s 2002-03, 2003-04 and 2004-05 price monitoring reports provide details of each major airport’s car parking rates. Details of these reports can be obtained via ACCC’s website – www.accc.gov.au.

(3) The ACCC’s 2002-03, 2003-04 and 2004-05 price monitoring reports do not provide the specific information to answer this question. However, analysis of the car parking prices obtained from SACL’s website (www.sydneyairport.com.au) available from 2003, indicates that car parking rates in total have increased by less than CPI since privatisation and in many cases have remained at the same rates or have been reduced.
(4) No. Given ACCC’s responsibility for investigating pricing complaints under the Trade Practices Act 1974, any complaints about the level of charges would be a matter for the ACCC to consider in the first instance.

Moreover, the Productivity Commission is currently considering a wide range of issues as part of its Inquiry into Price Regulation of Airport Services. In particular, the Productivity commission will examine whether airports including SACL have acted in a manner consistent with the Government’s Aeronautical Pricing Principles released in its response to the Productivity Commission’s 2002 Report on Airport Price Regulations. The Government will consider the Commission’s recommendations following receipt of the Commission’s final report.

Federal Executive Council Meetings
(Question No. 3501)

Mr Melham asked the Prime Minister, in writing, on 11 May 2006:

(1) For (a) 2004-2005 and (b) 2005-2006, how many meetings of the Federal Executive Council were presided over by: (i) the Governor-General; (ii) an Administrator of the Commonwealth; and (iii) the Vice-President of the Executive Council.

(2) For (a) 2004-2005 and (b) 2005-2006, how many meetings of the Federal Executive Council were attended by: (i) him; (ii) the Deputy Prime Minister; (iii) the Leader of the Government in the Senate; and (iv) the Vice-President of the Executive Council.

Mr Howard—The answer to the honourable member’s question is as follows:

(1) I am advised that meetings of the Federal Executive Council were presided over as follows:

<table>
<thead>
<tr>
<th></th>
<th>(a)</th>
<th>(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>25</td>
<td>24</td>
</tr>
<tr>
<td>(ii)</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>(iii)</td>
<td>1</td>
<td>Nil</td>
</tr>
</tbody>
</table>

In addition, one meeting of the Federal Executive Council during 2005-2006 was presided over by a Deputy of the Governor-General (on that occasion, the Governor of New South Wales).

(2) I am advised that meetings of the Federal Executive Council were attended as follows:

<table>
<thead>
<tr>
<th></th>
<th>(a)</th>
<th>(b)</th>
</tr>
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<tbody>
<tr>
<td>(i)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>(ii)</td>
<td>1</td>
<td>Nil</td>
</tr>
<tr>
<td>(iii)</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>(iv)</td>
<td>1 (presiding)</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Federal Executive Council Meetings
(Question No. 3502)

Mr Melham asked the Prime Minister, in writing, on 11 May 2006:

(1) For (a) 2004-2005 and (b) 2005-2006, how many meetings of the Federal Executive Council were held at: (i) Government House in Canberra; (ii) Admiralty House in Sydney; and (iii) any other location.

(2) In respect of Federal Executive Council meetings held at locations other than Government House or Admiralty House, at what specific locations and on what dates were those meetings held.

Mr Howard—The answer to the honourable member’s question is as follows:

(1) I am advised that meetings of the Federal Executive Council were held as follows:
(a) (i) 26
   (ii) 1
   (iii) 1
(b) (i) 25
   (ii) 3
   (iii) 1

(2) I am advised that the following meetings of the Federal Executive Council were held at locations other than Government House or Admiralty House:
   23 June 2005 - Parliament House, Canberra
   28 June 2006 - Government House, Sydney

Commonwealth: Dormant Commissions
(Question No. 3503)

Mr Melham asked the Prime Minister, in writing, on 11 May 2006:
Further to the answer to question No. 139 (Hansard, 16 February 2005, page 246), have any new Dormant Commissions to Administer the Commonwealth been issued by Her Majesty The Queen to any State Governors since May 2003; if so, when were the Commissions issued and to whom.

Mr Howard—The answer to the honourable member’s question is as follows:
I am advised that since May 2003 the following Commissions to Administer the Government of the Commonwealth have been signed by Her Majesty The Queen:
On 20 April 2005, to:
   Her Excellency Quentin Bryce, AC; and
   His Excellency the Honourable William John Ellis Cox, AC.
On 21 July 2006, to:
   His Excellency Professor David de Kretser, AC; and
   His Excellency Dr Kenneth Comninos Michael, AC.

Administrators of the Commonwealth
(Question No. 3504)

Mr Melham asked the Prime Minister, in writing, on 11 May 2006:
Since April 2005, which State Governors have served as Administrator of the Commonwealth and on what dates did they serve in this role.

Mr Howard—The answer to the honourable member’s question is as follows:
I am advised the following State Governors have served as Administrators of the Government of the Commonwealth since April 2005:
Mr John Landy, AC, MBE
   6-12 April 2005;
   5-12 May 2005;
   12-22 October 2005; and
   19-27 December 2005;
His Excellency Lieutenant General John Sanderson, AC
   3-6 August 2005; and
Retirement Visas
(Question No. 3530)

Mr Martin Ferguson asked the Minister representing the Minister for Immigration and Multicultural Affairs, in writing, on 22 May 2006:

Further to the answer to question No. 2686 (Hansard, 10 May 2006, page 128) concerning Retirement Visa (Subclass 410 – Temporary), when does he intend to consider issues relating to aged parent and retiree visas and what are the nationalities of the 5,020 Retirement Visa (Subclass 410 – Temporary) holders.

Mr Ruddock—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable member’s question:

As I indicated in my response to Question No. 2686, (Hansard, 10 May 2006, page 128) I am willing to consider issues relating to aged parents and retiree visas at a later date. The Retirement Visa (Subclass 410 – Temporary) is made up of 49 nationalities. These are provided at Attachment A.

Attachment A
Nationalities represented in the Retirement Visa (Subclass 410 – Temporary)
Austria
Belgium
Bermuda
Brazil
Canada
China, Peoples Republic of
Costa Rica
Denmark
Fiji
Finland
France
Germany, Federal Republic of
Greece
Hong Kong (SAR of China)
India
Indonesia
Iran
Iraq
Ireland
Italy
Japan
Kenya
Korea, Republic of
Lithuania
Luxembourg
Malaysia
Mauritius
Netherlands
New Caledonia
Norway
Pakistan
Philippines
Poland
Portugal
Russian Federation
Singapore
South Africa, Republic of
Spain
Sri Lanka
St Kitts-Nevis
Sweden
Switzerland
Taiwan
Thailand
Turkey
United Kingdom
United States of America
Vietnam
Zimbabwe

Indonesia

(Question No. 3550)

Mr Melham asked the Prime Minister, in writing, on 22 May 2005:

(1) What exchanges have taken place between his department and the Indonesian Government concerning proposed cooperation in the reform of Indonesian Cabinet and policy coordination processes.

(2) What outcomes have been achieved from and exchanges and cooperation.

Mr Howard—The answer to the honourable member’s question is as follows:

(1) My Department has participated in the following five exchanges to date with the Indonesian public service, funded through the Government Partnership Fund, as part of the Australian-Indonesian Partnership for Reconstruction and Development (AIRPD):

Indonesia

(Question No. 3550)

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Indonesia

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(2) What outcomes have been achieved from and exchanges and cooperation.

Mr Howard—The answer to the honourable member’s question is as follows:

(1) My Department has participated in the following five exchanges to date with the Indonesian public service, funded through the Government Partnership Fund, as part of the Australian-Indonesian Partnership for Reconstruction and Development (AIRPD):
(a) in September 2005 one official from the Department of the Prime Minister and Cabinet (PM&C) participated in a High Level Public Sector Scoping Mission to Jakarta led by the Australian Public Service Commissioner;

(b) in December 2005 a PM&C representative attended a workshop in Jakarta on the scope for improving strategic policy making in Indonesia organised by the United Nations Support Facility for Indonesian Recovery (UNSFIR);

(c) in January 2006 PM&C hosted a scoping mission to Canberra of eight senior officials from the Indonesian State Secretariat (Sekretariat Negara or ‘SetNeg’), the Indonesian Cabinet Secretariat (Sekretariat Kabinet or ‘SetKab’) and the Office of the President of Indonesia who sought to gain a broad overview of Australian Cabinet and policy coordination processes;

(d) at the end of July extending to early August 2006 PM&C hosted a visit to Canberra and Sydney by officials from Setneg for detailed briefings on relevant aspects of Australian Government systems and processes and to identify specific areas in which future exchanges might be of value; and

(e) At the end of August extending to early September 2006, PM&C hosted a visit to Canberra and Sydney by officials from Setkab with similar programme and objectives to those set out in paragraph 1(d) above.

(2) These exchanges were targeted at improving public-service level cooperation between governments and initiating development assistance in areas identified by the Indonesian Government as priorities, such as managing cabinet and budget processes and intra-government coordination. The visits have identified areas in which the Government of Indonesia is likely to be interested in longer term exchanges and PM&C is working with Setneg and Setkab to identify the scope for specific further exchange activities in areas of mutual interest.

Citizenship

(Question No. 3603)

Mr Murphy asked the Minister representing the Minister for Immigration and Multicultural Affairs, in writing, on 1 June 2006:

(1) Can the Minister confirm that New Zealand citizens must now apply for, and be granted, permanent residence in Australia in order to obtain Australian citizenship.

(2) Can the Minister confirm that New Zealand citizens who have been long-term residents and taxpayers in Australia, and who have previously been entitled to Australian citizenship, must now apply for permanent residency; if not, what criteria must be met by New Zealand citizens resident in Australia prior to 26 February 2001 to retain their eligibility for Australian citizenship.

(3) Will the Minister advise whether changes to the eligibility criteria for New Zealand citizens previously entitled to Australian citizenship were widely advertised in the media; if so, what are the details of the advertisements; if not why not.

(4) Is the Minister aware of a statement contained in the Department of Immigration, Multicultural and Indigenous Affairs’ Annual Report for the period 2000-2001 to the effect that changes in access to Australian citizenship for New Zealand citizens were introduced from 26 February 2001, and that these changes have operated smoothly; if not, why not.

(5) How does the Minister reconcile the statement referred to in part (4) with claims made by New Zealand citizens, who are long-term residents and taxpayers, to the effect that they were not made aware of the legislative changes that amended their citizenship eligibility.

(6) Will the government restore to New Zealand citizens referred to in part (5) entitlement to Australian citizenship; if so, when; in not, why not.
Mr Ruddock—The Minister for Immigration and Multicultural Affairs has provided the following answers to the honourable member’s question:

(1) Prior to 26 February 2001 New Zealand citizens entering Australia under the Trans Tasman Travel Arrangements held temporary visas but were, for the purposes of the Australian Citizenship Act 1948 (the Act), treated as permanent residents under the auspices of an Instrument issued under the Act.

In support of the new bilateral social security arrangements between Australia and New Zealand, a new Instrument was issued under the Act with the effect that New Zealand citizens entering Australia under those new arrangements are not treated as permanent residents for citizenship purposes. New Zealand citizens continue to be regarded as permanent residents for the purposes of the Act if they:

(a) were present in Australia on 26 February 2001; or
(b) had been in Australia for at least 12 months in the two years immediately before 26 February 2001 and returned to Australia after that day; or
(c) were residing in Australia on 26 February 2001 but were temporarily absent; or
(d) commenced or recommenced residing in Australia by 26 May 2001.

Applications could be made to Centrelink to obtain a certificate stating that either (c) or (d) was applicable. The certificates for those New Zealand citizens in category (c) were issued until 26 February 2002 if the person was not a recipient of a Centrelink payment. If the person was a recipient of a Centrelink payment, the person was required to return to Australia by 26 August 2001. For those New Zealand citizens in category (d) certificates were issued until 26 February 2004.

If New Zealand citizens do not come within the above categories they are not regarded as permanent residents for the purposes of the Act and must hold a permanent visa issued under the Migration Act 1958 to be eligible for Australian citizenship.

(2) New Zealand citizens who had been long-term residents and taxpayers in Australia had no “entitlement” to Australian citizenship. However, as indicated in response to (1) above, they were treated as permanent residents for the purposes of the Australian Citizenship Act 1948 (the Act). As such they were able to apply for Australian citizenship and were subject to the same requirements as people who had migrated to Australia. The ability to apply does not equate to an entitlement to citizenship.

As also indicated in response to (1) above, many New Zealand citizens in Australia are still treated as permanent residents for the purposes of the Australian Citizenship Act 1948. If they apply for Australian citizenship they are subject to the same requirements as people who have migrated to Australia. Between 1 July 2000 and 30 June 2005 a total of 64 750 New Zealand citizens became Australian citizens.

(3) The new bilateral social security arrangements and the citizenship arrangements were announced by the Prime Ministers of Australia and New Zealand and publicised widely. Press Releases issued by both Prime Ministers included changes to citizenship arrangements for New Zealand citizens. Detailed information packs about the changes were produced by both Governments. Information could also be accessed by calling a toll free telephone helpline, both in Australia or New Zealand, or visiting www.nz-oz.gov.au. Information for New Zealand citizens has also been available since 2001 on the Department of Immigration and Multicultural Affairs’ citizenship website www.citizenship.gov.au.

The Department of Immigration and Multicultural Affairs and the then Department of Family and Community Services placed advertisements in all major daily newspapers at the time the changes were announced and again in the lead up to the closing date for the issue of certificates.
(4) Yes.

(5) The 26 February 2001 changes did not affect the status of New Zealanders who:
   (a) were present in Australia on 26 February 2001; or
   (b) had been in Australia for at least 12 months in the two years immediately before 26 February 2001 and returned to Australia after that day; or
   (c) were residing in Australia on 26 February 2001 but were temporarily absent; or
   (d) commenced or recommenced residing in Australia by 26 May 2001.

As indicated at (3) above, the changes were widely publicised. However it has become evident that there are a very small number of New Zealanders who were likely to be eligible for, but did not obtain a certificate from Centrelink.

(6) As indicated in response to (2) above, New Zealand citizens had no entitlement to Australian citizenship, but prior to 26 February 2001 were regarded as permanent residents for the purposes of the Australian Citizenship Act 1948. New Zealand citizens who did not obtain a certificate from Centrelink prior to 26 February 2004 must obtain an Australian permanent residence visa if they wish to be eligible for Australian citizenship.

Visas

(Question No. 3604)

Mr Murphy asked the Minister representing the Minister for Immigration and Multicultural Affairs, in writing, on 1 June 2006:

(1) Can the Minister confirm that Special Category Visas are primarily issued to New Zealand citizens.

(2) Can the Minister advise whether long-term Australian residents who were Special Category Visa holders prior to 26 February 2001 are considered to be ‘Australian residents’ under the Social Security Act 1991 and for the purposes of Australian citizenship.

(3) Is the Minister aware of Special Category Visa holders who were long-term Australian residents and taxpayers prior to 26 February 2001, but who, being temporarily absent from Australia on that date, lost the benefits of Australian resident status, including eligibility for Australian citizenship.

(4) Is it the case that ‘non-protected’ Special Category Visa holders, who were long-term residents and taxpayers in Australia, but who were temporarily absent from Australia on 26 February 2001, who are unable to obtain permanent residency, have no other recourse to obtaining Australian citizenship; if not, why not.

(5) Can the Minister name any other class of ‘Australian resident’ under section 7 of the Social Security Act 1991 that has lost the benefits of that status, including Australian citizenship, upon return from a temporary absence from Australia.

(6) Can the Minister confirm that Australia is a signatory to The International Convention on the Elimination of All Forms of Racial Discrimination 1966.

(7) Has the Minister read ‘General Recommendation 30’ from the United Nations Committee on the Elimination of All Forms of Racial Discrimination which states, inter alia, that differential treatment based on citizenship or immigration status will constitute discrimination if the criteria for such differentiation are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim.

(8) Did the Minister say on 26 February 2001 that new arrangements relating to New Zealand citizens, including citizenship eligibility, had been introduced with the express purpose of implementing a new social security agreement between Australia and New Zealand.
(9) Can the Minister confirm that changes to Australian citizenship eligibility for New Zealand Special Category Visa holders who were long-term residents and taxpayers in Australia, but who were temporarily absent from Australia on 26 February 2001, were reasonably necessary to implement the bilateral social security agreement with New Zealand; if so, for what reason; if not, why not.

(10) Can the Minister confirm that signatories to The International Convention on the Elimination of All Forms of Racial Discrimination 1966 are obliged to report to the UN on legislation on non-citizens and its implementation; if not, why not.

(11) Did the Combined Thirteenth and Fourteenth Periodic Report of the Government of Australia under Article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination 1966, which was presented in 2005 and covered the reporting period 1998 to 2002, report on legislative changes made to Australian citizenship criteria in 2001, and which affect New Zealand citizens; if not, why not; if so, what are the details provided in the report.

(12) Can the Minister assure the House that the legislative changes referred to in part (8) do not breach the Convention on the Elimination of All Forms of Racial Discrimination 1966; if so, how; if not, why not.

Mr Ruddock—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable member’s question:

(1) Special Category Visas (SCVs) are only granted to New Zealand citizens.

(2) New Zealand citizens who were in Australia on 26 February 2001 and held a Special Category Visa (SCV) are classified as ‘eligible New Zealand citizens’ not ‘permanent residents’. An ‘eligible New Zealand citizen’ is able to apply for Australian citizenship, sponsor relatives for Australian permanent residence and access certain Social Security payments. The definition of ‘eligible New Zealand citizen’ came into effect on 27 February 2001 (further revised on 1 July 2001).

(3) Not all New Zealand citizens who were absent from Australia on 26 February 2001 were affected by the changes announced by the Australian Government. New Zealand citizens who were outside Australia on 26 February 2001, but were in Australia and held a Special Category Visa for at least 1 year in the 2 years prior to that date; or had been issued with a Centrelink certificate prior to 26 February 2004 stating they were residing in Australia on a particular date were not affected. These Special Category Visa holders were, and still are, able to apply for Australian citizenship, sponsor relatives for Australian permanent residence and access certain Social Security payments. These transitional arrangements were intended such that New Zealand citizens who were temporarily outside of Australia were not disadvantaged and retained the benefits of the pre-February 2001 arrangements.

The overall outcome of the changes announced by the Australian Government on 26 February 2001 was that most New Zealand citizens arriving in Australia after 27 February 2001 are required to obtain an Australian permanent residence visa if they wish to access certain social security payments, be eligible for Australian citizenship or sponsor people for Australian permanent residence. New Zealand citizens are still permitted to travel to, live and work indefinitely in Australia under terms of the Trans-Tasman Travel Arrangements while the holders of Special Category visas.

(4) “Non-Protected” Special Category visa holders is not a term used under the Migration Act 1948 or Migration Regulations. New Zealand citizens who met the transitional provisions and therefore were not affected by the changes introduced on 26 February 2001 are classified as “Eligible New Zealand citizens”. As detailed in (3) above, transitional arrangements were put in place so people who had been recent long-term residents but were temporarily outside Australia on 26 February 2001 would not be disadvantaged.

(5) Australian permanent residents who depart Australia and wish to return, are required to obtain a Resident Return Visa (RRV). To be granted an RRV, the applicant must be:
• a permanent resident holding a valid permanent visa (if they are in Australia),
• a former permanent resident whose last permanent visa was not cancelled, or
• a former Australian citizen who has lost or renounced their Australian citizenship.

In addition to the above, to be eligible for the grant of a five year RRV, the applicant must:
• have been lawfully present in Australia for a total of at least two years in the five years immediately before lodging the application for the visa, or
• have substantial and beneficial business, cultural, employment or personal ties to Australia and compelling reasons for having been absent from Australia for more than five years, or
• be a member of the family unit of a person who holds a valid RRV or who has applied for and met the criteria for an RRV.

Persons who do not meet the above criteria, but are required to leave Australia for compassionate and compelling reasons, may be eligible for a three month RRV.

Former permanent residents, who are unable to meet the criteria for an RRV, and wish to return and live in Australia are required to apply for and be granted, a migrant visa.

(6) Yes.
(8) A media release from the Minister of Immigration and Multicultural Affairs dated 26 February 2001 stated in part:
“The new arrangements have been introduced with the express purpose of implementing the new social security agreement and apply to all New Zealand citizens, regardless of place of birth. It provides a more equitable base for the free flow of people between each country.”
(9) Yes. The new Instrument issued under the Act, which gave effect to the requirement that New Zealand citizens entering Australia under those new arrangements are not treated as permanent residents for citizenship purposes, was required to support the new bilateral social security arrangements.
(10) Yes.
(11) The Combined Thirteenth and Fourteenth Periodic Report of the Government of Australia under Article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination 1966, was presented to the Committee on 25 November 2003 and covered the reporting period 1998 to 2002. It was also tabled in Parliament on the same day. The report referred to some changes to the citizenship legislation but did not specifically refer to the changes affecting New Zealand citizens as these changes were not considered to come within the ambit of the Convention (as per the answer to question 12).
(12) The Office of International Law in the Attorney-General’s Department has advised that the legislative changes which were introduced in 2001 to implement a social security agreement between New Zealand and Australia do not breach the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Further, the changes do not constitute racial discrimination for the purposes of CERD.

Article 1(1) of CERD provides that:
‘the term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life’.
The changes do not constitute racial discrimination against New Zealanders, because there is now no distinction applied in relation to social security access between New Zealanders and other nationalities that arrive in Australia as migrants. Previously New Zealanders received preferential treatment, and any withdrawing of that treatment is not discrimination, but merely places New Zealanders on an equal footing with people of other nationalities.

**Building and Construction Industry Contractors**

*(Question No. 3614)*

Mr Fitzgibbon asked the Minister for Revenue and Assistant Treasurer, in writing, on 13 June 2006:

1. Was the Building and Construction Industry Forum (BCIF) informed in 2005 that, in order to clamp down on abuse of the contractor system, Australian Business Numbers (ABNs) would not be issued to apprentices or unskilled labourers.

2. At its meeting of 30 May 2006, at the Mercure Hotel, Sydney Airport, was the BCIF told that the policy referred to in part (1) had not been, and would not be, implemented.

3. In respect of the policy referred to in part (1),
   a. why did the Australian Taxation Office (ATO) not implement it when industry participants were promised that it would be implemented,
   b. who in the ATO decided not to proceed with implementation,
   c. why was the decision to proceed with implementation changed,
   d. what role did he, or his office, play in the decision not to proceed with implementation,
   e. why were the members of the BCIF not consulted on the decision not to proceed with implementation,
   f. why were the members of the BCIF not advised in writing of the decision not to proceed with implementation,
   g. what is the expected cost of the decision not to proceed with implementation, and
   h. who calculated the cost of the decision not to proceed with implementation.

4. How can an apprentice qualify as a self-employed contractor.

5. How many apprentices currently claim to be working as self-employed contractors.

6. Will he supply a copy of the written advice under which the decision not to proceed with implementation of the policy referred to in part (1) was made.

Mr Dutton—The answer to the honourable member’s question is as follows:

1. No. The ATO has publicly explained its position that taxpayers working as apprentices are employees. Consequently, an apprentice cannot use an ABN to alter that arrangement. However as indicated to the BCIF, a taxpayer could be entitled to an ABN for a business activity not connected to his or her apprenticeship.

2. The BCIF was informed on 30 May 2006 that changes to the web-based ABN application process had not yet been introduced. The changes were not specifically relating to the issue of ABNs to apprentices.

3. (a) to (h) Industry participants were not promised implementation of a new policy. Please refer to responses to questions (1) and (2) above.

4. See response to Question 1.
(5) This will be determined on audit of a prior year’s income tax return.
(6) Not applicable.

**Ansett Australia: Employee Entitlements**
(Question No. 3617)

Mr Georganas asked the Minister for Transport and Regional Services, in writing, on 13 June 2006:

1. What sum has been collected under the Ansett Levy.
2. Of the sum referred to in part (1), (a) what sum has been paid to former Ansett employees as payment of, or compensation for, lost or suspended entitlements; (b) what sum is yet to be paid to former Ansett employees as payment of, or compensation for, lost or suspended entitlements, and (c) what percentage of the sum has been paid to former Ansett employees.
3. Of the sum of lost or suspended entitlements owing to former Ansett employees, what percentage has been paid.

Mr Truss—The answer to the honourable member’s question is as follows:

1. $286,391,000. The levy commenced on 1 October 2001 and ceased on 30 June 2003.
2. Refer to the attached press release from the Minister for Employment and Workplace Relations, the Hon Kevin Andrews MP.
3. Refer to the attached press release from the Minister for Employment and Workplace Relations, the Hon Kevin Andrews MP.

The Hon Kevin Andrews MP Minister for Employment and Workplace Relations
Minister Assisting the Prime Minister for the Public Service

MEDIA RELEASE
Friday 1 September 2006
KA222/06

GOVERNMENT WELCOMES FURTHER PAYMENT TO FORMER ANSETT EMPLOYEES

The Australian Government welcomes the announcement by the Ansett Administrators, KordaMentha, of a further dividend payment to former Ansett employees.

With this dividend, former Ansett employees will have received a total of $650.5 million in entitlement payments, of which $382.9 million was advanced by the Australian Government under its Special Employee Entitlements Scheme for Ansett group employees (SEESA).

Under SEESA, all terminated Ansett employees have received 100% of their outstanding wages, annual leave, long service leave, pay in lieu of notice and up to eight weeks redundancy pay.

Despite recent reports in the press to the contrary, the Government has not ‘profited’ from the Ansett collapse.

If the Government had not stepped in to assist the ex-Ansett employees from the outset, they would have received no money until December 2003 when the Administrators made their first distribution.

The Ansett ticket levy was set up to meet the costs of payments and not pay the entitlements directly as has been claimed. Any surplus from the ticket levy will be used for the benefit of aviation and the tourism sector, including a commitment to improve security for regional airports. The amount of surplus is yet to be determined but is nowhere near the $200 million that has been reported.

Any distribution by the Administrators reflects the legal obligation of the Administrator to distribute funds in accordance with s556 of the Corporations Act. The Government will not be fully repaid by the

QUESTIONS IN WRITING
Ansett Administrators, unless all former employees are also paid any outstanding redundancy entitlements over and above SEESA.

Parliamentarians’ Entitlements
(Question No. 3618)

Mr Georganas asked the Minister for Employment and Workplace Relations, in writing, on 13 June 2006:
Has he reviewed (a) the Remuneration Tribunal Act 1973, (b) the Ministers of State Act 1952, (c) the Parliamentary Entitlements Act 1990, (d) the Remuneration and Allowances Act 1990, (e) the Members of Parliament (Life Gold Pass) Act 2002, (f) the Parliamentary Superannuation Act 2004, and (g) any other relevant Act, to assess compliance with the Workplace Relations Amendment (Work Choices) Act 2005; if not, will he cause such a review to occur; and, if not, can he explain why politicians are not subject to the same law and rules as the majority of Australian employees.

Mr Andrews—The answer to the honourable member’s question is as follows:
No.
The power to pay parliamentarians is derived from s48 of the Constitution and administered through a number of other acts. These include the Remuneration Tribunal Act 1973 and the Remuneration and Allowance Act 1990 which are administered by the Minister for Employment and Workplace Relations. These acts are longstanding and have served to administer a number of aspects of the remuneration of parliamentarians.

In relation to the other acts detailed in the question, they are administered by the Minister for Finance and Administration.

Child Care
(Question No. 3681)

Ms Plibersek asked the Minister Assisting the Minister for Defence, in writing, on 19 June 2006:
(1) Do any agencies in the Minister’s portfolio offer childcare to employees; if so, which agencies.
(2) In respect of agencies that offer childcare, (a) is the childcare (i) long day care, (ii) outside school hours care, or (iii) another type of care, (b) is the childcare facility located at the agency’s premises; if so, (i) what is the maximum capacity of the childcare facility, (ii) is enrolment at the facility available to children whose parents are not employees of the agency, and (iii) do the children of agency employees receive preferential enrolment over the children of non-employees; if so, what are the provisions of the preference rule; and (c) will the Minister provide a copy of the information sheet given to employees seeking employer assistance with childcare.
(3) Are employees given the option of salary-sacrificing childcare offered by the agency.
(4) How many employees within each of the Minister’s portfolio agencies have made salary-sacrifice arrangements with the employing agency for childcare expenses.
(5) In respect of the employees identified in the response to part (4), how many use on-site childcare.
(6) Do any of the Minister’s portfolio agencies have salary-sacrifice agreements relating to childcare with employees who do not use the on-site childcare centre; if so, how many agreements of this type are there.
(7) Will the Minister provide a copy of the childcare benefits provisions from the Certified Agreements of each of the Minister’s portfolio agencies.
(8) What financial assistance for childcare, other than salary-sacrificed fees, is available to employees (including those on AWAs) of each of the Minister’s portfolio agencies.
(9) Have any agencies in the Minister’s portfolio sought private or public rulings from the Australian Taxation Office relating to child care and fringe benefits tax; if so, when.

(10) Do any of the Minister’s portfolio agencies have arrangements with other Government agencies to provide child care to employees, such as sharing child care facility costs at a site within, or external to, one of the agencies.

Mr Billson—The answer to the honourable member’s question is as follows:

(1) Yes. Defence facilitates access to child care for Australian Defence Force (ADF) members and Defence Australian Public Service (APS) employees through the Defence Child Care Program.

(2) (a) (i), (ii) and (iii) The Defence Child Care Program offers access to long day care, family day care, and outside school hours care. Under separate programs, Defence Force families may also have access to respite care for families with recognised special needs, occasional care or, in some cases, to emergency support when the Defence Force member is serving away from home, which may include child care if required. Some Defence Groups also operate holiday programs for the children of APS employees.

(b) (i) The Defence Child Care Program includes 41 long day care centres, including 14 centres on or adjacent to military bases, and three sites that are yet to commence operation. Defence Force members and APS employees may also apply to utilise three other Commonwealth sponsored centres in the Australian Capital Territory. All centres are considered to be located at Defence or Commonwealth Government business premises. Defence’s 38 operational centres currently provide a total of 2,633 long day care places.

(ii) and (iii) Non-Defence families may use Defence centres where spare capacity exists. Preference is given to Defence Force and Defence APS families under discrete priority of access guidelines, which cater for the mobile Defence lifestyle. When a community-based family enrols in a Defence child care centre, they are made aware of the priority of access guidelines that operate in that centre and are alerted that they may be given notice to vacate their place for use by a Defence family.

(c) Child care related information for members and employees, including the locations and capacity of each centre and a copy of the Defence priority of access guidelines, are available on the Defence Community Organisation website at:

www.defence.gov.au/dco

(3) Yes. The option to salary sacrifice is available in the 19 Defence child care centres, which constituted the Defence Child Care Program as at 30 June 2005 and at the three ACT centres indicated in part (2)(b)(i). It is not available at the additional Defence Corporate Centres brought into the Program since that time.

(4) and (5) As at 30 June 2006, 342 ADF members and 82 APS employees were salary sacrificing for child care expenses, all of whom were using one of the 19 centres or the three ACT centres mentioned in part (3).

(6) No.

(7) Yes. The published 2006-2009 Defence Collective Agreement, which covers APS employees, is available on the Defence website at:


(8) Defence Force families may have access to financial assistance for child care related to respite care for families with recognised special needs, occasional care or, in some cases, to emergency support in the absence of the Defence Force member. The Family Support Funding Program also provides financial assistance to community group committees for child care during formal committee meetings. For APS employees, occasional care and holiday programs are available at some sites.
(9) Defence submitted an application for a private ruling for salary sacrifice to apply to the new Defence Corporate Centres coming within the Defence Child Care Program since 1 July 2005. This application was made to the Australian Taxation Office on 3 February 2006.

(10) Yes.

Child Care
(Question No. 3687)

Ms Plibersek asked the Minister for Education, Science and Training, in writing, on 19 June 2006:

1. Do any agencies in the Minister’s portfolio offer childcare to employees; if so, which agencies.

2. In respect of agencies that offer childcare, (a) is the childcare (i) long day care, (ii) outside school hours care, or (iii) another type of care, (b) is the childcare facility located at the agency’s premises; if so, (i) what is the maximum capacity of the childcare facility, (ii) is enrolment at the facility available to children whose parents are not employees of the agency, and (iii) do the children of agency employees receive preferential enrolment over the children of non-employees; if so, what are the provisions of the preference rule; and (c) will the Minister provide a copy of the information sheet given to employees seeking employer assistance with childcare.

3. Are employees given the option of salary-sacrificing childcare offered by the agency.

4. How many employees within each of the Minister’s portfolio agencies have made salary-sacrifice arrangements with the employing agency for childcare expenses.

5. In respect of the employees identified in the response to part (5), how many use on site-childcare.

6. Do any of the Minister’s portfolio agencies have salary-sacrifice agreements relating to childcare with employees who do not use the on-site childcare centre; if so, how many agreements of this type are there.

7. Will the Minister provide a copy of the childcare benefits provisions from the Certified Agreements of each of the Minister’s portfolio agencies.

8. What financial assistance for childcare, other than salary-sacrificed fees, is available to employees (including those on AWAs) of each of the Minister’s portfolio agencies.

9. Have any agencies in the Minister’s portfolio sought private or public rulings from the Australian Taxation Office relating to childcare and fringe benefits tax; if so, when.

10. Do any of the Minister’s portfolio agencies have arrangements with other Government agencies to provide childcare to employees, such as sharing childcare facility costs at a site within, or external to, one of the agencies.

Ms Julie Bishop—The answer to the honourable member’s question is as follows:

1. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) owns three child care centres and is a partner in a fourth.

2. (a) Both long day care and sessional care.

   (b) Yes or adjacent to CSIRO premises.

      (i) Black Mountain: 44
          Clayton: 50
          North Ryde: 40
          Waite (University of Adelaide): 62

      (ii) Yes.

      (iii) Yes.
Priority order for CSIROCARE Black Mountain, Clayton and North Ryde is:
(1) children of staff;
(2) children of associate workers;
(3) children of other parents.
A waiting list operates within groups.
(c) New employees are advised of the availability of these facilities as part of the CSIRO induction procedures.
(3) Yes.
(4) 109 employees currently utilise salary-sacrifice arrangements in relation to the three CSIRO operated childcare facilities.
(5) All.
(6) No.
(7) Clause 70, CSIRO Enterprise Agreement 2005–2008 states:

70. CHILDCARE
CSIRO recognises that many staff have family responsibilities which impinge on their capacity to participate effectively in the work force. CSIRO has facilitated the provision of on-site child care facilities, at several major sites, as a key strategy to attract and retain staff. CSIRO will assess the demand for additional child care facilities by undertaking the following:
(a) All new CSIRO building projects or significant additions to current facilities will include an assessment of demand for and feasibility of providing childcare for staff with young children.
(b) CSIRO Corporate will assess the staff demand for childcare and raise awareness of policies and procedures for establishing on-site childcare facilities, during the life of this Agreement.
(8) No other specific assistance.
(9) No.
(10) Yes.

Leadership Coaching
(Question No. 3690)

Mr Bowen asked the Prime Minister, in writing, on 19 June 2006:

(1) How many senior officials in the Minister’s Department have a personal leadership coach or trainer.
(2) In each of the cases identified in part (1), what is the cost per hour of the leadership coach.
(3) What sum has been expended on leadership coaching in the Minister’s Department during the 2005-06 financial year.

Mr Howard—I am advised by my department that the answer to the honourable member’s question is as follows:
(1) Eight senior officials in the department used the services of a personal coach during the 2005-06 financial year. The department’s records do not identify whether the coaching specifically related to leadership.
(2) Hourly rates for the personal coaches were $233 (in three cases), $250 (in three cases), $412 and $533 (exclusive of GST).
(3) Expenditure on this personal coaching during the 2005-06 financial year was $7421.37 (exclusive of GST).
Leadership Coaching
(Question No. 3702)

Mr Bowen asked the Minister for Employment and Workplace Relations, in writing, on 19 June 2006:

(1) How many senior officials in the Minister’s Department have a personal leadership coach or trainer.

(2) In each of the cases identified in part (1), what is the cost per hour of the leadership coach.

(3) What sum has been expended on leadership coaching in the Minister’s Department during the 2005-06 financial year.

Mr Andrews—The answer to the honourable member’s question is as follows:

(1) One. A newly appointed SES officer has had two personal coaching sessions.

(2) The cost per hour of this coaching was $240.

(3) For the 2005-06 financial year, the department spent $618 375 on DEWR-specific leadership development programmes. DEWR employees have also participated in a broad range of external leadership development programmes.

Leadership Coaching
(Question No. 3706)

Mr Bowen asked the Minister for Education, Science and Training, in writing, on 19 June 2006:

(1) How many senior officials in the Minister’s Department have a personal leadership coach or trainer.

(2) In each of the cases identified in part (1), what is the cost per hour of the leadership coach.

(3) What sum has been expended on leadership coaching in the Minister’s Department during the 2005-06 financial year.

Ms Julie Bishop—The answer to the honourable member’s question is as follows:

(1) Executive coaching is offered to all SES and Executive Level 2 employees. The total number of employees accessing executive coaching in 2005-06 was 69.

(2)

<table>
<thead>
<tr>
<th>Cost per hour</th>
<th>Number of employees accessing a coach at the rate</th>
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<tbody>
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</table>

(3) $120,306.15

Dianella Community Health Centre
(Question No. 3749)

Ms Vamvakinou asked the Minister for Health and Ageing, in writing, on 21 June 2006:

(1) In respect of the rejection of the Dianella Community Health Centre’s application for the Government’s Round the Clock (RTC) medical funding, will he identify (a) which criteria, if any, the Dianella Community Health Centre failed to meet, (b) the ranking given to the Dianella Commu-
nity Health Centre by the funding application assessment panel, (c) the fifty successful applicants for the RTC medical funding, and (d) the names and qualifications of the individuals comprising the assessment panel.

(2) Is he aware that (a) rejection of the application for RTC funding has meant that the Dianella Community Health Service has had to significantly reduce its after-hours service, which had been running successfully for over 30 years, (b) the Dianella Community Health Centre needed only $150,000 to maintain the after-hours service, and that this is the exact sum offered under the RTC, (c) the $150,000 required by the Dianella Community Health Centre to restore its after-hours service has been necessitated by changes in Government policies, including bulk-billing priorities, and the shortage of doctors and concomitant increase in doctors’ salaries, (d) more than half of those who used the Dianella Community Health Centre’s after-hour bulk-billed service were Commonwealth Health Care Card holders, who can not afford private general practitioner (GP) services, (e) no other GP clinic in the region offers a similar after-hours bulk-billed service, and (f) 49% of the Dianella Community Health Centre’s patients have said that, without the after-hours service, their only option is to attend a hospital emergency department.

(3) Is he also aware (a) of the strong community campaign to restore the after-hours services at Dianella Community Health Centre and (b) that I have to date tabled 2,224 petitions on this issue.

**Mr Abbott**—The answer to the honourable member’s question is as follows:

(1) (a) Applications for supplementary grants for the 2005-06 round of the Round the Clock Medicare: Investing in After Hours GP Services (IAHGPS) Program were assessed by an assessment panel against the selection criteria in the application package. The selection criteria included:
- justified service delivery model;
- demonstrated community need;
- sound methodology for utilising the supplementary grant; and
- an appropriate and well-defined budget.

Dianella Community Health Service (DCHS) did not fail to reach the minimum benchmark set for funding eligibility against any of the criteria.

(b) For the 2005-06 round of the IAHGPS Program, funding was available for up to 50 supplementary grants of up to $50,000 a year (GST exclusive) for up to two years. The DCHS was not identified as a preferred applicant in the assessment process as they were not ranked within the top 50 applicants.

(c) The Government has announced 37 Supplementary grants to date.

<table>
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<tr>
<th>Ashgrove West, QLD</th>
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<th>Orsost, VIC</th>
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<tr>
<td>Spring Hill, QLD</td>
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</table>

QUESTIONS IN WRITING
(d) The assessment panel was comprised of officers of the Department of Health and Ageing. The assessment panel’s reports, which identified applicants suitable for funding under the 2005-06 round of the IAHGPS Program, were then submitted for approval to the appropriate delegate, namely the Assistant Secretary, Primary Care Programs Branch, Primary Care Division, Department of Health and Ageing.

(2) (a) (d), (e) and (f) All the information provided in DCHS’s application was considered by the assessment panel as part of the competitive assessment process.

(b) For the 2005-06 round of the IAHGPS Program, funding was available for up to 50 supplementary grants of up to $50,000 a year (GST exclusive) for up to two years.

(c) The Australian Government has increased support for services like DCHS through its Strengthening Medicare Package by:
- making GP services more affordable and accessible for patients through the Strengthening Medicare bulk billing incentives and the 100% Medicare rebate; and
- introducing new Medicare items for after-hours GP consultations on 1 January 2005 which are set at $10 higher than corresponding in-hours items.

(3) (a) Yes. (b) Yes.

**Superannuation**

(Question No. 3768)

Ms Bird asked the Minister for Revenue and Assistant Treasurer, in writing, on 22 June 2006:

(1) Is he aware that complaints to the Australian Taxation Office (ATO) by employees about the non-payment of superannuation by employers are taking at least 12 months to resolve; if so, can he explain the reasons for the delay; if not, why not.

(2) How many complaints about unpaid superannuation have been received by the ATO from employees residing in the electoral division of (a) Cunningham; (b) Throsby and (c) Gilmore for the period January 2000 to June 2006.

Mr Dutton—The answer to the honourable member’s question is as follows:

(1) Yes. Each year the ATO investigates approximately 13,000 complaints, either by phone or correspondence, from employees who believe their employer has not fulfilled their superannuation guarantee obligations. The ATO investigates all complaints.

The length of time a complaint takes to finalise may be shorter or longer depending on a range of factors including the number of employees, the number of periods that are being investigated, the quality of information that is given by the complainant and the responsiveness of the employer to our inquiries. Many complaints are made after the employee has left the employer and debt recovery action can also be difficult.

As part of the Federal Government’s 2006-07 Budget Measures, the ATO was funded an additional $19.2 million over four years to improve responsiveness to taxpayer inquiries. The aim of the measure is two-fold: to support greater disclosure to employees about the progress of investigations into their complaint and to reduce the backlog of inquiries and provide more timely completion of future investigations.

(2) (a) to (c) The Commissioner has advised me that he is unable to provide data on employee complaints about unpaid superannuation by electoral division.
Motor Neurone Disease
(Question No. 3774)

Mr Murphy asked the Minister for Health and Ageing, in writing, on 22 June 2006:

(1) Is he aware that Motor Neurone Disease, which results in the death of nerve cells controlling the muscles that enable movement, speech and breath, affects approximately 1,300 Australians; if not, why not.

(2) Can he confirm that in-home accommodation support for sufferers of Motor Neurone Disease currently receives Commonwealth-State/Territory Disability Agreement Funding.

(3) Is he aware that applicants for in-home accommodation support, including Motor Neurone Disease sufferers, must be under the age of 65 years at the time of making an application.

(4) Is he aware that the onset and diagnosis of Motor Neurone Disease typically occurs amongst older Australians, including those over the age of 65 years; if not, why not.

(5) Can he confirm that those who are diagnosed with Motor Neurone Disease after the age of 65 are ineligible to receive services and support for disability created needs.

(6) Will the Government provide additional funding to ensure all people living with Motor Neurone Disease are eligible for services that meet their specific needs, regardless of the patient’s age at diagnosis; if not, why not.

Mr Abbott—The answer to the honourable member’s question is as follows:

(1) Yes. Motor Neurone Disease is an uncommon degenerative disorder that occurs at similar rates in most countries of the world. The Australian Motor Neurone Disease Association of Australia estimates that there are presently about 1,400 people in Australia with Motor Neurone Disease.

(2) Sufferers of Motor Neurone Disease may be eligible for Commonwealth State Territory Disability Agreement (CSTDA) funded services.

(3) This is not the case.

To be eligible for CSTDA services the disability must have manifested before the age of 65.

However, there are various Commonwealth Government programs which offer in-home accommodation support to people over 65 suffering from chronic disease, such as Motor Neurone Disease, and their carers, such as the Home and Community Care Program (HACC) and Community Aged Packaged Care Programs.

HACC provides for services that assist frail elderly Australians, those with a disability and their carers to remain living independently. Whilst people with Motor Neurone Disease may be eligible to receive HACC services, eligibility is not solely assessed on having such an illness. Eligibility for HACC services is based on the frailty of the individual related to their disability, and the individual’s need for assistance due to their moderate, severe or profound disability.

Community Aged Packaged Care Programs are designed to meet the needs of frail older people, generally aged 70 years and older (or 50 years and older for Aboriginal and Torres Strait Islander peoples), who have a preference to remain living in the community, and are able to do so with the assistance of a package of care.

(4) Yes. The average age of onset of the disease is 50 years.

(5) This is not correct. As outlined above, there are various Commonwealth Government programs which offer services and support to people diagnosed with Motor Neurone Disease after the age of 65, and their carers.

(6) The Commonwealth Government already provides funding to ensure that all people with a disability, including those with Motor Neurone Disease receive services that meet their specific needs.
This is done through HACC and Community Aged Packaged Care Programs and by working with state and territory governments to meet the needs of people with disability, their families and carers. The Commonwealth State Territory Disability Agreement (CSTDA) provides the national framework for the provision of government support to services for people with disability.

The state and territory governments continue to be responsible for services for people with a disability. Over the five years of the current CSTDA, the Commonwealth Government will provide state and territory governments with more than $2.8 billion to assist them to meet their agreed responsibilities.

Medical Treatment Visas
(Question No. 3776)

Mr Rudd asked the Minister representing the Minister for Immigration and Multicultural Affairs, in writing, on 22 June 2006:


Mr Ruddock—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable member’s question:

The Department of Immigration and Multicultural Affairs (DIMA) does not record the ‘country of residence’ of Medical Treatment Visa applicants, and therefore is not able to provide these statistics. DIMA can however provide data on the breakdown of citizenship of Medical Treatment Visa applicants. Please refer to Parliamentary Question on Notice number 3775.

Medical Treatment Visas
(Question No. 3778)

Mr Rudd asked the Minister representing the Minister for Immigration and Multicultural Affairs, in writing, on 22 June 2006:

In respect of the department’s provision of Medical Treatment Visas, will the Minister provide the average period of time successful applicants spent receiving treatment while they were in Australia in (a) 1996, (b) 1997, (c) 1998, (d) 1999, (e) 2000, (f) 2001, (g) 2002, (h) 2003, (i) 2004, (j) 2005 and (k) 2006.

Mr Ruddock—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable member’s question:

The Department of Immigration and Multicultural Affairs does not record the time Medical Treatment visa holders spend receiving treatment while in Australia.

Medical Treatment Visas
(Question No. 3779)

Mr Rudd asked the Minister representing the Minister for Immigration and Multicultural Affairs, in writing, on 22 June 2006:

In respect of the department’s provision of Medical Treatment Visas, will the Minister provide the number of people who visited Australia on this visa who were accompanying people requiring treatment, but who did not themselves receive treatment in (a) 1996, (b) 1997, (c) 1998, (d) 1999, (e) 2000, (f) 2001, (g) 2002, (h) 2003, (i) 2004, (j) 2005 and (k) 2006.
Mr Ruddock—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable member’s question:

The number of visas granted to applicants who were accompanying people requiring treatment, but did not themselves require treatment, is provided at Appendix A.

APPENDIX A

Number of Medical Treatment Visas granted to applicants accompanying people requiring treatment, for the years 1996-2006 (inclusive).

Total Number of Dependent Applicants Granted Visa Subclass 675 and 685

Period: 1 July 1996 to 30 June 2006

Source: Reporting Assurance Section - Tr_visa (EOY 2006)

Reference No.: T8789

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Medical Treatment Visas
(Question No. 3780)

Mr Rudd asked the Minister representing the Minister for Immigration and Multicultural Affairs, in writing, on 22 June 2006:

(1) In respect of the department’s provision of Medical Treatment Visas, will the Minister outline which successful applicants had their medical costs paid for by the Australian Government in (a) 1996, (b) 1997, (c) 1998, (d) 1999, (e) 2000, (f) 2001, (g) 2002, (h) 2003, (i) 2004, (j) 2005 and (k) 2006.

(2) In respect of the medical costs referred to in part (1), will the Minister provide a breakdown for each year listed.

Mr Ruddock—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable member’s question:

(1)-(2) A requirement of Medical Treatment Visas is that the applicant, or agency acting for the applicant, pays the cost of the medical treatment. This agency can be a private individual, a charitable organisation or a foreign government. The Australian Government pays medical costs in cases where compensation is payable. The Department of Immigration and Multicultural Affairs does not record medical costs associated with these cases.

Medical Treatment Visas
(Question No. 3781)

Mr Rudd asked the Minister representing the Minister for Immigration and Multicultural Affairs, in writing, on 22 June 2006:

In respect of the department’s provision of Medical Treatment Visas, will the Minister provide the number of successful applicants who came to Australia to give birth in (a) 1996, (b) 1997, (c) 1998, (d) 1999, (e) 2000, (f) 2001, (g) 2002, (h) 2003, (i) 2004, (j) 2005 and (k) 2006.

Mr Ruddock—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable member’s question:
The Department of Immigration and Multicultural Affairs does not record how many applicants for Medical Treatment Visas come to Australia to give birth.

Medical Treatment Visas
(Question No. 3782)

Mr Rudd asked the Minister representing the Minister for Immigration and Multicultural Affairs, in writing, on 22 June 2006:
In respect of those who visited Australia under the Medical Treatment Visa program in order to give birth, will the Minister provide the average cost to the Australian Government for (a) 1996, (b) 1997, (c) 1998, (d) 1999, (e) 2000, (f) 2001, (g) 2002, (h) 2003, (i) 2004, (j) 2005 and (k) 2006.

Mr Ruddock—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable member’s question:
The Department of Immigration and Multicultural Affairs does not record how many applicants for Medical Treatment Visas come to Australia to give birth. A requirement of Medical Treatment Visas is that the applicant, or agency acting for the applicant, pays the cost of the medical treatment. This agency can be a private individual, a charitable organisation or a foreign government.

Natural Resource Management Programs
(Question No. 3797)

Mr Albanese asked the Minister representing the Minister for the Environment and Heritage, in writing, on 8 August 2006:
Will the Minister publish the (a) “objectives and principles to guide future NRM [Natural Resource Management] Programs” and (b) “climate change priorities and draft initial actions for 2006-08”, which were endorsed by the Natural Resource Management Ministerial Council at its tenth meeting, on 21 April 2006; if not, why not.

Mr Truss—The Minister for the Environment and Heritage has provided the following answer to the honourable member’s question:
(a) The Natural Resource Management Ministerial Council (‘the Council’) endorsed a set of Objectives and Principles to Guide Future NRM Programmes at its tenth meeting, on 21 April 2006. These objectives and principles provide guidance to Australian Government Ministers, and their State and Territory colleagues, in their consideration of possible future natural resource management arrangements. However, the objectives and principles do not represent the final view of any government on these arrangements.
A copy of the objectives and principles is attached.
(b) The climate change priorities and draft initial actions for 2006-08 were also endorsed by the Council in April 2006. These priorities and actions were reflected in the National Agriculture and Climate Change Action Plan 2006-2009, which was published in August 2006, and is available on the Internet at:
http://www.daff.gov.au/content/output.cfm?objectID=163EC4D8-6CD3-48F8-8954C0BAD154C28&contType=outputs.
A copy of the Action Plan has been provided to the honourable member and a copy is also available from the Table Office.
ATTACHMENT A

Objectives and Principles to Guide Future Natural Resource Management Programs

The current funding arrangements for the Natural Heritage Trust and the National Action Plan for Salinity and Water Quality will conclude in June 2008. As a part of our continuous improvement approach, the Australian and State and Territory governments are considering arrangements for any future natural resource management programs. To ensure we build on the strengths of the partnership model, a Working Group of officials from State, Territory and Australian Governments, and the Australian Local Government Association, have developed the following set of principles and objectives to guide the development of future NRM. These principles and objectives are designed to establish broadly indicative but useful guidelines rather than to establish prescriptive ‘rules’ for future NRM arrangements.

Principles

Future NRM arrangements should be based on:
(1) Maximising investment return, especially in relation to demonstrable, positive and strategic NRM outcomes;
(2) Recognising that it is more cost-effective to prevent damage than repair it;
(3) A program architecture that addresses strategic NRM concerns in an integrated manner and that is sufficiently flexible to accommodate regional variability; and
(4) Identifying, protecting and rehabilitating high value NRM assets; and
(5) Addressing areas of high and emerging demand for NRM action (such as climate change and urban and peri-urban issues); and
(6) The establishment of decision-making processes and structures that are informed by the best available scientific and socio-economic information and advice, and that provide for the timely review of this information and advice.

Objectives

(1) The establishment of cost-sharing arrangements that take account of the interests of, and benefits flowing to, all parties;
(2) Continued support for a regional investment element that effectively integrates regional, multi-regional, State and national NRM objectives;
(3) The establishment of mechanisms to address cross-regional issues, recognising that there are practical limits on the extent to which individual regions can contribute to extra-regional outcomes;
(4) Encouraging integrated landscape management, including through removal of barriers to investment in strategic NRM priorities;
(5) The development of arrangements that provide for the maximum practicable community engagement in NRM;
(6) The development of arrangements that encourage industry, including primary industry, to be involved in private investment in NRM in partnership with all levels of government;
(7) The development of arrangements to further engage and encourage participation of Indigenous communities in NRM programs;
(8) The development of arrangements that draw on the operational experience of current and previous NRM models.

QUESTIONS IN WRITING
Natural Heritage Ministerial Board
(Question No. 3798)

Mr Albanese asked the Minister representing the Minister for the Environment and Heritage, in writing, on 8 August 2006:

Has the Natural Heritage Ministerial Board (the Board) considered, and reached final decisions on, the recommendations in the following eight national evaluations of the Natural Heritage Trust and the National Action Plan for Salinity and Water Quality, which were commissioned by the Board in 2004 and 2005: (a) significant invasive species (weeds) outcomes of regional investment, (b) biodiversity outcomes of regional investment, (c) salinity outcomes of regional investment, (d) sustainable agriculture outcomes of regional investment, (e) current governance arrangements to support regional investment, (f) the effectiveness of bilateral agreements between the Commonwealth and State/Territory governments for the regional component of the extension of the Natural Heritage Trust, (g) the Australian Government Envirofund, and (h) the National Investment Stream of the Natural Heritage Trust; if so, will those decisions be made public; if not, when will the Board consider and make decisions on the recommendations, and make these decisions public.

Mr Truss—The Minister for the Environment and Heritage has provided the following answer to the honourable member’s question:

Yes, the Board has considered the recommendations of the evaluations. Final decisions will be made in the context of considering the design of any future programmes to follow the Natural Heritage Trust and the National Action Plan for Salinity and Water Quality. Where relevant, a number of evaluation findings have been implemented under the current programmes.

Commonwealth Property
(Question No. 3808)

Mr Tanner asked the Minister representing the Minister for Finance and Administration, in writing, on 8 August 2006:

(1) In (a) 2002-03, (b) 2003-04 and (c) 2004-05, what was the total expenditure by the Commonwealth on property and services procurement (hereafter procurement).

(2) In (a) 2002-03, (b) 2003-04 and (c) 2004-05, what was the total procurement expenditure by sector of the (i) primary, (ii) manufacturing and (iii) services industries.

(3) For each of the years referred to in part (1), what was the percentage of Commonwealth procurement expenditure on foreign-sourced products.

(4) For each of the years referred to in part (2), what was the percentage of procurement expenditure, by industry sector, on foreign-sourced products.

Mr Costello—The Minister for Finance and Administration has provided the following answer to the honourable member’s question:

The Australian Government does not compile data on total Commonwealth expenditure on property and services procurement but does have in place a centralised reporting system for departments and agencies to report the value of awarded procurement contracts.

Prior to 1 January 2005, all departments and agencies governed by the Financial Management and Accountability Act 1997 were required to report procurement contracts and standing offers with a value of $2,000 or more on the Government’s Gazette Publishing System. This requirement applied to all contracts except those exempt from notification by the Chief Executive of an agency under the Freedom of Information Act 1982.
Following the issue of new Commonwealth Procurement Guidelines (‘the CPGs’) taking effect from 1 January 2005, the reporting requirements were changed to cover contracts and standing offers with a value of $10,000 or more (in place of $2,000 or more). In addition, the reporting requirement was extended to cover certain contracts and standing offers of those agencies governed under the Commonwealth Authorities and Companies Act 1997 that are also required to apply the CPGs in respect of certain procurements as set out in the Finance Minister’s (CAC Act Procurement) Directions.

The Gazette Publishing System has now been incorporated into the Australian Government’s AusTender system.

The following table presents a summary of the value of contracts reported by departments and agencies for the years 2002-03, 2003-04 and 2004-05.

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<th>Services $m</th>
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<td>6,746.6</td>
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<td>Manufacturing</td>
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<td>6,088.8</td>
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Note:

1 Since 1999, the contract notifications database of AusTender has used product and service codes based on the Australian and New Zealand Standard Commodity Classifications (ANZSCC).

Further details on contract awards by departments and agencies is available from the Australian Government’s AusTender website at www.contracts.gov.au.

The Australian Government does not require Departments and agencies to report when products are foreign sourced. This recognises the complexity and substantial administrative burden that would ensue from attempting to collect such information. However, it is possible, through the www.contracts.gov.au website for an enquirer to identify relevant suppliers for individual reported contracts.

**United States Military**

(Question No. 3812)

Mr Georganas asked the Minister for Defence, in writing, on 8 August 2006:

Within Australia’s territorial borders, (a) in what military activities do US armed forces engage, (b) what activities are anticipated and (c) do any current or anticipated activities involve the use of depleted uranium; if so, (i) what are the activities, (ii) for what purpose is the depleted uranium used, (iii) how is it used and (iv) what are its effects.

Dr Nelson—The answer to the honourable member’s question is as follows:

(a) and (b) Training exercises, transit of aircraft and naval vessels, and replenishment of aircraft and naval vessels.

(c) No.

**Golden Sun Moth**

(Question No. 3825)

Mr Brendan O’Connor asked the Minister representing the Minister for the Environment and Heritage, in writing, on 8 August 2006:

(1) What responsibility does the Commonwealth have to (a) protect the Golden Sun Moth (synemon plana) and its natural environment and (b) control the spread of serrated tussock (Nasella Trichotoma).
(2) Is the Minister aware of claims that the presence of serrated tussock at the Broadcast Australia site in St Albans, Victoria, is directly threatening the continued existence of the Golden Sun Moth at that location.

(3) Will the Minister take steps to compel Broadcast Australia to remove all serrated tussock from this property in St Albans; if not, why not.

Mr Truss—The Minister for the Environment and Heritage has provided the following answer to the honourable member’s question:

(1) (a) The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) provides for the protection of matters of national environmental significance, including listed threatened species. The Golden Sun Moth (synemon plana) is listed as critically endangered under the EPBC Act. New proposals that are likely to have a significant impact on any matter of national environmental significance must be referred for consideration under the EPBC Act, and cannot proceed without approval.

As a nationally listed threatened species, the Golden Sun Moth is required to have a recovery plan in place under the EPBC Act. A recovery plan sets out the actions necessary to protect the species and reduce threats. While there is no national recovery plan currently in force for the Golden Sun Moth, a national plan is being prepared by the New South Wales Department of Environment and Conservation. I am advised that a draft of the plan is at an advanced stage of development.

(b) Serrated Tussock (Nasella trichotoma) is a Weed of National Significance in Australia. The responsibility for the management of Serrated Tussock ultimately rests with individual landowners and land managers, with state and territory governments having overall legislative and administrative responsibility. Weeds of National Significance such as Serrated Tussock, however, are considered of national importance and require national coordinated effort amongst all levels of government. For each of the Weeds of National Significance a national strategic plan has been developed that outlines strategies and actions required to control the weed, including identifying responsibilities for each action.

The Australian Government contributes half the funding for a Serrated Tussock management coordinator who, in conjunction with a National Serrated Tussock Management Group, oversees the implementation of the goals and actions of the Serrated Tussock Strategic Plan, including the coordination of priority actions.

The Australian Government has also funded the development of a Serrated Tussock Weed Management Guide to aid land managers in their efforts to control Serrated Tussock.

(2) My Department was contacted by Broadcast Australia on 20 December 2005. Broadcast Australia sought advice about their property management obligations having regard to the recent discovery of a significant population of the Golden Sun Moth on their St Albans site and the need to undertake urgent fuel reduction measures. The Department agreed with measures proposed by Broadcast Australia to reduce the potential fire hazard of the site whilst ensuring that there would not be a significant impact on the Golden Sun Moth. Broadcast Australia, as the responsible land manager for the site, has since completed, and is implementing, a vegetation management plan to ensure protection of the Golden Sun Moth on the site, including control of Serrated Tussock.

(3) See above.
Aged Care
(Question No. 3828)

Mr Gibbons asked the Minister representing the Minister for Ageing, in writing, on 8 August 2006:

(1) Why are Division 2 nurses currently being replaced by non-nursing staff at Mirridong in Bendigo and other residential care facilities when government analysis projects a shortfall of 2,500 Division 2 trained nurses in residential care facilities in Victoria by 2012.

(2) By whom will the mix of trained nurses and personal care attendants (untrained nursing staff) be regulated.

(3) Who will decide whether a resident requires care from a trained nurse or from a personal care attendant.

(4) Will trained nurses continue to be responsible for dispensing medication in nursing homes and/or residential care facilities.

(5) Is the choice made by owners of residential care facilities when considering the mix of trained and untrained nursing staff dictated by financial considerations.

(6) Why is compliance with the requirement that: “There are appropriately skilled and qualified staff sufficient to ensure that services are delivered in accordance with these standards and the residential care service’s philosophy and objectives.” currently based on outcome and not input.

Mr Abbott—The Minister for Ageing has provided the following answer to the honourable member’s question:

(1) Mr Arnan Rouse, the Director of Aged Care Services Australia Group (ACSAG), to which Mirridong belongs, has advised the Department of Health and Ageing that he has introduced a new staffing structure which improves outcomes for residents, staff and relatives. He indicates that the new structure involves more Registered Nurse (Division 1) hours, with a Registered Nurse (Division 1) on duty for all shifts; decreased Registered Nurse (Division 2) hours and more hours for Personal Care Workers. In the case of Mirradong, this will increase the number of floor hours by 55 hours per fortnight.

(2) The Government has legislated a set of standards for the provision of quality care and services by residential aged care homes - the Accreditation Standards. These include the requirement that homes have appropriately skilled and qualified staff sufficient to ensure that services are delivered in accordance with the Accreditation Standards. Accreditation decisions are made by the independent Aged Care Standards and Accreditation Agency.

The appropriate number and required skill sets of staff are affected by factors such as the nature of the care and service needs of residents, the nature of the building or buildings, the way work is organised and the extent to which some services are conducted in house or are outsourced. Thus the number and skill sets of staff will vary from home to home and from time to time as changes in the mix of residents’ needs within a home occur.

(3) The aged care provider has the responsibility for making this decision based on the requirements of state or territory law affecting the responsibilities of nurses. In addition, the Quality of Care Principles 1997 require an approved provider to provide ‘nursing services’ for residents ‘receiving a high level of residential care’. This includes a requirement that ‘initial and on-going assessment, planning and management of care for residents [is] carried out by a registered nurse’.

(4) The issue of who may or may not administer medication is legislated by state and territory governments.
(5) Approved providers are required to meet their responsibilities under the Aged Care Act 1997 (the Act). The Accreditation Standards which have been developed under the Act cover a comprehensive range of care outcomes for residents that must be met by aged care service providers and cover much more than basic physical need. In order to meet these outcomes, the Act requires that approved providers maintain an adequate number of appropriately skilled staff and have in place a skills mix appropriate to the care needs of the residents. Providers must also have in place arrangements for the ongoing development of staff skills to ensure quality of care continues to be delivered. Providers must be able to demonstrate the achievements of these outcomes for residents, and this is done during the course of an accreditation audit directed by the Aged Care Standards and Accreditation Agency.

(6) The Accreditation Standards were developed in close consultation with service provider and consumer organisations. They were designed to ensure that residential aged care services have quality systems in place and strategies for continuous improvement that meet defined performance standards based on outcomes for residents.

The current system of aged care provision recognises that changes in residents’ needs, and the mix of residents, varies over time. Specifying inputs for every scenario would make it difficult to operate an aged care facility and would be difficult to monitor. Neither are inputs alone necessarily a reflection of the provision of good care. Quality outcomes for residents is the goal of Government and they are measured against the Accreditation Standards.

Media Ownership
(Question No. 3842)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 8 August 2006:

Since the Government announced its intention to change Australia’s cross-media and foreign ownership media laws following Cabinet’s decision on 11 July 2006, (a) will Rupert Murdoch’s News Limited Corporation be permitted to hold all of their existing media assets and still be able to purchase an Australian free-to-air television network; if so, why, and (b) will James Packer’s Publishing and Broadcasting Limited media company be permitted to hold all of its existing media assets and still be able to purchase John Fairfax Holdings Limited; if so, why.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

The honourable member’s attention is directed to the Minister’s answer to Question 3596.

Australia Post Express Post Boxes
(Question No. 3846)

Ms Gillard asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 8 August 2006:

(1) How many Australia Post Express Post boxes have been removed, relocated or installed in the postcode areas 3024, 3026, 3028, 3029, 3030, 3211, 3335, 3337, 3338, 3340 and 3427.

(2) What criteria does Australia Post use to determine the (a) location and (b) removal of Express Post posting boxes.

(3) What plans does Australia Post have to install or remove Express Post posting boxes in the postcode areas 3024, 3026, 3028, 3029, 3030, 3211, 3335, 3337, 3338, 3340 and 3427.
Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question, based on information provided by Australia Post:

(1) No Express Post boxes have been removed, relocated or installed in the eleven postcode areas in question during the last five years.

(2) Australia Post determines the location and removal of Express Post posting boxes on commercial grounds.

(3) There are no current plans to install or remove Express Post boxes in the eleven postcode areas in question.

Broadband Services

(Question No. 3847)

Ms Gillard asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 8 August 2006:

(1) How many expressions of interest for broadband connections have been received in the postcode areas of 3024, 3026, 3028, 3029, 3030, 3211, 3335, 3337, 3338, 3340 and 3427.

(2) How many households in the postcode areas 3024, 3026, 3028, 3029, 3030, 3211, 3335, 3337, 3338, 3340 and 3427 have broadband connection.

(3) How many household in the postcode areas of 3024, 3026, 3028, 3029, 3030, 3211, 3335, 3337, 3338, 3340 and 3427 are still waiting for broadband connection.

(4) What is the average time from application for connection to broadband to installation in the postcode areas of 3024, 3026, 3028, 3029, 3030, 3211, 3335, 3337, 3338, 3340 and 3427.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

These are commercial matters for individual broadband service providers. Providers are not required to publish this commercially sensitive information. The Department of Communications, Information Technology and the Arts does not have access to such information.

Australia Post Letterboxes

(Question No. 3852)

Mr Georganas asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 9 August 2006:

How many street posting boxes were, or will be, available in Australia at 30 June (a) 2004, (b) 2005, (c) 2006 and (d) 2007.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

Based on advice from the Australian Postal Corporation the answers are:

(a) 15,238
(b) 15,425
(c) 15,436

The number of street posting boxes at 30 June 2007 is expected to remain at a similar level to previous years.
Nicobrevin
(Question No. 3861)

Mr Laurie Ferguson asked the Minister for Health and Ageing, in writing, on 9 August 2006:

(1) On what clinical basis was the Nicobrevin Stop Smoking Support Course capsule (Aust-R 81926) registered by the Therapeutic Goods Administration as an over-the-counter medication.

(2) Given that the recent Cochrane Review concluded that: “There is no evidence that Nicobrevin aids long-term smoking cessation”, why does the product continue to be registered.

(3) Is the claim that: “Nicobrevin is a clinically-proven therapeutic medicine which has helped millions to quit” a breach of the Therapeutic Goods Advertising Code.

(4) In view of the statement by the Australian Consumers’ Association that: “two NERVITE products (Ezi Slim and Hunger Buster) had been around for so long they were allowed to keep their Aust-R status when the regulations were changed in 1989”; (a) how many registered medicines have been similarly treated, and (b) how can consumers know which Aust-R medicines have been evaluated for efficacy.

Mr Abbott—The answer to the honourable member’s question is as follows:

(1) The product was registered in June 2002 following a direction from the Administrative Appeals Tribunal on 11 February 2002 that the product “be approved pursuant to s.25 of the Therapeutic Goods Act in accordance with the terms of that application”.

(2) The Cochrane review identified no trials meeting the full inclusion criteria however the review was looking specifically at smoking cessation criteria, assessed at follow up at least six months from the start of treatment, following the recommendations of the Russell Standard. The review identified two old studies that didn’t meet these criteria for inclusion. The fact that these studies did not meet the criteria does not mean that they are necessarily invalid.

It doesn’t appear that the Cochrane review was looking at evidence criteria aimed specifically at assessing the indications for this product, that is the alleviation of withdrawal symptoms.

(3) It is a requirement of therapeutic goods advertising that all advertising complies with the Therapeutic Goods Advertising Code and it is a requirement of the code that an advertisement for therapeutic goods must contain correct and balanced statements only and claims which the sponsor has already verified.

These claims were brought to the attention of the TGA Advertising unit which has referred the complaint to the Complaints Resolution Panel set up in the Therapeutics Goods Legislation to deal with complaints about therapeutic goods advertising directed to consumers.

(4) (a) The Therapeutic Goods Act came into effect on 15 February 1991. With the implementation of the Act, Section 66 provided for a six month period in which sponsors, who had medicines on the market prior to the commencement of the Act, were able to apply for registration or listing of these products onto the Australian Register of Therapeutic Goods. It is not possible to state the number of residual ‘grandfathered’ products.

(b) Since February 1991, all new registered medicines have been fully evaluated. The Act also provided a number of post marketing powers such as auditing of products, sampling and testing, investigation of advertising concerns or adverse events. Of the products that were in existence prior to 1991 and entered onto the register as ‘grandfathered’ products, the registration details of most have subsequently been investigated by the TGA.
Domestic Cruise Voyages
(Question No. 3862)

Mr Fitzgibbon asked the Minister for Revenue and Assistant Treasurer, in writing, on 9 August 2006:

Further to his reply to Question No. 3452, what is the basis for his claim that the provision of the information requested would breach taxpayer confidentiality.

Mr Dutton—The answer to the honourable member’s question is as follows:
Under Section 16 of the Income Tax Assessment Act 1936, an officer is prohibited from divulging, directly or indirectly, information respecting the tax affairs of another person. The information sought by the honourable member pertains to only two taxpayers which are identifiable as there are only two companies providing cruise voyages to Willis Island. Under these circumstances, releasing the information sought would enable each of the taxpayers concerned to deduce the taxation information of the other company.

Australian Broadcasting Corporation
(Question No. 3865)

Mr Kelvin Thomson asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 9 August 2006:

(1) Is the Minister aware of reports that ABC Radio Station 774 censored criticism of the appointment to the ABC Board of Mr Keith Windschuttle.

(2) Is it correct that on the Sunday Arts program, Helen Razer interviewed film director Bob Weis about his documentary, *Women of the Sun - 25 Years Later*, which charts the stories of Aboriginal women.

(3) Is it correct that during this interview Mr Weis stated that: “While David Irving - the Holocaust denier - sits in prison, the Australian Government...”, but was cut off by Ms Razer before he could complete the sentence.

(4) Is it the Government’s view that ABC program hosts should cut off interviewees who are about to criticise Australian Government actions.

(5) Does Australia continue to enjoy freedom of speech and expression.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) Yes, the Minister is aware of newspaper reports about the interview.

(2) Yes.

(3) The comment by Mr Weis that went to air was “While David Irving, the Holocaust denier, sits in prison”. At this point, he began to make a comment that both Ms Razer and her producer thought was potentially defamatory. He was cut-off using the seven-second delay button.

(4) Internal operational and programming decisions are the responsibility of the ABC Board and management. However, the ABC is obliged to operate within its Charter and legislative obligations.

(5) The Government provides an overall level of funding for the ABC, but has no power to direct the ABC in relation to programming matters. Parliament has guaranteed this independence to ensure that what is broadcast is free of political interference. Internal ABC programming decisions are the responsibility of the ABC Board and Executive.
**Broadband Services**  
*(Question No. 3876)*

Ms George asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 10 August 2006:

In respect of the postcode area (a) 2502, (b) 2505, (c) 2506, (d) 2526, (e) 2527, (f) 2528, (g) 2529 and (h) 2530, (i) how many expressions of interest have been received for ADSL broadband connection, (ii) how many households are still waiting for ADSL Broadband connection, (iii) how many households have ISDN connection and (iv) how many households have ADSL Broadband connection.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

These are commercial matters for individual broadband service providers. Providers are not required to publish this commercially sensitive information. The Department of Communications, Information Technology and the Arts does not have access to such information.

**Illawarra Australian Technical College: Funding Agreement**  
*(Question No. 3877)*

Ms George asked the Minister for Vocational and Technical Education, in writing, on 10 August 2006:

(1) In respect of the funding agreement for the Illawarra Australian Technical College, (a) who are the parties to the agreement, (b) what is its duration and (c) what is its total value.

(2) How much (a) recurrent, (b) per student and (c) capital funding will the agreement provide (i) in total and (ii) in each year of the agreement.

(3) What is the expected annual enrolment of the college in each year of the contract and what is the breakdown of students at each of the campuses.

(4) Will the main campus facility be leased, or is it intended to build a new college.

(5) Can he confirm the comments made by the Chairman that the students will study three days a week and work two.

Mr Hardgrave—The answer to the member’s question is as follows:

(1) (a) The parties to the agreement are the Commonwealth of Australia (represented by the Department of Education, Science and Training) and ITeC Training and Education Limited.

(b) The agreement commences on 3 August 2006 and expires on 31 December 2009.

(c) The maximum funding payable under the agreement is $19,596,423 (exclusive of GST)

(2) (a), (b) and (c) “Recurrent Funding” has been interpreted as Operational Funding.

The maximum funding (exclusive of GST) payable under the agreement is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational ($)</td>
<td>715,634</td>
<td>2,257,836</td>
<td>1,585,016</td>
<td>1,424,112</td>
<td>5,982,598</td>
</tr>
<tr>
<td>Capital ($)</td>
<td>4,234,375</td>
<td>9,287,695</td>
<td>91,575</td>
<td>-</td>
<td>13,613,645</td>
</tr>
<tr>
<td>Total ($)</td>
<td>4,950,009</td>
<td>11,545,531</td>
<td>1,676,591</td>
<td>1,424,112</td>
<td>19,596,243</td>
</tr>
</tbody>
</table>

No funding paid under the agreement is allocated on a per student basis.
(3) Projected enrolments for the College are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wollongong</td>
<td>30</td>
<td>135</td>
<td>219</td>
</tr>
<tr>
<td>Shoalhaven and Wingecarribe regions</td>
<td>20</td>
<td>56</td>
<td>96</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
<td>191</td>
<td>315</td>
</tr>
</tbody>
</table>

(4) During 2007, the ATC main campus will operate out of leased facilities in central Wollongong. During 2006 and 2007 a new facility will be constructed (location yet to be determined) from which the ATC will operate from 2008.

(5) The proposed operational model for the ATC – Illawarra is based on students undertaking academic courses and off-the-job training on a 3 day per week basis and spending the remaining 2 days per week with the employer that is the signatory to their Australian School-Based Apprenticeship contract.

**Contact Lenses**

(Question No. 3884)

Mr Laurie Ferguson asked the Minister for Health and Ageing, in writing, on 10 August 2006:

(1) How is the sale of contact lenses currently regulated.

(2) What is the Government’s position on the sale of contact lenses (including coloured lenses and cats’ eyes) through markets and other unregulated commercial entities.

(3) Will the Government consider requiring all contact lenses to be regarded as medical devices and to be included on the Therapeutic Goods Administration’s Australian Register of Therapeutic Goods.

Mr Abbott—The answer to the honourable member’s question is as follows:

(1) The overarching legislation regulating the sale of all consumer products (including contact lenses) in Australia is the various state and territory trade practices legislation and the Commonwealth Trade Practices Act 1974, which is administered by the Australian Competition and Consumer Commission. Trade practices legislation ensure general consumer products are of high quality and fit for purpose.

Specific regulatory controls on the sale of contact lenses, differ depending on whether the contact lenses are for cosmetic or therapeutic use, as follows:

**Novelty contact lenses for cosmetic use**

The responsibility for regulating the sale of novelty contact lenses such as coloured lenses and cats’ eyes for cosmetic purposes resides with the states and territories. New South Wales currently regulates novelty contact lenses under the Optical Dispensers Act 1963 which requires that cosmetic contact lenses can only be purchased through an optometrist or optical dispenser. Victoria, Queensland, South Australia and Tasmania are in the process of drafting similar legislation.

**Contact lenses for therapeutic use**

The sale of contact lenses for therapeutic use (e.g. vision correction) is also regulated under state and territory legislation. In NSW this is the Optometrists Act 2002 which ensures that the sale and dispensing can only occur with a prescription from an optometrist. Similar legislation exists in all states and territories.

The role of the Commonwealth Therapeutic Goods Act 1989 and the Therapeutic Goods Administration (TGA) is confined to regulating the quality, safety and performance of contact lenses for therapeutic use. These contact lenses are regulated as low-medium risk medical devices and must be included in the Australian Register of Therapeutic Goods (ARTG) before they can be legally supplied for sale in Australia.
(2) The TGA does not regulate coloured contact lenses or cats’ eyes lenses for cosmetic use. These are novelty consumer products that do not have a therapeutic purpose and hence are outside the scope of TGA’s mandate. Regulatory controls on the sale of these types of products through markets and unregulated commercial entities are most effectively administered at the point of sale. The states and territories have either implemented or are in the process of developing legislation to restrict the sale of these products.

(3) TGA’s mandate applies only to products for therapeutic use. Novelty contact lenses are not therapeutic goods and hence cannot be regulated as medical devices under the Therapeutic Goods Act 1989 or included on the ARTG.

Petrol Thefts

(Question No. 3886)

Mr Fitzgibbon asked the Minister representing the Minister for Justice and Customs, in writing, on 10 August 2006:

(1) How many petrol thefts have occurred across Australia since January 2006.

(2) How does the figure referred to in part (1) compare with the number of petrol theft incidents in (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04 and (e) 2004-05.

(3) Since January 2006, how many stolen licence plates were subsequently used in petrol thefts.

(4) How does the figure referred to in part (3) compare with licence plate theft numbers in (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04 and (e) 2004-05.

(5) What policies are being adopted to reduce petrol theft.

Mr Ruddock—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

(1) The theft of petrol is a matter that is investigated by State and Territory Police. The AFP is unable to provide Australian wide statistics.

Airport Security

(Question No. 3888)

Ms Hoare asked the Minister for Transport and Regional Services, in writing, on 10 August 2006:

(1) Is he aware that self check-in stations are provided for passengers by Qantas and Virgin Blue at major Australian airports.

(2) Is he aware that photographic identification is not required to be provided by travelling passengers at the point of check-in.

(3) Is he satisfied that, in the event of a passenger using a false name to book himself or herself on, and check in to, a flight, that no security threat is posed by such behaviour; if so, why.

(4) Can the Minister explain the measures that (a) Qantas and (b) Virgin Blue has implemented to maintain the integrity of the security of passengers travelling on flights serviced by self check-in stations.

Mr Truss—The answer to the honourable member’s question is as follows:

(1) Yes.

(2) Yes.
(3) There is no legislative requirement for domestic passengers to present identification at check-in at Australian airports. From a security perspective, the screening of passengers and their baggage is considered more effective than identity checking, in terms of deterring and preventing security incidents. This is particularly the case in domestic airports as passengers are able to mix freely with other people inside the airport terminal after being issued a boarding pass. The Australian Government requires a range of stringent measures to be applied to all persons travelling on domestic screened air services that operate from our major airports. These include screening of their person for weapons and prohibited items, screening of their personal carry-on baggage, the application of random and continuous explosive trace detection testing, as well as the screening of checked baggage. All persons entering a sterile area at an airport, whether they are travelling or not, must undergo the security screening process to gain entry to that sterile area.

(4) The self check-in arrangements adopted by Qantas and Virgin Blue are a matter for the airlines.

Temporary Residence Visas
(Question No. 3889)

Mr Fitzgibbon asked the Treasurer, in writing, on 10 August 2006:

In respect of the Taxation Laws Amendment (Superannuation) Bill (No.1) 2002 and the Explanatory Memorandum to that Bill which states: “There are approximately 275,000 individuals holding temporary residence visas (temporary residents) who are eligible to work in Australia at any given time. Treasury’s Retirement and Income Modelling Unit estimates that the superannuation accounts of past and present temporary residents currently contain approximately $1.19 billion. This amount is expected to increase by approximately $300 million per year if there is no policy change”, (a) can Treasury provide an update of the figures noted in this document, (b) can Treasury provide an indication of the number of persons who take the option of receiving their superannuation when leaving the country every year and (c) what amount of revenue is raised each year through this measure.

Mr Costello—The answer to the honourable member’s question is as follows:
(a) Treasury advises that no update of this estimate is available.
(b) Comprehensive information on the numbers taking the option is not available. The ATO advises that in 2005-06 there were over 107,000 website hits on this topic and over 165,000 outgoing passenger notifications.
(c) There is no separate head of revenue for this measure and thus no estimates of revenue raised are regularly made or published.

Australian Technical Colleges
(Question No. 3893)

Ms George asked the Minister for Vocational and Technical Education, in writing, on 10 August 2006:

(1) In respect of his visit to the Illawarra on Thursday, 3 August 2006, to announce the funding agreement for the Australian Technical College, (a) when did he decide to visit Wollongong for the purpose of announcing the funding agreement, (b) why was no invitation to the function extended by him, his office or the department to me and the Member for Cunningham, (c) is he aware that the only notification of the function came from the local Australian Industry Group office on the afternoon of Wednesday, 2 August 2006; if not, why not and (d) were the apologies submitted by me and the Member for Cunningham, explaining our inability to attend due to the late notification, made known to the participants; if not, why not.

(2) In view of the situation outlined in part (1), will he apologise for the comments he made in respect of my non-attendance (Hansard, 8 August 2006, page 94); if not, why not.
Mr Hardgrave—The answer to the honourable member’s question is as follows:

(1) (a) My Department was advised that I would visit Wollongong on 25 July 2006.
    (b) I am advised that the event was arranged and coordinated by the successful local consortium identified to establish and operate the Australian Technical College in the Illawarra region as is the standard practice.
    (c) The consortium phoned the offices of the Member for Throsby and the Member for Cunningham on Wednesday, 2 August inviting each Member to attend the signing event.
    (d) I am advised that the consortium has no record of any apologies being conveyed to them on behalf of either the Member for Throsby or the Member for Cunningham.

(2) No, I am advised by the local consortium that the Member for Throsby was invited to the signing event but declined to attend.

Herceptin
(Question No. 3896)

Mr Murphy asked the Minister for Health and Ageing, in writing, on 10 August 2006:

(1) Has he seen the article titled ‘Doubts on Herceptin: Review Chief’, which appeared in The Age on 1 August 2006 and which reported the Chair of the Pharmaceutical Benefits Advisory Committee, Professor Lloyd Sansom, as saying that the optimal duration of subsidised Herceptin treatment was uncertain; if not, why not.

(2) Will he ensure that the duration of subsidised Herceptin treatment for early stage HER2 breast cancer sufferers will be based on medical research and advice; if not, why not.

Mr Abbott—The answer to the honourable member’s question is as follows:

(1) Yes.

(2) On 22 August 2006, I announced my decision to list the drug trastuzumab (Herceptin®) on the Pharmaceutical Benefits Scheme (PBS) for the treatment of patients with HER-2 positive early stage breast cancer. The drug will be listed from 1 October 2006. It will be subsidised for use following surgery, commenced concurrently with adjuvant chemotherapy, and continued for a maximum period of 12 months.

The duration and form of treatment was based on the recommendations of the Pharmaceutical Benefits Advisory Committee (PBAC). PBAC is an independent, expert advisory body whose members include medical practitioners, health scientists, other health professionals and a consumer representative.

In making its decision, PBAC considered all the evidence before it and determined that the proposed treatment regime was the most effective and cost effective.